

**HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION**  
**MINUTES FOR BOARD OF DIRECTORS MEETING VIA VIDEO CALL**  
**MON Jun 2, 2025**

Directors present: Duane Esarey, President; Jimmy Copeland, Vice President; Paula Shepherd, Secretary; Janet Johnson; treasurer; Michele Nowak, Assistant Treasurer; and Emily McNeely, director at large.  
New Board Member Joe Millner joined at 7:21 pm and Architectural Review Committee (ARC) member Michael Shepherd joined at 7:46 pm

At 7:00 pm, on June 2, 2025 President Duane Esarey declared a quorum and called the meeting to order.

**Vacancy on the Board**

- NC 47F-3-103 allows the BOD to appoint a replacement director to a vacant seat.
- Joe Millner is willing to fill the seat vacated by Ginger Jordan.
- Jimmy made a motion, seconded by Paula to appoint Joe Millner to the Board. The motion passed unanimously.
- Joe's and Janet's terms expire this year.

**Secretary Report**

- Reviewed the April 7, 2025 Board Meeting minutes, which had been prepared by Janet in her absence.
- Paula made a motion to accept the minutes, seconded by Emily. The motion passed unanimously.

**Treasurer Report**

- All hurricane and ice storm related expenses have been paid.

**Old business**

**Guardrails**

- The current guardrails are rotted and need to be replaced.
- There are two other areas where guardrails would improve community safety.
  - A car slid off the on Heritage River below the Bauer's driveway and luckily didn't go over the edge.
  - The roadside on lower River Sound next to lot 13 has a steep drop off.
- The cost to replace the original guardrails can be paid by our reserve fund.
- New guardrails are considered a capital improvement and must be voted on by the membership. Any new expense must be approved in the operating budget first. Once it exists as an expense, it is put in the reserve fund.
- Duane will look into pricing for used guardrails considering we will need to add this to the budget and present it at the annual meeting.

**Covenants**

- Submitted our request for new covenants on May 7 to Atty Swanson. We will contact him for an update.
- Suggested changes to the original covenants, which we sent to Atty Swanson, were also emailed to all BOD members.
- If the new Covenants are ready in time, we will send them out before the Annual **Open** BOD meeting so people have a chance to ask questions.
- Brief history of our Covenants, including our two choices
  - Get new covenants approved by 67% of the community. These votes need to be notarized but there is no deadline. This would supersede all four invalid amended Covenants which were filed at the courthouse.

- Pay a lawyer to have a judge declare four amended covenants null and void and revert to our original covenants. This is the least desirable choice due to the extremely high cost and the fact we would be back to confusing and obsolete Covenants.

#### **Gazebo**

- Restoration plans and processes are being managed by Chris Jordan. He has all the components waiting for delivery. He has the county permit for the common area lot's electricity. Need to relocate the electric meter and bring power to it.
- Gazebo completely paid for by member donations rounded up by Chris Jordan.

#### **New business**

##### **Lot Sales**

- **Lot 38** is under contract. Before he bought the lot Builder asked to see our financial information and reserve study. Was happy to find an HOA in Ashe County that understood the need for a reserve study.
- ARC member Michael asked if we have authority over the location of septic and drain fields insofar as keeping them a distance from a neighboring lot. Duane said septic and drain fields are under county regulation and approval, and subject to lots sideline setbacks.
- ARC members Jimmy and Michael reported the Builder has complied with the ARC guidelines.
- Jimmy made a motion to accept Lot 38 building plans, Michele seconded it. Motion passed unanimously.
- Note: This builder has built three homes in our community.
- **Lot 52** – new owners are doing preliminary work (rerouting drain, planning driveway, riverside access).

#### **Annual Meeting Date**

- Hoping we can use our August 4 Board Meeting for the annual Open Board Meeting.
- September 13, 2025 was proposed for the annual community meeting
- Jimmy suggested reserving a room in Smoky Mountain BBQ
- Janet suggested having a lottery where people win something to help increase participation
- Duane reviewed the list of mailings that need to go out prior to the annual meeting or need to be available at the meeting. These include a President's letter, annual meeting notice with dates, Right of Way fences notice, membership list, Board Members list, call for nominations to the Board, proposed annual budget, and proxy voting forms.

Jimmy made a motion to adjourn, seconded by Joe. The motion passed.  
Meeting was adjourned at 8:11 pm.

Respectfully submitted,

Paula C. Shepherd (Secretary)

HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION, INC., is a non-profit corporation empowered under the Planned Community Act (§ 47F-3-102) and other laws of the State of North Carolina to serve the interests, uses, and benefits of our community, and to enforce the real Covenants in order to preserve appearance and property values to which the Declaration and Bylaws have been made applicable. Member's per lot rights and obligations under the Declaration and Bylaws are allocated memberships, assessments, and voting rights as defined in NCGS § 47F-1 (103) (2-6).

Our purposes and obligations – to plan for annual and perpetual maintenance of our private roads and common area(s), ensure the maintenance of collective property values by enforcing our Covenants and Bylaws, and otherwise serve the common interests of the community while meeting state and federal requirements and regulations.