

Creeker Town, HOA

Annual Meeting

June 23, 2019

Establish Quorum of Membership: Quorum established with one proxy and six owners present.

Meeting called to order at 2:06 p.m. by the President

Approval of 2008 Annual Meeting Minutes: Minutes were approved by the Board of Directors

Treasurers Report:

Charity reported the following information to the membership:

- Balance: The current balance in the account as of June 21, 2019 was \$30,753.37 with \$140.00 showing undeposited. Charity explained that undeposited means money was collected that day and sent to the bank.
- Profit and Loss YTD (Year to Date) 01-01-2019 to 6-21-2019: The total amount of income that has been collected was \$10,168.47. Charity explained the expenses for Creeker Town as follows:
  1. Management Expenses: \$1500.00 this is \$250.00 monthly
  2. Meetings (location): \$130.00 this is renting the room for meetings
  3. Professional Fees: \$235.00 this the cost to file the 2018 association taxes
  4. Ground Maintenance: \$220.00 this is common area lawn care
  5. Mailings and Postage: \$72.13 this is all mailouts from AGR

Total expenses YTD: \$2,262.13

Net Income: \$7,906.34

Lawn Care: The President stated that lawn care may increase by \$50.00 per month due to the middle median at the entrance way.

Lien Process: Charity explained the lien process and how it works and Advantage Gold Realty's (AGR) process with the collection of dues. AGR sends three quarterly delinquent notices a year to all owners who are delinquent, plus one urgent legal notice. Once the Board decides to involve the association attorney a legal demand letter is sent from the attorney's office demanding the owner to pay the account in full within 15 days or contact Charity to set a payment arrangement. If the account is not paid in full within the 15 days, a lien is filed on the property on the 16<sup>th</sup> day. Currently, the owner is responsible for all attorney fees. Once the account is paid in full, the lien will be cancelled on the property. A lien on the property will

prevent the owner selling home until the account is settled. Liens are filed at the direction of the Board.

**Foreclosure Process:** If the property goes into foreclosure, the association can only collect current dues that year owed, and it is prorated until the day of the year. The banks will not pay past HOA dues owed to the association.

**Short Sale Process:** If the property is a short sale, the board has the right to waive late fees and interest on the account. To prevent the property going into foreclosure, the board will sometimes negotiate with the owner to collect past assessments and attorney fees if any on the account.

**Members Delinquent:** Currently, there are 12 members delinquent with a few payment plans in place. The Board will decide to file liens after sending demand letters from the attorney.

**2019 Budget:** The budget is based off if all owners pay their HOA dues for the year and is estimated expenses. Some of the expenses are accurate such as the management fees but other expenses can increase or decrease. Charity stated when the budget doesn't balance with a zero in the categories, then this means the board needs to make the decision to increase the dues the next year or not.

**New Business:**

**Department of Transportation (DOT):** The President stated the DOT has made their presence in the neighborhood. It was stated that the membership must prepared for some expensive costs in the future in efforts trying to get the roads turned over from privately maintained to state maintained. With the Developer being incarcerated, the HOA is responsible for the current repairs on the roads. As of now, core samples will cost the association \$2400.00, Stroud Engineering consultation will cost \$8500.00 and the association can't get around that cost. Onslow Grading will charge \$3000.00 for the permanent patch work on the roads. Also, there will be additional expenses such as the following:

- Street Signs
- Speed Limit Signs
- Culverts will need to be cleaned out (removal of sediment) caused by erosion.

The President also stated that currently there are two homes that have decorative headwalls and the Board wants to make sure that all owners in the future will need to confirm with the DOT if they are permitted and get approval from them before requesting approval from the Board. Currently the townhome side has major road issues and culvert issues that are estimated at \$40,000. Because their side is a gated community, they can't petition to have the state to maintain their roads. They are considered private.

What happens after the roads are turned over to the DOT? The president stated that all complaints with the roads can be made online and repairs will be handled by the state and not at the expense of the HOA.

Elections: The President asked if there were any nominations from the floor and there were none at this time. A motion was made to accept the current board members serving and the motion was seconded and passed.

Current Board Members:

Steve Brown

John Bell

Wayne Schoonover

Open Forum:

Cats: There is an issue with Ferrell cats in the neighborhood and owners feeding them. The President stated that the following steps need to take place to remove the cats:

- Animal Control will not accept the cats unless they are crated. This will require a \$50.00 deposit to get the crate for three (3) days. Once the cats are captured, then they can be taken to the animal control and the \$50.00 is refunded. If additional crates are needed for more captures, then the \$50.00 deposit will be needed again until all cats are captured.
- Be prepared to fill out paperwork on each cat that is captured
- The association is considering paying the expense to capture these cats because there have been many complaints within the neighborhood and because it is a safety issue.
- If owners continue to feed these cats, violation letters will be sent once the process begins.

Violation Process: Charity explained the violation process to the membership.

- First Notice: Friendly Reminder notifying owner only, not the tenant of what they are in violation of and the covenant will be referenced. The Board will set the date when the property needs to comply.
- Second Notice: Hearing Notice is sent notifying the owner that the violation has not been corrected and a hearing is necessary. At this time, the Board will set a final date for the owner to comply and if they don't, within five (5) days a fine up to \$100.00 per day can be assessed daily until the property is complying. A hearing must take place for the owner to be fined.
- Third Notice: Fine notice is sent informing the owner when the fine will be assessed and how much.

Hurricane Damage: Charity stated that while everyone suffered from the past storm, that she recommends Boards to be sensitive to the repairs that owners are needing. Charity stated that local courts will not entertain any types of civil suits until it has been a year. The President stated there are tenants renting these homes that are not repaired yet. Some have no AC and are having to install window units because of this. There are mold issues, roofing issues and fence repairs as well. The law protects the owners and not the tenants. The Board will address these concerns case by case.

Swales: Some of the swales throughout the neighborhood are overgrown. The Board would like to clean them out once good, however after that takes place, the owners will be responsible to maintain their side of the ditch to the middle as well as the areas behind their fences. The Board suggests that the owners pull their plot maps and see where their property lines are and what they are responsible to maintain. It was discussed that Charity send a letter informing the owners of their responsibilities of maintaining the swales.

Additional Street Lights: A concern was mentioned there was not enough lighting in certain areas of the neighborhood. Charity stated because the HOA doesn't pay for these services that owners share the expense on their bills, the owners will need to call Jones Onslow and have them installed.

Strange Cars at Entrance: A concern was mentioned there have been strange cars parked at the entrance at all hours of the night. Charity mentioned having a community watch implemented and a community officer will patrol the neighborhood. Charity will reach out to Deputy Ricker with the Onslow County Sheriff's Department about installing the signs which will cost the association about \$75.00.

The President thanked everyone for attending the meeting and asked they stay in touch.

Meeting Adjourned at 3:33 p.m.