

2/19 Public Session Transcript Part 2 (FAQ)

This is the portion of the meeting that Attorney John Rogers spoke to the association on the Covenants and Declaration that are being sent out via mail in the near future during the BMLA *Public Session Jan/Feb on Feb 19th 2025*

This transcription was completed through Fireflies AI and there may be some mistakes. The BMLA BOD has read through the transcripts and believes the content to be accurate to all items read during the session.

Resident 1: Could you explain the process for renewing the covenants and community declarations?

John Rogers: To renew the covenants and community declarations, we need a vote of two-thirds of the homeowners. This vote will consist of approximately 1,100 Beach Mountain residents and the Quail Hollow votes as well. The renewal is set to happen before May 1, 2025.

Resident 2: What happens if the covenants are not renewed?

John Rogers: If the covenants are not renewed, the association will still exist, but it will lose the ability to levy dues and collect money. This means that maintaining roads and managing amenities could become problematic. The association would have to rely on common law remedies, which would be very difficult and could lead to significant issues for the community.

Resident 3: Can you provide examples of other HOAs that did not renew their covenants and what happened to them?

John Rogers: I couldn't find specific examples of HOAs of this size that failed to renew their covenants. There are some smaller cases, but nothing comparable to our situation. Typically, the consequences can be severe, leading to a loss of control over community standards and property values.

Resident 4: How many votes are needed for the renewal, and how will the voting process be conducted?

John Rogers: We will need two-thirds of the votes from the homeowners. The voting process will involve mailing ballots to residents, and there will be a secure collection box for those who prefer to drop off their ballots.

Resident 5: Is there a timeline for potential amendments to the covenants after they are renewed?

John Rogers: Once the covenants are renewed, we can start discussing amendments. The timeline for this will depend on community input and the drafting process, but it is a priority to address these issues as soon as possible.

Resident 6: What happens if one vote passes and the other does not?

John Rogers:

If the covenants are renewed but the community declaration is not, the association will still have the ability to collect dues, but it will lose control over community standards and property restrictions. This could lead to significant challenges in managing the community effectively.

Resident 7: Will the board be open to forming an action group to help communicate with residents about the upcoming vote?

John Rogers: Yes, forming an action group or having street captains to help communicate with residents is a great idea. We need to ensure that everyone is informed and engaged in the voting process.

Resident 8: How will the interests of Quail Hollow residents be represented in this process?

John Rogers: Quail Hollow residents will have their votes counted, and their interests will be taken into account during the renewal process. It's important that we work together to ensure that everyone's concerns are addressed.

Resident 9: What can be done to ensure that the covenants are rewritten to better reflect the needs of the community?

John Rogers: After the covenants are renewed, we can gather community input and suggestions for rewriting them. It's essential to have a collaborative approach to ensure that the new covenants reflect the needs and desires of all residents.

Resident 10: Is there a way to negotiate with Quail Hollow to align their interests with those of Beach Mountain residents?

John Rogers: Negotiating with Quail Hollow is possible, but we need to ensure that we have a clear understanding of their interests and concerns. Once we have the covenants renewed, we can explore potential negotiations to align our goals.