

Nelson Hill HOA Monthly Board Meetings
4 April 2022
Old Hahira Courthouse, 303 W. Main Street, Hahira, GA, 31632, 7PM

Board Members Present: Clay Lee, Alex Lamma, Steve Hardeman, Jim McNab

Board Members Absent: Stephanie Bullard, Brittany Brown, Mike Oulton

Guests Present: Amy Holbrook of Landgate Vallotton Attorney for Nelson Hill HOA

- Meeting Called to order at 7:00PM by Clay
- Steve made a motion to approve the minutes from the March 8, 2022 meeting
 - Jim Seconded. Motion Carried
- I. Treasurer's Report
 - A. End of March Balance:
 - B. Expenses:
 - C. N/A
- II. Amy Holbrook, HOA Attorney Present and giving updates
 - A. Relationship to Original Developer in terms of HOA and amending Restrictive Covenants and By-Laws
 - i. See attached Memorandum "Re: Miscellaneous Questions and Issues"
 - B. Moving to POA
 - i. See attached Memorandum "Re: Adopting the Georgia Property Owner's Association"
- III. Old Business
 - A. Playground Upgrades Project
 - i. New Mulch installed
 - ii. Flag Pole Light replaced
 - iii. Trash Can Attached
 - iv. Picnic tables installed – Awaiting final coat for weather projection
 - B. Taxes
 - i. Filed with CPA and Paid \$0 in Federal and State Taxes
 - a) Paid \$375 for Service.
 - C. Spring Garage Sale
 - i. April 23rd, 2022
 - a) Rico's Tacos & Kona Ice Trucks will be present from 11am to 2pm
 - D. Following items have been tabled for the next meeting
 - i. Annual Meeting Date
 - ii. Vehicles around the Playground & Pond
 - iii. By-Laws Changes
 - a) Approval of March 29th Meeting Minutes
- IV. New Business
 - A. Lowndes County Engineers Report
 - i. Focus on Pond and Dam
 - ii. Security Light At The North Entrance
 - iii. Adding Parking Spaces in Front of Playground
 - a) See attached Memorandum "Re: The Dam and The Pond, etc."

Memorandum

To: Nelson Hill Homeowners' Association, Inc.
From: Amy P. Holbrook, Langdale Vallotton, LLP
Date: March 18, 2022
Re: Miscellaneous Questions and Issues

Question:

- What is the Nelson Hill Homeowners' Association, Inc.'s (the "HOA") current relationship with the developer? What duties/obligations are owed to the developer and vice versa?

Answer:

- The Developer has turned over all operations of the HOA to the homeowners, including all of the finances and the bank account. The HOA Board has no duties to the developer with regard to the operation of the HOA other than the same duties that the HOA has to the other members of the Association as the developer still owns several parcels in the neighborhood.
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Question:

- What is the appropriate manner in which to amend the Restrictive Covenants and Bylaws?

Answer:

- Restrictive Covenants – The Restrictive Covenants may be amended by a vote of at least 2/3 of the total voting power of the Association, as well as the consent of the Class B voting member, which is the Declarant, Laurence Nelson (rights assigned to Fleming Williams).
 - o The Class B voting section states that the Class B membership shall automatically terminate and cease at such time as Declarant has finished developing Nelson Hill and sold all Lots in Nelson Hill, or as Declarant may designate in writing delivered to the Association.
- Bylaws - The Bylaws may be amended by a vote of 75% of the members of the Board.
(Article 7, Section 5).

Memorandum

To: Nelson Hill Homeowners' Association, Inc.
From: Amy P. Holbrook, Langdale Vallotton, LLP
Date: March 18, 2022
Re: Adopting the Georgia Property Owner's Association Act

The Subdivision wishes to be covered by the Georgia Property Owner's Association Act, O.C.G.A. § 44-3-220 et seq. (the "Act"). An already-formed subdivision comes under the Act by amending its declaration. The amendment must be conducted in conformity with the subdivision instruments' requirements to be valid. Additionally, membership in the owners' association must be mandatory.

Amendments made under the Act must be evidenced by the signatures of all owners, or by the sworn statement of the president, v.p., or secretary attached the amendment, stating unequivocally that "agreement of the required majority was otherwise lawfully obtained and that all notices required by this article were properly given." The second option is not permitted if the Declarant has the right to control the association.

To be successfully submitted to the Act, covenants need only substantially comply with the terms of the Act. The following requirements must be met to comply with the Act:

- § 44-3-225 states that no lot owner can be exempt from assessments unless he requests to be exempt and is also exempted from voting rights, and that is only permitted until a C.O. is issued.
- § 44-3-234 states that Covenants are not limited to 20 years if submitted to the Act.
- § 44-3-232 provides that personal liability for assessments, and the lien, can include a late charge of up to \$10.00 or 10% of the unpaid assessment or installment thereof, and up to 10% interest on the unpaid sums (including late charges, cost of collection including attorneys' fees, and fair rental value of the lot from the time of suit until a sale at foreclosure or until the judgment is satisfied
- § 44-3-232 also governs foreclosure of a lien. On my reading, the Act permits only judicial foreclosure. The statute also states that foreclosure is only appropriate not less than 30 days after notice is sent by certified mail or statutory overnight delivery, both return receipt requested, at the lot address and any other address owner designated in writing. A foreclosure won't affect superior liens. Notice must specify the amount of

assessments due, late charges, and rate of interest accruing. The lien must be at least \$2,000.00.

- § 44-3-230 covers meetings of the Association. It requires at least 21 days notice prior to the annual meeting, and at least 7 days prior notice for a special meeting. Notice must be delivered personally or be sent by US mail or statutory overnight delivery to the address designated by the lot owners or, if none, to their lot address. At the annual meeting, comprehensive reports on affairs, finances, and budget projections must be made.
- § 44-3-226 requires a minimum 2/3 vote to amend the Declaration, and a minimum 2/3 + the Declarant where the Declarant has the right to add property or has control.
- §44-2-232 -- A lender or prospective purchaser can request, in writing, a statement from the association or its management agent of the assessments, late fees and interest due on a lot. If the Association does not furnish the statement within 5 days after receipt, the lien is extinguished as to title acquired by the lender or purchaser. The Association can charge a fee up to \$10 for the statement.

Meeting with Lowndes County Engineers re: the dam and the pond, etc.

March 16, 2022

Clay Lee, Nelson HOA

Chad McLeod, Lowndes County Head of Engineering

Mike Fletcher, Lowndes County Engineer

The pond and dam

- The pond is naturally occurring but was enlarged
 - Fed by a natural spring AND run-off from the neighborhood
- Estimated 7-8 feet depth
- The dam is to manage overflow from the pond
 - The overflow water travels under Valdel Rd into a stream and eventually into a river
- The dam is considered a Class 2 dam under the Georgia Safe Dams Program
 - Class 2 means that catastrophic failure would only result in property damage, not the loss of human life
- Vehicles of any kind should not be allowed on the dam proper
- Nelson Hill is financially responsible for all repairs to the dams
- Trees may not be planted along the berm as the root systems might weaken the structure

The security light at the north entrance

- The security light was placed at the north entrance because that was the original school bus stop for the entire neighborhood when development first began
- It might be possible to add a security light at the south entrance but it will cost the HOA \$14 per month.
 - Chad will come scout a possible location and, if feasible, start the process with Colquitt EMC

Adding parking spaces in front of the playground

- All parking spaces must be 9 feet by 20 feet
- The surface must be all-weather, not dirt
- The parking spaces would start 32 feet from the existing curb