

## **The Hills at Queens Gap**

### **POA Annual Meeting**

10:00 a.m. Saturday, April 6, 2019

Union County Community Center

Ballroom Room Conference Room, 2<sup>nd</sup> Floor, Blairsville, GA 30512

#### **In Attendance:**

- Bill Towhey; **Lots 15, 46, 47**
- Mike & Carol Murphy; **Lot 68**
- Ann & Wendell Caver; **Lot 69**
- Tom & Toni Price; **Lot 72**
- Mike & BJ Otero; **Lots 76, 77**
- Larry & Carol Davis; **Lot 78**
- Wayne & Cindy Tingle; **Lot 79**
- Shahrom Viktahe on behalf of Fariborz “Mike” Noori; **Lot 82**
- David & Katie Kohutck; **Lot 85**
- Melinda Kirk; **Lot 91**
- Rick & Pam Morris; **Lot 92**
- Franklin, William; **Lot 98**
- Don & Cathy Powell; **Lots 100, 101**
- Gary “Luke” Lukoski & Joy Boulenger; **Lots 105, 106**
- Everett & Cheryl Moore; **Lot 113**
- Tom & Laura Malsby; **Lot 120**

#### **I. Welcome**

On behalf of Billy Toups, POA President, Bill Towhey, Vice President, presided over the Annual Meeting. He welcomed the Board members and owners. He introduced the current Board members as follows:

**Mike Otero** (Lots 76 & 77)

**Everett Moore** (Lot 113)

**Cathy Powell** (Lots 100 & 101)

**Luke Lukoski** (Lots 105 & 106)

**Ann Caver, Secretary-Treasurer** (Lot 69)

**Bill Towhey, Vice President** (Lots 15 & 47)

**Billy Toups, President** (Lots 11, 12 & 13)

#### **II. Financial Report**

Bill presented the financial report line-by-line to the POA as delineated in the following documents:

# INCOME AND EXPENSE REPORT

## 1/1/18 thru 12/31/2018

### Income & Expense Report 1/1/18 thru 12/31/2018

Carry Over from 2017	\$ 4,645.22
Income:	<u>27,315.00</u>

**Available Operating Funds** **\$ 31,960.22**

### Expenditures: 1/1/18 thru 12/31/18

Legal Services	\$ 502.50
Legal (\$472.50)	
Corporate Registration (\$30.00)	
Maintenance & Repairs	15,061.50
Gate Repair (\$522.91)	
Grass Cutting (\$6,200.00)	
Landscaping (\$512.34)	
Road Repair (\$6,445.00)	
Road Signs (\$1,010.66)	
De-Icer (\$128.09)	
Gate Remotes (\$242.50)	
Office Expenses	1,959.20
Insurance (\$691.00)	
Meetings (\$673.81)	
USPS Box Rental & Postage (\$104)	
Supplies (\$118.29)	
Utilities – Gate (\$372.10)	
Other	2,208.24
Tax Lien (\$2,110.00)	
Property Taxes (\$98.24)	

**Total Expenditures** **\$ 19,731.44**

**Income & Expense**  
1/1/18 thru 12/31/18

Available Operating Funds		<b>\$ 31,960.22</b>
Less:		
Total Expenditures	- 19,731.44	
Transfer to Reserve (12/28/18)	- 10,000.00	
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<b>Carry Over to 1/1/19</b>		<b>\$ 2,228.78</b>
<b>Checkbook Balance 1/1/19</b>		<b>\$ 2,228.78</b>
<b>Budget 1/1/19 thru 12/31/19</b>		
<b>Starting Balance</b>		<b>\$ 2,228.78</b>
<b>Projected Income</b>		<b><u>27,400.00</u></b>
<b>Available Funds</b>		<b>\$ 29,628.78</b>
Less:		
<b>Legal Services</b>	<b>\$ 500</b>	
<b>Maintenance &amp; Repairs</b>	<b>11,900</b>	
Gate Repair (\$750)		
Grass Cutting (\$8,000)		
Landscaping (\$1,000)		
Road Repair (\$1,500)		
Signs (\$500)		
De-Icer (\$150)		
<b>Office Expenses</b>	<b>2,350</b>	
Insurance (\$750)		
Meetings (\$750)		
Supplies (\$200)		
Postage & Box Rental (\$150)		
Utilities – Gate (\$375)		
Property Taxes (\$125)		
<b>Miscellaneous</b>	<b><u>500</u></b>	
<b>Total Projected Expenses</b>		<b><u>15,250.00</u></b>
<b>Projected Income over Expenses</b>		<b>\$ 14,378.78</b>

<b>Budget</b> 1/1/19 thru 12/31/19	
<b>Projected Income over Expenses</b>	<b>\$ 14,378.78</b>
<b>Transfer to Capital Improvement Reserve</b>	
<b>8/15/19</b>	<b>12,000.00</b>
(Balance will be ~ \$ 82,306 plus additional interest)	
<b>Projected Year End Balance</b>	<b>\$ 2,378.78</b>

### III. New Business

#### a. By-Laws

Luke Lukoski gave the following report regarding the By-Laws of the POA.

- By definition, the By-Laws for the POA means rules of a corporation, established by the board of directors. By-Laws are the rules that direct the operations of the corporation, i.e. the mechanics of how the POA does business. By definition, the Covenants and Restrictions are used as the written governing document.
- When Waterfront turned over the management to the POA, the POA was given a cut and paste document for the Covenants and Restrictions, but the By-Laws were written within the Covenants and Restrictions document. The Board has since Revised and Restated the Declaration of Restrictions, Limitations and Covenants Running with the Land and having received a 2/3 vote in favor of the Revised and Restated document, the Board refiled the document with the Union County Georgia Court. This document is the POA's written governing agent.
- The By-Laws Committee (Luke Lukoski, Joy Boulenger, Mike Otero, and BJ Otero) used the Revised and Restated Covenants and Restrictions as a skeleton to construct a draft for the non-existing By-Laws for the POA. Daniel Davenport, attorney for POA, provided a template for their use to help expedite the writing process. The Committee went through the governing Covenants and Restrictions line-by-line to write a draft of the By-Laws to make certain the By-Laws complied with the Revised and Restated Covenants and Restrictions. Once the Committee had a written draft, they presented it to Attorney Daniel Davenport for his review and recommendations. Attorney Davenport recommended that the Board adopt the By-Laws as written, stating they fit the POA's purposes and needs. Luke sent a copy of same to the Board for their approval or

disapproval. Luke received approval from the Board members in favor of the written By-Laws.

- At the 3/17/2019 Board Meeting the By-Laws was discussed in detail. (See Board Meeting 3/17/2019 posted on the website at [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com).)
- The By-Laws for the POA has been signed by all the Board members. (See Board Meeting 3/17/2019 posted on the website at [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com).) These By-Laws comply with the State of Georgia guidelines and they fit the needs of the POA pursuant to Covenants and Restrictions.
- The By-Laws project has been a long time coming. Thank you Committee for your dedication and resolve in seeing this project to completion. A job well done!!

#### **b. Grass Cutting Contract**

Billy Toups, having negotiated a 5-year grass-cutting contract for the subdivision by and between The Queens Gap Property Owners' Association and Matthew Dalrymple, stated that the contract for his services had been signed as of March 14, 2019. Matthew is the same contractor that the POA used in 2018. His contract pricing was negotiated at the same prices as in 2018.

- Contract Term: May 1, 2019 through April 30, 2024.
- Growing Season: Work is to be done during the growing season, i.e. beginning 5/1 and ending 11/1 unless otherwise requested by the POA.
- Compensation: Entrance and Pump house Mowing, \$125 per cut; roadside mowing, \$850 per cut; sickle cutting roadside banks, \$400 per cut; long arm cutting roadside banks, \$1,600 per cut; maintaining areas, around signs, fire hydrants, electrical boxes, etc., included as stated above; and blowing off cut grass from roadways, included as stated above.
- Insurance: Contractor agrees to carry a minimum of \$1,000,000 in liability insurance. Contractor further agrees to provide the POA with a valid Certificate of Insurance, before commencing work and throughout the life of the contract.
- POA Point of Contact: Contractor's communication regarding this contract will be with the person appointed by the POA as the POA's Point of Contact. Any and all discussion and direction concerning timing, frequency and/or

quality of grass cutting shall come from the POA's appointed Contact Person only.

**c. Property at Subdivision Entrance**



This could have been at the entrance of the POA Subdivision, but because BJ Otero was perusing the North Georgia Newspaper and in so doing happened to see a legal notice in the ads regarding a .5-acre tract of land located at the entrance of the Queens Gap subdivision. This property was scheduled for sale on the steps of the Union County Courthouse to the highest bidder in September 2018 for non-payment of taxes. Previous owners of the property were Waterfront Development, but have since filed bankruptcy. Taxes were not paid for several years causing the Union County Tax Commissioner to file a tax lien against the property. Several Board members went to the auction to bid on the property. Queen Gap's bid was the highest and acquired the property by paying \$2,110.00. At the auction, Billy Toups learned that the other bidder on the property intended to construct a lawnmower shop at the entrance of Queens Gap. If this bidder had acquired the property, the entrance into Queens Gap would have been limited because the owner would have controlled the road entering the subdivision.

Billy Toups, Mike Otero, Luke Lukoski, and Cathy Powell met with Attorney Daniel Davenport regarding pursuing the foreclosure proceeding against the owner of record, Waterfront Development. After one year and one day has passed since the courthouse sale to Queens Gap POA, this procedure will begin, which will include a title search and public posting to potential creditors of Waterfront due to the filing of bankruptcy for the development corporation.

Daniel feels that this will go smoothly as we believe that the bankruptcy filing was part of the overall plan that Waterfront had to close out the development once all the property was sold. The legal costs for this action are estimated to be \$1,500 to \$2,000 including the filing fees. Attorney Davenport also thinks this will all be completed in about a 2-month time period from filling. This property would become common space for the POA.

**d. Liens Filed on Lot 24 – Orion Alliance, LLC**

See Minutes from 3/17/2019 Board meeting and posted at [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com), which outlines the history as follows:

- Lot 24 is owned by Orion Alliance, LLC (“Orion”). Principals are Bunny Lee Kierstead, Joseph A. Saladino, and Karen Lynne Wilcox.
- Orion has not paid Assessment Dues since the POA assumed management from Waterfront.
- On April 25, 2017 a Certified Letter, Return Receipt Requested was mailed to the Principals of Orion and, and a copy was mailed via USPS giving notice to Orion their assessments were due and owing in the amount of \$1000. Penalties, fees, and interest could be avoided by paying the dues owed; otherwise, a lien would be filed against real property located at Lot 24. The Return Receipt green card was returned to the POA executed by a Jonathan Kierstead on April 29, 2017 and a Robert Jaucher on June 15, 2017.
- August 7, 2017 another letter was sent via Certified Mail, Return Receipt Requested to an additional address acquired from the Secretary of State Office for the Registered Agent of Service for Orion, Karen L. Wilcox, and 949 Bay Bridge Circle, Apopka, FL 32703.
- No response to POA communications has been received from Registered Agent of Service, Karen L. Wilcox, or principals.
- **Lien** for Property Owner’s Association Dues and/or Assessments filed **on September 14, 2017** with Superior Court Clerk, Union County Georgia in the amount of \$1,000, plus interest, late fees, attorneys’ fees, and court costs for unpaid assessment dues for years 2013, 2014, 2015, 2016, and 2017. The principals were served copies of the Lien via Certified Letter, Return Receipt Requested and regular USPS.
- No response received from Registered Agent of Service, Karen L. Wilcox, or principals.

- **Amended Lien** for Property Owner's Association Dues And/Or Assessments was filed on September 19, 2017 with Superior Court Clerk, Union County Georgia, attaching a legal description for Lot 24. Again, principals were served copies of the Lien via Certified Letter, Return Receipt Requested and regular USPS on September 21, 2017.
- No response received from Registered Agent of Service, Karen L. Wilcox, or principals.
- **A lien will need to be filed for years 2018 and 2019** in the amount of \$400, plus interest, late fees, attorneys' fees, and court costs to be attached to the existing liens filed with Superior Court Clerk, Union County Georgia.
- No response has been received from Registered Agent of Service, Karen L. Wilcox, or principals.

#### c. Board Nominees

#### e. Website and Facebook Page [www.thehillsatqueensgap.com](http://www.thehillsatqueensgap.com) (Facebook) Queens Gap Community

Great news!!! Carol Davis is the new manager for the Website and Facebook Page. Check it out!!! She is doing a great job! Thank you, Carol!!!

### IV. Old Business

#### a. Road Repair

Bill restated the condition of the roads throughout the subdivision. (See previous Minutes for details.) In 2019 a top coat sealer was added to Treeline Drive adding an additional five years to the life of the road. When the new Board is installed, they should research and consider if it would be cost efficient to add a sealer to other roads throughout the subdivision to increase the life expectancy to the roads. It was also stated that should a major problem develop with Summer Cove (the only entrance into and out of the subdivision), the Board should be prepared to solve the problem before, rather than after it happens.

#### b. Road Signs

Bill stated that road signs have been installed to limit speeds and also to ensure that should an accident occur within the subdivision, liability would be on the person at fault not the POA. Private Property sign has also been posted on the front gate to reduce the traffic flow.



### **c. Lot 74**

Bill Towhey reported the following:

- Ground breaking took place on April 6, 2015. This is 4 years to the date it has been under construction.
- No construction activity seems to have taken place on Lot 74 within the last several months.
- Beginning August 1, 2018, a \$25 per day fine for violation of subdivision covenants has been assessed on the owners of Lot 74. Those fines have not been paid. At the March 16, 2019 board meeting, the board voted to increase the fine to \$50 per day beginning April 1, 2019.
- A lien was filed on Lot 74 for the unpaid balance as of February 28, 2019. This lien was filed on March 29, 2019.
- Daniel Davenport, attorney, suggested that those Queens Gap residents and property owners near the unfinished project have the prerogative of taking legal action, without the POA. In fact, according to Mr. Davenport, those individual lot owners have much better legal standing to pursue legal remedies than does the POA, since they are the ones most affected by the incomplete construction.

Bill Towhey gave the following report regarding the current development and under construction in the subdivision:

#### **Current Development**

- 19 Completed Homes
- 15 Occupied Full-Time
- 2 Part-Time Occupants
- 2 Rental Cottages
- 2 Homes under Construction

#### **Under Construction**

- Wayne & Cindy Tingle – Lot 79
- Randel & Susan Weikle – Lot 74

## **V. Election of Board Members**

- Three current members are scheduled to rotate off
  - Bill Towhey (Lots 15, 46 & 47)
  - Ann Caver (Lot 69)
  - Billy Toups (Lots 11, 12 & 13)

Special Thanks and goodbye to Bill Towhey, Ann Caver, and Billy Toups. They were original Board Members and original Members of The Queens Gap Gang! “It has been a privilege to serve Queens Gap!”

Listed below are candidates running for election to the 2019 Board (please vote for three):

**Ann Caver (Lot 69)**  
**Larry Davis (Lot 78)**  
**Lindy Kirk (Lot 91)**  
**Mike Noori (Lot 82)**  
**Wayne Tingle (Lot 79)**

## **VI. Other Comments:**

### **Landscaping at the Front Entrance.**

Several neighbors took on the responsibility to plant annuals, mulch, trim trees, remove dead flowers, etc., and install solar lights at the front gate entrance. Thank you QG Gang for your back-breaking service to our community. Very nice job!!!!

Carol Davis, our local artist, designed and painted tiles for all the owners attending the Annual Meeting. The tiles were very unique and colorful. Nice labor of love and appreciated by all. Thank you, Carol.

## **VII. Election results and welcome of new Board members:**

Elected to the board for a 3-year term, by the POA members in attendance and by Proxy were:

Wayne Tingle  
Ann Caver  
Lindy Kirk

**Adjournment**

**AFFIRMED AND APPROVING MINUTES  
QUEENS GAP PROPERTY OWNERS ASSOCIATION  
ANNUAL POA MEETING  
APRIL 6, 2019**

CERTIFIED TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE HILLS AT QUEENS GAP PROPERTY OWNERS ASSOCIATION BOARD MEETING HELD ON SATURDAY, **APRIL 6, 2019, 10:00 AM**, AT THE UNION COUNTY COMMUNITY CENTER, BLAIRSVILLE, GA, PROPER QUORUM WAS PRESENT SAID MINUTES HAVE BEEN READ AND AFFIRMED VIA EMAIL BY

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Gary "Luke" Lukoski , President

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Mike Otero, Vice President

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Wayne Tingle, Secretary

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Ann Caver, Treasurer

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Everett Moore, Member at Large

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Cathy Powell, Member at Large

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Lindy Kirk, Member at Large

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.