



**BROOKE MEADOWS**

Website: [www.brookemeadowshoa.org](http://www.brookemeadowshoa.org)

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**HOMEOWNERS' ASSOCIATION ANNUAL MEETING MINUTES**

**Meeting Date:** Monday, November 8, 2021

**Location:** Webcast - Zoom Meeting

**Called To Order:** 7:30 p.m.

**Roll Call:**

**Board**

Frankie Hart, President  
Michael Alewine, Vice President  
Edie York, Treasurer  
Annette McKenna, Secretary  
Alisa Garlow, Assistant Secretary

**Architectural Committee**

Frankie Hart, Chair  
Alisa Garlow, Co-Chair  
Jim Auston (Not In Attendance)  
Jeremiah Hawes (Not In Attendance)

**President Frankie Hart**

**A. Welcome – Current and new members**

**B. 2020 Annual meeting minutes approval**

Motion to approve 2020 meeting minutes made and seconded with no objections. Minutes were approved.

## **C. Old Business**

In May of 2021, a severe storm with high winds caused trees to fall at the detention pond located between Brooke Meadows Drive and Kaleigh Way. Ponds are inspected and maintenance is required as per the county. Repairs were completed in the amount of \$6,200. Price included removal and disposal (mulching) of fallen tree(s), removal and disposal (mulching) of trees/bushes around pond/water spillway.

## **D. Financial Review, Presented by Treasurer, Edie York**

See separate 2021 BMHOA Annual Meeting.pdf Expense Flow for details.

- a. Property Overview
- b. Financials –
  - i. 2021 Year in Review
    - 1. Items to Note
      - a. Unplanned/Unbudgeted Expenses
        - i. Tree(s) Removal and Pond Repairs - paid for out of operating fund.
        - ii. Attorney's fees (Declarant Situation/Case) paid for out of operating fund.
    - ii. 2021 Forecast
      - 1. 2021 final year-in-review will be sent to association first quarter of 2022, once 2021 books are closed for the year.
  - iii. 2022 Budget
    - 1. Items of Note
      - a. 2022 budget increased by a little over \$14,000. This increase is mainly due to anticipated legal expenses and pool management fees. In addition to taxes, insurance, electricity and maintenance items, other line expenses are in line with previous year.
      - b. While the 4-year financial plan put in place in 2018 called for an increase in 2021, it was suspended due to the challenges of our members during the 2020 pandemic. The assessment was tabled for 2022. However due to the continued challenges of the current environment, there will be no increase in dues for 2022. Dues will remain at \$966. This may delay our capital reserve funding for another year along with general maintenance.

## **E. New Business**

a. On February 1, 2021 Ourselves, LLC sold their remaining lots (12) within the community to Keystone Group, Inc. The Brooke Meadows HOA Board was advised by Ourselves that Keystone was assigned Declarant rights under the sale agreement (Declarant rights include but not limited to architectural control and exempt for annual dues). Requests for the documentation confirming this

agreement went unanswered. In addition, requests to establish a relationship with Keystone and inquire about their plans for our community went unanswered.

Late March, the Board sought the counsel of our management company, Prestige, along with our attorney, Steve Bouldin. Upon research, Mr. Bouldin advised that the assignment of Declarant rights was not transferred to Keystone. In addition, he discovered that when the original Declarant, Sessoms Development sold to Ourselves in October of 2011, Ourselves were never granted Declarant rights. At around the same time, it was noted that there were several common area properties still deeded in the name of Sessoms Development. It was recommended by Mr. Bouldin that before pursuing Declarant claim we should get properties deeded to association. Mr. Bouldin also advised that he does not litigate and we would need to seek out an attorney that does litigation. It took some time to find a litigator that did not have Sessom, Ourselves or Keystone as a client.

Once the transfer of the properties in Sessoms name were deeded to the Brooke Meadows Homeowners' Association Inc., an engagement agreement was signed with Andrew D. Irby, a litigation attorney out of High Point, NC. Initial letters were sent to Ourselves and Keystone advising Declarant rights were never transferred and association dues were owed for the properties they owned within the community. Both Ourselves and Keystone denied claim. Claims will be handled separately. With respect to Keystone, a letter was sent to Keystone with notice of intent to file claim of lien for unpaid dues, notice of non-compliance regarding construction without architectural control, and preservation notices. With respect to Ourselves, a Complaint was drafted to be filed against Ourselves; claim for declaratory judgment that the special Declarant rights were not transferred to Ourselves by Sessoms. This complaint should be finalized shortly. Community will be kept updated on the results of the filings.

#### **F. Elections – Two Open Board Positions**

The association did not receive any volunteers for the open vacancies, before or during the annual meeting.

Board members, Frankie Hart and Annette McKenna ran unopposed. During the meeting the homeowners present made a motion to re-elect them both by acclamation. No one was opposed, so the motion was seconded and passed. Elections/voting for the two open Brooke Meadows Board vacancies was cancelled for Saturday, November 13, 2021.

During the meeting Reggie Yee and Todd Tourville volunteered to sit on the Architectural Committee to replace two open spots.

#### **G. Questions Period**

**H. Adjournment** – Meeting adjourned 8:53pm