

COMMONWEALTH OF VIRGINIA



LANCASTER CIRCUIT COURT  
Civil Division  
P.O. BOX 99 8265 MARY BALL RD  
LANCASTER VA 22503  
(804) 462-5611

Summons

To: DEB BEUTEL  
REGISTERED AGENT  
168 FORREST LANE  
LANCASTER VA 22503

Case No. 103CL24000181-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, June 21, 2024

Clerk of Court: DIANE H MUMFORD

by *Dorothy Ball*  
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: FAILMEZGER, CARL F  
P.O. BOX 700  
LANCASTER VA 22503

SERVICE COPY

VIRGINIA: IN THE CIRCUIT COURT OF LANCASTER COUNTY

Michael Carter, Maria Merkowitz, )  
Sheena Nichols, Amanda Sanders )  
and Michael Arthur )  
Members of )  
Corrotoman By The Bay Association, Inc. )

Movants )  
v. )

Case No.: CL24-181

Corrotoman-By-The-Bay Association, Inc. )  
Board of Directors )  
Respondents )

Serve:  
Deb Beutel, Registered Agent  
168 Forrest Lane  
Lancaster, Virginia 22503

MOTION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Comes now, your Movants, by counsel, and Move this Honorable Court to Order a Declaratory Judgment against Respondents to Order that the Amendment to the Declaration of Corrotoman By The Bay Association and Certification (Instrument # 230001086 filed on June 22, 2023) to be null and void with the correct annual assessments remaining at \$180 per year; to credit the accounts of all Movants in the amount of \$160 per lot (being the excessive annual assessments); to prohibit Respondents from removing and replacing the community swimming pool at Corrotoman By The Bay Association; and to require Respondents to reinstall the diving board at the swimming pool.

Count I

Board's Breach of Duty and Improper Attempt to Increase HOA dues

1. Movants are Members of Corrotoman By The Bay Association; thus they have standing in this matter.
2. The Board of Corrotoman By The Bay Association (hereinafter "The Board") is required to comply with the Declaration of Restrictive Covenants and the Code of Virginia (1950, as amended).
3. On September 10, 2022, the Board voted to increase the annual assessments by \$80 from \$180 to \$260 per lot (Exhibit A).

4. The Board created and distributed the attached ballot which does not mention any amendment to the Declaration of Restrictive Covenants (Exhibit B).

5. On December 10, 2022, at a special members meeting, Corrotoman By The Bay Association voted to increase the annual assessments to \$260 per lot per year by the aforesaid ballot. The meeting minutes do not mention any amendment to the Declaration of Restrictive Covenants (Exhibit C).

6. Since the annual assessments are part of the Declaration of Restrictive Covenants, the correct method of changing the annual assessments is to amend the Declaration of Restrictive Covenants.

7. The Declaration of Restrictive Covenants was not amended by the ballot and votes on December 10, 2022.

8. The Board has correctly amended the Declaration of Restrictive Covenants on five prior occasions (1972, 1980, 1985, 1996 and 2017).

9. Although the Board authorized a "Documentation Re-write Committee", its reformation of the Declaration of Restrictive Covenants was not involved with the December 10, 2022 ballot and meeting.

10. The Board caused the recording of an Amendment to the Declaration of Corrotoman By The Bay Association and Certification (Instrument # 230001086 on June 22, 2023) claiming that the December 10, 2022 vote amended the restrictive covenants with 254 votes, being two-thirds of the voting members. (Exhibit D).

11. The June 22, 2023 Amendment and Certification are materially inaccurate, as follows:

A. The ballot and the vote did not amend the Declaration of Restrictive Covenants.

B. It is inconsistent with Board's minutes.

C. 254 votes do not constitute two-thirds of the 591 member lots.

D. The Certification cites a non-existent Virginia Code Section 55-515.1.F

12. In March of 2022 and 2023, the Board billed and collected from its members \$260 per lot per year in annual assessments.

13. Section 55.1-1829.F of the Code of Virginia clearly states that the amendment shall become effective when a copy of the amendment is recorded together with a certification is recorded in the Office of the Clerk of Circuit Court.

14. The Board has breached its duty to comply with the Declaration of Restrictive Covenants, has incorrectly and ineffectively attempted to increase the annual assessments, and has violated these Covenants by sending out bills for annual assessments in excess of the amount listed in the Covenants.

## COUNT II

### Ultra Vires Actions Beyond Scope of the Board's Authority

#### Breach of Duty to Act within the Scope of Authority

15. The Board of Directors of Corrotoman By The Bay Association (hereinafter "Board") voted on June 11, 2022 to replace the CBTB pool (Exhibit E).

16. On April 13, 2024, the Board voted to remove the diving board from the pool with minimal discussion and without inspection of the condition of the diving board (100 feet from the clubhouse meeting) by cutting the metal diving board off at the base. Such vote and discussion were omitted from this month's minutes (Exhibit F).

17. The By-Laws and Declaration of Restrictive Covenants of the Corrotoman By The Bay Association delineate the Board's powers and duties

18. The Board is required to act in accordance with its powers and duties as set forth in the By-Laws and Declaration of Restrictive Covenants.

19. Article IV Powers and Duties of the By-Laws authorize the Board as follows: Section 1: "To keep and maintain common properties in a clean and orderly condition."; Section 2: "To exercise such control and maintenance over the common properties as it may deem necessary or desirable." Section 5: "To build and/or maintain recreational facilities." (Exhibit G).

20. These documents do not authorize the Board to remove or replace these recreational facilities or amenities.

21. Removal and replacement of amenities can be performed by vote of the majority of the Members of Corrotoman By The Bay Association at a Members' meeting under Article VI of the By-Laws.

22. Movant has no adequate remedy of law.

23. Movant and the other Members of Corrotoman By The Bay Association suffered irreparable harm by the removal of the diving board.

24. The above facts present a justifiable controversy, including an actual assertion and denial of right, which is appropriate for declaratory relief.

25. The Board's votes on June 11, 2022 and April 13, 2024 to replace the swimming pool and remove the diving board are beyond the scope of authority of the Board's powers.

26. Such votes are ultra vires actions exceed the Board's authority as granted by the By Laws and Declaration of Restrictive Covenants.

27. Such votes are a breach of the Board's duty to act within the scope of its authority.

WHEREFORE, your Movants respectfully requests that this Honorable Court award immediate injunctive relief by issuing an injunction Ordering the Board to reinstall the diving board; that this Honorable Court Declare that the Board does not have authority to remove or replace improvements and be prohibited from removal or replacement of the pool; that this Honorable Court Declare that the Board's June 22, 2023 Amendment and Certification is invalid, null and void with the annual assessments remaining at \$180 per lot per year; and that this Honorable Court Order Respondents to credit the accounts of the Movants in the amount of \$160 per lot.

Respectfully submitted,



Michael Carter  
by counsel



Maria Merkowitz  
by counsel



Sheena Nichols  
by counsel



Amanda Sanders  
by counsel



Michael Arthur  
by counsel



Carl E. Failmezger  
Attorney at Law, VSB #34559  
P. O. Box 700,  
Lancaster, VA 22503  
(804) 577-0606  
[carlfailmezger@gmail.com](mailto:carlfailmezger@gmail.com)

**Corrotoman-By-The Bay Association, Inc.**  
**Final Minutes of Board of Directors Meeting**  
**9:00 am, Saturday, September 10, 2022**

Exhibit A

ZOOM Dial-in

<https://us02web.zoom.us/j/82857319410?pwd=MjlxQU9PTzNxQUxuZ2lKMUtaRmNKOT09>

Meeting ID: 828 5731 9410

Passcode: 957075

One tap mobile 13017158592 Meeting ID: 828 5731 9410

Passcode: 957075

**Call to Order:** Lisa Adler & Cristian Shirilla, Co-Presidents

Meeting was called to order by Cristian Shirilla at 9:07. Members present in person were Deb Beutel, Travis Gibbons, Dexter Lewis, Cristian Shirilla, Clair Smith and Don Smith. Members present via ZOOM were Lisa Adler, Sam Longstreet. Matt Crabbe was not present.

**Secretary's Report:** Deb Beutel

A motion was made by Travis Gibbons and Seconded by Sam Longstreet to Approve the Minutes of the August 20, 2022 Regular Board meeting. They were approved. Don and Claire Smith abstained since they were absent for the 20 August Meeting.

**Committee Reports that have been submitted are attached to these minutes**

**Treasurer's Report:** Claire Smith

A motion was made by Deb Beutel and Seconded by Don Smith to Approve the Treasurer's Report. It was unanimously Approved.

**Architectural Review Committee Chair:** Don Smith- Committee Members: Kevin McNair & Dexter Lewis

**Collections Committee Chair:** Deb Beutel- Committee Members: Ed Krill, Claire Smith, Sam Longstreet

**Communications Committee Chair:** Tara Linne - No Report

**Dock Committee Dock Master:** Don Smith

In addition to Dock Committee Report, a motion was made by Deb Beutel and Seconded by Travis Gibbons to approve the increase deposit for Dock keys to \$20.00 due to increased cost to purchase. It was unanimously approved.

**Documentation Rewrite Committee Chair:** Kathy Craven- Committee members, Jean Ehlman, Deb Beutel, Bob Burrus, Carol Greenwalt, Ed Krill, Travis Gibbons

**Finance Committee Chair:** Matt Crabbe- Committee Members: Craig Adler, Ian Fay and Bill Ehlman

**Golf Committee Chair:** Jean Ehlman- Landon and Parker Shirilla, Dexter Lewis

**Pool Committee Chair:** Ken Beutel- Committee members: Kathy Moffitt, Bill Ehlman, Maria Merkowitz, Barry Jackson, Chip Royer, Nick Klaiber, Carl Failmezger, Cristian Shirilla, Don Smith

**Roads & Grounds Committee Chair:** Don Smith- Committee members: Dexter Lewis & Doug Howe

Roads and Grounds Chair requested authorization to get an estimate for a three-year contract for the CBTB Common Area Grass Cutting Service. The Board agreed as it would be a good cost saving measure. A vote is not required since the current ADMIN Policy Manual Chapter 7. D. 1. States, "Service Contracts may be awarded for multiple years not to exceed 5 years without being renegotiated. If the contract is to exceed \$1000.00 in any one year it must be approved annually as a budget line item by a 2/3 vote of the board of directors."

Roads and Grounds Chair also added that required repairs on Tiny Place will be budgeted for next fiscal year.

**Social Committee Chairs: Rebecca Nelson and Alisson Klaiber-** Committee members: Kristy Shirilla, Lisa McNair, Hope Crabbe, Debbie Snellings

**Tennis Committee Chair: Jean Ehlman, Dexter Lewis**

**Volunteer Legal Committee Chair: Ed Krill**

Currently working with both the Collections Committee and Documentation Rewrite Committee.

### **Old Business:**

1. **The Board of Directors reviewed and unanimously approved the attached Updated Collections Process.** (The authorization process and details for the Collection Committee to approve Payment Plans is laid out in Revised Collections Process.), the write-off of \$23,297.21 in bad debt that occurred PRIOR to FY2019 which would no longer be legally collectible based on the Fair Debt Collection Act. And the proposed FINAL Letters to be forwarded by the Board of Directors to current delinquent account owners PRIOR to forwarding them to the Associations Collections Attorney. (See attached)
2. How many keys should people be permitted to have for entry to the pool, dock and tennis courts?  
**Tabled until October Board Meeting.**
3. Tree Planting Project Update-See Report. **Tabled until October Board Meeting.**
4. New Security cameras
5. The results of the meeting held between with the Lancaster County Inspector and Environmentalist and Deb Beutel and Marty Shirilla concerning feasibility of using Lot 7A as a Beach and the Golf Course Common Area as a Solar Farm was discussed. When a final official response is received from the County, it will be posted on the CBTB website for reference.

### **New Business:**

1. A robust discussion occurred to review and consider accepting the finance committee's recommendation for new pool and future expense funding as follows:
  - a. **Take the Finance Committee's recommendation to increase the annual assessment per lot by \$80.00 to \$260.00 per lot to the Community for the required vote and approval.**

There was a lot of discussion, in particular Don Smith indicated the \$80.00 per lot increase was excessive and too much at one time. Claire Smith Concurred. Deb Beutel made the comment that the proxy form for the proposed assessment increase include the detailed breakdown of what would be funded by an \$80.00 per lot increased assessment. In addition, she provided a recommendation that the Board consider reducing the increase to only \$60.00 per lot for new annual assessment fee of \$240.00 which would still adequately fund the required increased yearly allocation to Capital

Reserve of \$63,546, needed to fund Capital replacements such as the pool and support an increase to the FY 22/23 current approved annual operating budget of \$68,247 by \$10,000 for a new proposed annual operating budget of \$78,247 proposed for FY 23/24. That would eliminate the need for charging a separate Pool and Tennis Amenity fee. All additional monies collected above what is required to support the annual operating budget should be allocated to the Capital Reserve account and could be used to fund unplanned for costs associated with the new pool or pay off the loan early.

A motion was made by Cristian Shirilla and seconded by Lisa Adler to forward the finance committee's recommendation for an increase in annual assessment amount to the community for the required vote and approval as follow:

Increase the annual assessment per lot amount by \$80.00 per lot for a total of \$260.00 per lot effective with the FY 2023 annual assessment billing due 1 March 2023, providing that the use of the pool and tennis amenities for members will be included with payment of the annual assessment and not require an additional pool or tennis amenity fee. Any additional funding collected above the required amount to fund the annual operating budget will be allocated to the Capital Reserve Account for future funding of the replacement pool and other required Capital Reserve expenditures.

The above Motion was passed 5 to 3 with the following Boards Members voting for: Lisa Adler, Deb Beutel, Travis Gibbons, Sam Longstreet, Cristian Shirilla and the following Board members voting against: Dexter Lewis, Claire Smith and Don Smith.

After the above Motion was passed by a 5 to 3 vote there was a procedural question as to whether a quorum of 2/3 of Board Members was required. At that time Travis Gibbons made a Provisional Motion, which was seconded by Claire Smith, to conduct a Vote (in case the above vote required 6 votes) to approve an assessment increase of \$240.00 dollars which would be a \$60.00 dollar increase per lot effective 1 March 2023. It was unanimously approved with the following votes for a \$240.00 increase in annual assessments: Lisa Adler, Deb Beutel, Travis Gibbons, Dexter Lewis, Sam Longstreet, Cristian Shirilla, Claire Smith and Don Smith.

We later verified that a 2/3 of Board Member approval is only required to approve contracts in excess of \$1000.00.

Member Input: None

Announcements from Board:

1. When the Social Committee hosts the community yard sale on Saturday, September 17 we will be selling a few items from the CBTB garage to include a portable sump pump, a riding lawn mower and other items. Items will be posted on the Facebook page with asking prices. CBTB gear will be sold as well.
2. A list has been made reflecting the requests of members at the August 20 Special Meeting. Our committee chairs and/or the BOD will address these issues, some you may hear mentioned today.

Motion made by Deb Beutel and Seconded by Claire Smith to Adjourn Regular Meeting and go into Executive Session at 11:16:

1. The Board Reviewed the proposed payment plans and status of assessment accounts currently delinquent.



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**Motion made by Claire Smith and Seconded by Don Smith to Adjourn the Executive Session and re-enter the Regular Board Meeting at 11:38, it was unanimously approved.**

**Resume Regular BOD meeting:**

A motion was made by Travis Gibbons and Seconded by Dexter Lewis to approve the contract for Roads Maintenance of Cove Lane and Forest Lane. It was unanimously approved.

**Next Meeting: Saturday, October 8, 2022 at 9:00 AM**

**Motion was made by Travis Gibbons and Seconded by Dexter Lewis to adjourn the Board meeting at 11:40. It was unanimously approved.:**

**Board Member Terms**

Lisa Adler (2021-2024)	Claire Smith(2021-2024)
Deb Beutel (2020-2023)	Matt Crabbe (2021-2024)
Travis Gibbons (2021-2024)	Sam Longstreet (2022-2025)
Dexter Lewis(2022-2025)	Cristian Shirilla (2022-2025)
Don Smith (2020-2023)	

**Proposed Schedule of Meetings**

8 October 2022  
12 November 2022  
10 December 2022

**CORROTOMAN BY THE BAY ASSOCIATION, INC.**

**Directed Ballot/Proxy**

**December 10, 2022 Special Membership Meeting to Vote to Increase the Annual Assessment**

The undersigned Member(s) of Corrotoman By The Bay Association (the "Association") do(es) hereby make, the following vote,

SUPPORT  DO NOT SUPPORT

**Increasing the annual assessment to \$260 a lot**

If you are mailing in your ballot, the undersigned Member(s) of Corrotoman By The Bay Association (the Association") do(es) hereby make, constitute and appoint

the Secretary of the Association, ACS West (the "Proxyholder"),

To hold their ballot until the ballot collection deadline of December 1, 2022 where ACS West will then mail all ballots they have received to the Secretary of CBTB to hold and not to be opened until the December 10, 2022 at 9 am and at any adjournment or continuation thereof:

\_\_\_\_\_  
Your Signature Signature(s) of other(s) listed on your deed

\_\_\_\_\_  
Print Name Print Name(s)

\_\_\_\_\_  
Date of Signature(s)

\_\_\_\_\_  
Whole Lot Number(s) in Corrotoman by The Bay Association, Inc.

\_\_\_\_\_  
E-mail Address(es)

\_\_\_\_\_  
Telephone Number(s) Daytime

I/We certify that I/We am/are a member(s) in good standing of the Association.  
No Proxy shall be revocable except upon actual receipt of notice of revocation by the person presiding over the meeting. from any of the persons owning the lot, however, if such meeting is adjourned or continued to a new date, this proxy shall terminate at the close of such adjourned or continued meeting. All Owners whose names appear on the Deed to the lot must sign their name(s) in the spaces provided below

Please see more detailed instructions on the next page.

**Corrotoman-By-The Bay Association, Inc.**  
**Approved Board of Directors Meeting Minutes**  
**9:00 am, Saturday, December 10, 2022**

**ZOOM Dial-in**

**<https://us02web.zoom.us/j/84370093423?pwd=yDx5k6F74cQRO5M1i6chzOcReBfaUL.1>**

**Meeting ID: 843 7009 3423**

**Passcode: 771803**

**One tap mobile +19292056099,,84370093423#,,, \*771803# US (New York)**

**+13017158592,,84370093423#,,, \*771803# US (Washington DC)**

**Call to Order the December BOD meeting and a Special Meeting:** Lisa Adler & Cristian Shirilla, Co-Presidents called the meeting to order at 9:07 a.m. Board Members Present: Deb Beutel, Matt Crabbe, Cristian Shirilla, Don & Claire Smith. Present on Zoom: Lisa Adler, Travis Gibbons, Sam Longstreet. Absent: Dexter Lewis

**Secretary's Report:** Deb Beutel – Presented the November Meeting Minutes to the Board for approval. A motion was made by Don Smith to approve, seconded by Lisa Adler, **unanimously approved.**

**Treasurer's Report:** Claire Smith - Presented the December Treasurer's Report to the Board for approval. A motion was made by Don Smith to approve, seconded by Matt Crabbe, **unanimously approved.**

**Vice President Report:** Matt Crabbe Seeking a Nominating Committee Chair for the 2023 election.

**STANDING COMMITTEES**

**Architectural Review Committee Chair:** Don Smith– Committee Members: Kevin McNair & Dexter Lewis

**Collections Committee Chair:** Deb Beutel- Committee Members: Ed Krill, Claire Smith, Sam Longstreet

**Communications Committee Chair:** Tara Linne

**Dock Committee Dock Master:** Don Smith

**Finance Committee Chair:** Matt Crabbe- Committee Members: Craig Adler, Ian Fay and Bill Ehlman – looking for volunteers to conduct a Financial Review of CBTB Financial Records for FY 22/23 after end of FY on 28 February 2023.

**Golf Committee Chair:** Jean Ehlman- Landon and Parker and Hunter Shirilla,

**Pool Committee Chair:** Ken Beutel- Committee members: Kathy Moffitt, Bill Ehlman, Maria Merkowitz, Barry Jackson, Chip Royer, Nick Klaiber, Carl Failmezger, Cristian Shirilla, Don Smith, Craig Adler

**Roads & Grounds Committee Chair:** Don Smith- Committee members: Dexter Lewis

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**Social Committee Chairs: Rebecca Nelson and Alisson Klaiber- Committee members: Kristy Shirilla, Lisa McNair, Hope Crabbe, Debbie Snellings**

**Tennis Committee Chair: Jean Ehlman, Glenn Bryant and Chrissy Brubaker**

**Volunteer Legal Committee Chair: Ed Krill**

**Committee Reports that have been submitted are attached to these minutes**

## **SPECIAL COMMITTEES**

**Documentation Rewrite Committee Chair: Kathy Craven- Committee members, Jean Ehlman, Deb Beutel, Bob Burrus, Carol Greenwalt, Ed Krill, Travis Gibbons**

**Nominating Committee: Chair: TBD**

## **OLD BUSINESS:**

1. Lancaster County Inspector and Environmentalist Report? Deb Beutel will follow-up with the County and VMRC to inquiry when we can expect official reports from their site visits.
2. Corrotoman Ext Guard Rail...where are we with that?  
Don Smith indicated that the Roads and Grounds Committee along with Volunteer Legal Committee will provide a course of action to the Board at the January Board meeting.

## **NEW BUSINESS:**

1. **Budget Discussion** – The Board of Directors reviewed the first draft of the proposed FY23-24 Budget. Minor adjustments were made and Claire Smith will add in estimated amounts for a few cost codes which had not had an estimated operating budget amount identified. We will review the final proposed Budget at the 14 January meeting and approve so it can be forwarded to ACS-West for attachment with the Annual Assessment Billing which is mailed NLT 1 February 2023.
2. **Set date for 5 year prioritization plan discussion for our Capital Reserve Funds** - the FY 23/24 Capital Reserve Budget will be reviewed at the 11 February Meeting. There will be a Committee appointed to work with the Finance Committee and the Treasurer and using the Capital Reserve Study to develop a proposed five-year Capital Reserve Spend Plan. The first meeting is scheduled for Wednesday 1 March at 7:00 via ZOOM. All persons interested in serving on that committee should submit their name for consideration to [CBTBay@gmail.com](mailto:CBTBay@gmail.com).
3. **The results of the Ballot to raise the annual assessments from \$180.00 per lot to \$260.00 per lot is as follows:**  
There were a total of 254 votes, 176 in favor and 78 opposed. As such the Annual Assessment increase was passed by a majority and the annual assessments will be raised to \$260.00 effective with the 1 February billing and 1 March 2023 due date.

## **Member Input:**

1. **Mike Stevens voiced a concern regarding Article VII Section 5. Of the CBTB Articles of Incorporation & Declaration concerning the required actions WRT Variances mentioned in that section of the Declaration. The Board will conduct a legal review and research and provided a formal response to his inquiry during the 14 January Board Meeting.**

2. Carl Failmezger once again provided his recommendation for the Collections Committee to pursue perfecting Liens on properties with arrears annual assessments. The Collections Committee responded that based on their research and a desire to continue reduce unnecessary legal costs and show a higher return on investment, that they had contracted with a new Legal firm to conduct Collections efforts on behalf of CBTB and the primary action to be taken in most cases would be to file warrants in debt.

**Announcements from Board:**

1. A Survey Monkey will be sent out to the community next year. These surveys really do give us a baseline for what our owners want for CBTB and help us determine in which direction to take the community.
2. Please remember that if you are having any work done which requires heavy trucks carrying heavy loads for your projects, please contact Don Smith at [roadschairman@gmail.com](mailto:roadschairman@gmail.com). CBTB documents require a form to be filled out and a refundable deposit. For information email Don.

**Next Meeting: Saturday, January 14, 2023 at 9:00 AM**

**Motion to adjourn Board meeting: Motion made by Cristian Shirilla, Seconded by Matt Crabbe, unanimously approved. Meeting adjourned at 10:45 a.m.**

**Board Member Terms**

Lisa Adler (2021-2024)	Claire Smith(2020-2023)
Deb Beutel (2020-2023)	Matt Crabbe (2021-2024)
Travis Gibbons (2021-2024)	Sam Longstreet (2022-2025)
Dexter Lewis(2022-2025)	Cristian Shirilla (2022-2025)
Don Smith (2020-2023)	

**Proposed Schedule of Meetings**

**January 14, 2023, February 11, 2023, March 11, 2023, April 8, 2023,  
Annual Meeting and Election, Sunday May 7, 2023**

Prepared By Glenn Edwards Ayers  
VSB# 20197 230001086

Amendment to the Declaration  
Of Corrotoman-By-The-Bay Association

This Amendment to the Declaration of Corrotoman-By-The-Bay Association ("Amendment") is made this 10<sup>th</sup> day of December, 2022 by Corrotoman-By-The Bay Association, a Virginia nonstock corporation (the "Association"), to be indexed as both "Grantor" and "Grantee".

RECITALS

1. The Association was created pursuant to "This Declaration, by Northern Neck Recreational Development Corporation" dated June 9, 1967, and recorded July 12, 1967 in the Clerk's Office of the Circuit Court for Lancaster County (the "Clerk's Office") in Deed Book 149, Page 60 (which declaration has been duly subsequently amended, modified, and/or supplemented). All subsequent Amendments or Modifications are referred to as the "Declaration". The Declaration submitted real property more particularly described therein to be subject to the covenants, conditions, restrictions, easements, and liens contained therein.
2. Article V, Covenant for Maintenance Assessments, Sections 1 through 11, governs Annual Assessments and Special Assessments.
3. The current Annual Assessment of \$180.00 was authorized with the Amendment to the Declaration dated January 14, 2017 and recorded January 17, 2017 as Instrument No. 170000058 in the Clerk's Office, Lancaster County, Virginia.
4. The Association, in accordance with the Property Owners Association Act and the Declaration, by approval of 2/3 or more at a meeting on December 10, 2022 held for the purpose to increase the Annual Assessment, approved amending the Declaration for the Annual Assessment for the 2023 assessment year to \$260.00 payable annually and due March 1 of each year.

NOW THEREFORE, THE ASSOCIATION, hereby declares that:

1. Article V, Section 3 of the Declaration and any other references of the Declaration to the amount of the annual assessment is set for assessment year 2023 at \$260.00 due and payable on March 1 of each year.
2. Except as modified by this Amendment, the Declaration shall remain in full force and effect.

[Signatures to follow]

This Amendment to the Declaration is effective as of December 10, 2022.

Witness the following signatures and seals.

Corrotoman-By-The-Bay Association,  
A Virginia nonstock corporation

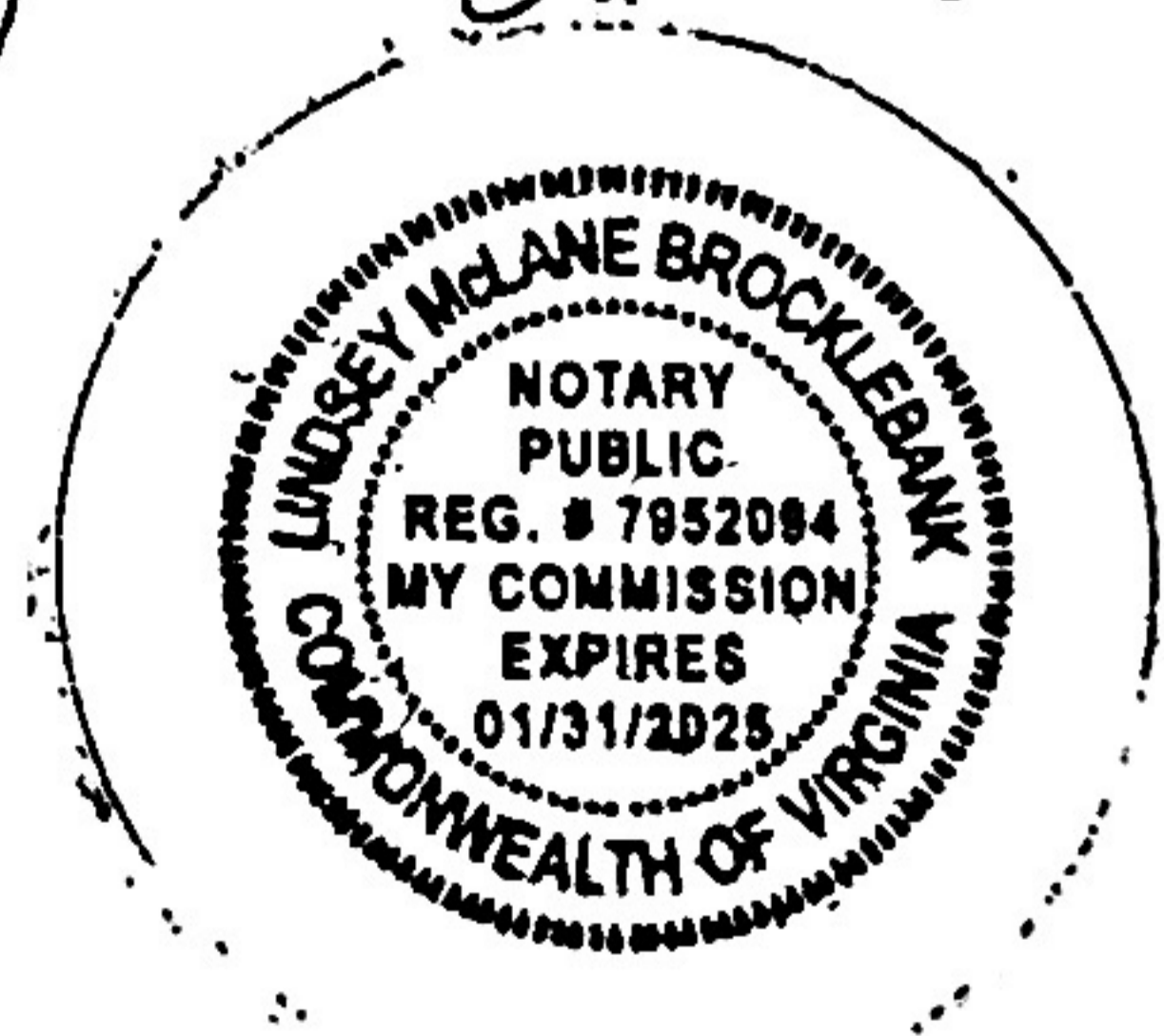
By: [Signature]  
Cristian Shirilla, President

Commonwealth of Virginia  
City/County of Lancaster, to-wit:

The foregoing instrument was acknowledged before me, a Notary Public, this 14  
day of JUNE, 2023 by Cristian Shirilla, President of Corrotoman-  
By-The-Bay Association, a Virginia nonstock corporation.

[Signature]  
Notary Public

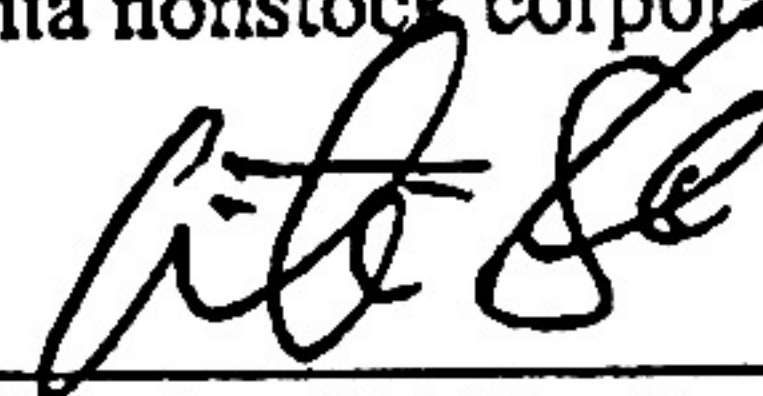
My commission expires: 01/31/2025  
Notary Registration No: 7952094



Certification Pursuant to Virginia Code Section 55-515.1.F

As President of Corrotoman-By-The-Bay Association, I hereby certify that the foregoing Amendment has been approved by written ballots of 176 in favor and 78 opposed of total ballots cast of 254, which is two-thirds or more of the voting members voting in person or by proxy, at a duly called and noticed meeting held on December 10, 2022 for that purpose, as more particularly described in the Notice and Ballot, as permitted by the Declaration.

Corrotoman-By-The-Bay Association,  
A Virginia nonstock corporation

By:   
Cristian Shirilla, President

Date: 6/14/23

INSTRUMENT 230001086  
RECORDED IN THE CLERK'S OFFICE OF  
LANCASTER COUNTY CIRCUIT COURT ON  
JUNE 22, 2023 AT 02:31 PM  
DIANE H. MUMFORD, CLERK  
RECORDED BY: EKD



**Corrotoman-By-The Bay Association, Inc.**

**Board of Directors Meeting Minutes**

**9:00, Saturday, 11 June 2022**

**NEW ZOOM Dial-in**

**<https://us02web.zoom.us/j/82857319410?pwd=MjIxQU9PTzNxQUxuZ2IKMUtaRmNKQT09>**

**Meeting ID: 828 5731 9410**

**Passcode: 957075**

**One tap mobile 13017158592 Meeting ID: 828 5731 9410**

**Passcode: 957075**

**Call to Order: Cristian Shirilla & Lisa Adler, Co-Presidents at 9:00 a.m.**

**Board members present: Lisa Adler, Deb Beutel, Matt Crabbe, Travis Gibbons, Cristian Shirilla, Claire Smith and Don Smith. Absent were Sam Longstreet and Dexter Lewis.**

**Community members present: Kathy Craven, Rebecca Nelson, Ken Beutel, Tara Linne, Bonnie Hunt, Krista Sherwood, Ed Krill, Alisson Klaiber.**

**Announcements from Board:**

-Welcome to new BOD members and new committee chairs

-Thanks to Deb Beutel for her several years as President

-If any committee chair or community member is interested in being in charge of the abandoned and sad announcement board in front of the Clubhouse or interested in organizing a fall clean-up of the CBTB garage, please contact either Cristian or Lisa: Rebecca Nelson volunteered to take over the management of the Message Board as part of the social committee.

- Thanks to Don Smith who put up the sign about the BOD meeting as people drive in.

**Secretary's Report: Deb Beutel-** Review and approve minutes from 9 April 2022 Meeting. (Minutes of 30 April Meeting will be reviewed at July 9<sup>th</sup> meeting. Motion to approve minutes provided by Don Smith, seconded by Travis Gibbons. **Unanimously approved**

**Treasurer's Report: Claire Smith-** Sec Treasurer's report. Motion to Approve Treasurer's report made by Deb Beutel, seconded by Matt Crabbe. **Unanimously approved**

**Collections Committee: Deb Beutel, Chair-** Sec Report below.

**Collections:** Meeting with Treasurer Monday 13 June to review the final delinquent account status. Will then schedule a Collections Committee meeting within 30 days.

**Finance Committee: Matt Crabbe, Chair –** Currently looking at various financing options for the pool.

**Capital Reserve Committee:** One of the reasons that there is currently insufficient funding in the Capital Reserve fund to replace the pool is because we have not historically been allocating a sufficient amount of funding per year to meet the spirit and intent of the VA POA requirement. Our Capital FY 2021 Reserve Study indicated that the Association should be spending an average of \$48,000.00 per year to maintain and sustain the CBTB Common areas and amenities to includes roads. Since we are currently only funding Capital Reserves at just under \$42,000.00 per year we are not currently able to properly maintain and sustain the community. Any proposal to increase the annual assessment amount

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support inflation should consider recommending an increase to the annual amount of funding allocated to Capital Reserves.

**Architectural Review: Don Smith & Kevin McNair, Co-Chairs: No report  
Assistant Chair, Dexter Lewis**

**Communications: Tara Linne, Chair-** Facebook page decorum reminder; if members have questions or comments please direct them to [cbtbay@gmail.com](mailto:cbtbay@gmail.com) and they will be directed to the appropriate Chair or BOD member for response. There is also Member Input time allotted at each BOD meeting.

**Documentation Re-write: Kathy Craven, Chair – No report.** All participants onboard. The committee will start up shortly.

**Pool: Ken Beutel, Chair-** See report below:

The Pool Committee is pleased to inform you that (after \*a lot\* of work by our volunteers) the pool opened on Wednesday, 8 June 2022. A big round of thanks to Lisa Adler for her four years as Pool Chair. She is passing that role on to Ken Beutel--who is still looking for volunteers and new CBTB Owners to become Pool Members. The normal rules apply and we are going to add one new thing: a Daily Sign- in Sheet for each member to sign themselves in and the number of guests joining them. We are trying to gauge how much the pool is used as it is both expensive to maintain and barely hanging on. It will be on a clipboard by the gate. If we can continue to stabilize the leaks and pump system and get more members we can probably have a normal season for the rest of the year. We are down a few members from last year (probably waiting to hear the pool is open) so we are going to track expenses very carefully to see if we can afford to run the whole season. If we want to keep the pool open longer, please get your CBTB neighbors to join up! In the meantime, lets enjoy the pool and the nice weather!

**Pool Renovation Review Sub-Committee Chair – Kathy Moffitt:**

**Roads & Grounds: Don Smith, Chair - Assistant Chairs, Doug Howe & Dexter Lewis:** See Report below.

- 1) Middle Road was Graded due to being neglected for several years. Cost was \$350 but took \$100 off due to the help of myself and a resident raking it out for the contractor. (See attached invoice from contractor.)
- 2) Removed a fallen tree on West High View with the help of DOUG HOWE and DEXTER LEWIS.
- 3) Dexter Lewis and myself cleaned all the fences and the clubhouse. All mold was removed.
- 4) Went back to look at East High View and Dock Road and after looking at both roads we needed to come up with a better plan of attack. For East High I talked to an Asphalt contractor and he and I agreed that patch work is like putting a bandage on a deep cut and it won't last a year. We need to do this right the first time so we don't keep throwing good money after bad. Will talk to the Board Members and see what is the right thing to do. Dock Road has a drainage problem. I put a half truck load of stone on the road last year and it washed away so I will be getting an estimate to put in a culvert for drainage.
- 5) I'll be sending out Emails to the 4 parties involved on Corrotoman Extension to find out when they can sit and meet about Guardrails. This meeting will take place at the Clubhouse.
- 6) I would like to get volunteers to help remove bushes and small trees along the culvert on Pine Place. Will need some people with a pick up truck or trailers to haul the bushes away by doing this work ourselves could save a couple hundred dollars.

**Dock Sub-Committee: Don Smith, Chair:** See report below:

- 1) Ordered 20 more keys for the dock area. Prices per key went up to \$15 a piece but still will only require a \$10 deposit for the key. If you desire one please contact me via email at [roadschairman@gmail.com](mailto:roadschairman@gmail.com).
- 2) Replaced missing boards on the dock.

3) George Cater and myself put up a barrier on the pathway leading to the dock. Thanks to Scott Kellman for allowing us to do that.

**Tennis & Golf:** Jean Ehlman, Chair-See report below.

**Tennis:** The CBTB tennis/pickleball courts have cracks and pox marks on the asphalt surface as well as the coloring fading. I had a meeting on Tuesday, June 7, 2022 at 9 AM with the president/owner and vice president/project manager of Tennis Courts, Inc., from Aylett, VA at our CBTB courts to discuss the deteriorating issues that I found on the courts. Tennis Courts, Inc. was responsible for renovating our CBTB courts in the past. Tennis Courts, Inc. has agreed at "their expense" to repair the issues at the CBTB courts. They have sent me a detailed plan to accomplish the repair. This repair will be completed in the next few months.

**Golf Course:** The golf course sand traps will be repaired on Tuesday 14 June 2022. The holes at each green will also be cleaned.

**Social:** Rebecca Nelson & Alisson Klaiber Co-Chairs: See report

Introductions:

- Alisson Klaiber & Rebecca Nelson

Responsibilities:

- Club House Rental- Becca
- Calendar- Alisson

Social Committee:

- Volunteers
- Event Volunteers

Events:

- 4 of July parade, Saturday July 2nd from 10-11:30
- Meet your Neighbors\*, cocktails and appetizers, Saturday July 9th from 4-6:30pool side
- Tennis Tournament, September date TBD
- CBTB Day, October date TBD

\*sign up genius will be used

**Old Business:**

1. Vote to accept the Pool Committee's recommendation to build a new pool:
  - a. **Matt Crabbe made a motion to Approve the recommendation to build a new pool based on the presentation made to the Community on 28 May by the Pool Committee, it was seconded by Cristian Shirilla. The following members, voted to approve: Lisa Adler, Deb Beutel, Matt Crabbe, Travis Gibbons, Cristian Shirilla, Claire Smith. Don Smith Vote Against the Proposal.**
2. The Finance Committee Chair has been charged by the Board to bring financing options for the new pool to the Board of Directors within 45 days from today which shall include a recommended plan for increasing yearly assessments to maintain all of the amenities we enjoy here in the CBTB community.
3. Motion was made by Don Smith to Approve an amount NTE \$1,000.00 for the purchase of audio video equipment suite to support the CBTB BOD meeting Zoom Connection, it was seconded by Claire Smith. **Unanimously approved.**

**New Business:**

1. Security Camera Update will be provided to the 9 July Board Meeting. Rebecca Nelosn volunteered to research.

**Member Input:**

Bonnie Hunt: Asked if there was a Long-term Roads and Grounds Plan that identified condition of all CBTB roads and the Prioritized Plan to repair them that could be shared with the community and posted on the website.

**Next Meeting:**

Saturday, 9 July 9:00 am

**Motion to adjourn Regular Session and Enter Executive Session:** At 10:11, Don Smith made a Motion to adjourn the regular session and enter Executive session at 10:21, Travis Gibbons provided a second, unanimously approved.

**Executive Session:** Discussion of the sale of lot 7A

**Motion to adjourn Executive Session and re-enter Regular Session:** At 10:51, Claire Smith made a Motion to adjourn the Executive session and re-enter the regular session, Lisa Adler provided a second, unanimously approved.

**Motion to adjourn Board meeting:** At 10:52, Don Smith made a Motion to adjourn the regular session Board Meeting, Cristian Shirilla provided a second, unanimously approved.

**Board Member Terms**

Lisa Adler (2021-24)	Travis Gibbons (2021-2024)
Deb Beutel (2020-2023)	Matt Crabbe (2021-2024)
Claire Smith (2022-2023)	Sam Longstreet (2022-2025)
Dexter Lewis (2022-2025)	Cristian Shirilla (2022-2025)
Don Smith (2020-2023)	

**Proposed Schedule of Meetings**

9 July 2022

13 August 2022

TBD - Special Meeting to Brief Community on Finance Committee Recommendations

10 September 2022

8 October 2022

12 November 2022

10 December 2022

**Corrotoman-By-The Bay Association, Inc.**  
**Minutes of Board of Directors Meeting**  
**9:00 am, Saturday, April 13 2024**

**Call to Order the March BOD meeting:** Cristian Shirilla President: Called meeting to order at 9:00 am. Board members present: Lisa Adler, Deb Beutel, Matt Crabbe, Nick Klaiber, Dexter Lewis, Cristian Shirilla, Claire Smith. Present via Zoom: Travis Gibbons, Sam Longstreet

**Secretary's Report:** Deb Beutel - Minutes of February 10th meeting were presented to the Board for approval. Motion to approve made by Lisa Adler, seconded by Matt Crabbe. Unanimously approved.

**Treasurer's Report:** Claire Smith – Treasurers Report was presented for Board Approval. Motion to approve made by Lisa Adler, seconded by Dexter Lewis. Unanimously approved.

**Vice President's Report:** Travis Gibbons – Ballots were mailed. All members in good standing are encouraged to vote. The annual meeting to be held Saturday May 4<sup>th</sup> at 9am.

**Committee Reports that have been submitted are attached to this agenda**

**Architectural Review Committee Chair:** Nick Klaiber - Committee Members: Dexter Lewis, Cristian Shirilla See old business #1.

**Collections Committee Chair:** Deb Beutel- Committee Members: Ed Krill, Claire Smith, Sam Longstreet No report this month. Update to be provided at next regular Board Meeting.

**Communications Committee Chair:** Tara Linne  
No report.

**Dock Committee Dock Master:** Don Smith, Asst Dock Master: Mike Arthur

**Finance Committee Chair:** Lisa Adler- Committee Members: Craig Adler, Bill Ehlman, Scott Kellum and Beth Allen. No report.

**Golf Committee Chair:** Jean Ehlman- Landon and Parker Shirilla, Penny Davenport, David Hamer  
No report.

**Pool Committee Chair:** Ken Beutel- Committee members: Bill Ehlman, Maria Merkowitz, Barry Jackson, Craig Adler, Chip Royer, Nick Klaiber, Carl Failmezger, Cristian Shirilla, Don Smith. See old business # 3.

**Roads & Grounds Committee Chair:** Matt Crabbe- Committee members: Dexter Lewis, NEED VOLUNTEERS.

**Social Committee Chairs:** Alisson Klaiber- Committee members: Kristy Shirilla, Lisa McNair, Hope Crabbe, Debbie Snellings. No report.

**Tennis Committee Chair:** Jean Ehlman Committee member Glenn Bryant. No report.

**Volunteer Legal Committee Chair:** Ed Krill No report.

**Special Committees:**

**Documentation Rewrite Committee Chair:** Kathy Craven- Committee members, Jean Ehlman, Bob Burrus, Carol Greenwalt, Ed Krill, Travis Gibbons. No report.

**Old Business:**

**1. Architecture Committee Update:**

- (1) Linne Garage Application Approved
- (2) The Highview lots have had grass cut around drainage area
- (3) 272 Marina Drive will address issues.
- (4) Driveway discussion on East Highview expressing the Board's concerns.
- (5) Formal notice sent re: the Camper on West Highview. Will be teeing up a tow service.
- (6) Nick Klaiber will no longer act as Architecture Chair after the Board elections in May, and in the interim, will continue to act only on what is absolutely necessary.

**2. Update on the Community Docks/Slips:**

- 1) Purchased \$220 worth of additional Dock Keys
- 2) Work on the Dock is progressing very well. They started laying new boards but there are places that will take awhile to get to due to the high tides.
- 3) Mike Arthur is now the Assistant Dockmaster. He will be helping with Dock management.
- 4) There are 6 remaining boat slips available for this summer. Anyone wanting a slip must be in good standing and complete and return the Amenities form in with \$200 fee.
- 5) The bulkhead on the right side needs to be built up or we will lose the entire bulkhead all together.
- 6) We are looking into a price to cut a tree down that is leaning over part of the bulkhead.
- 7) There are dock keys available to hand to those that need a key. Make sure you fill out the Dock Key Form with a check or cash for the \$20 deposit, also make sure you are in good standing as far as dues are concerned.

**3. Update on Pool Repairs:**

- 1.) The pool repairs are progressing. They have completed fixing the filter and are building a platform to raise the pump and motor so that all of the electrical equipment is out of the normal depth of water that has flooded the pump room in the past.
- 2.) Don Smith and Ken Beutel have cleaned out the sump and replaced the old sump pump that had a failing float switch with a new and more powerful one with a different kind of float switch.
- 3.) Once the changes are made, JDO Pools (new name for Sevarg) can begin the process of opening the pool next month.
- 4.) We also have pool keys for anyone in the community who still has not been given a key and would like to get one. All they need to do is fill out the amenities form and get it to Ken.

**4. Update from Roads & Grounds Committee:**

- Corrotoman extended concern
- roof on club house fix
- Wishing well Lane repair bids
- Asphalt patch repair

- Screen Door removal on the clubhouse
- Removed dead branches off golf course and on the side of several roads in the neighborhood
- The garage needs a new key for the door

**New Business:**

Nothing to Report

**Member Input:**

**Announcements from Board: Reminder that the Annual Meeting and Election of Board members is Saturday May 4<sup>th</sup> at 9:00 a.m.**

**BOD meetings are now being held every other month.**

**Next Meeting: Annual Meeting, Saturday, May 4th, 2024, 9 am**

**Motion to adjourn Board meeting:**

**Board Member Terms**

Lisa Adler (2021-2024)	Nick Klaiber (2023-2026)
Deb Beutel (2023-2026)	Matt Crabbe (2021-2024)
Travis Gibbons (2021-2024)	Sam Longstreet (2022-2025)
Dexter Lewis (2022-2025)	Cristian Shirilla (2022-2025)
Claire Smith (2023-2026)	

**SCHEDULE OF MEETINGS**

**Annual Meeting, Saturday, May 4<sup>th</sup>, 9am**

be entitled to the use and enjoyment of the common properties and facilities unless suspended per cause by action of the Board of Directors.

**ARTICLE III**  
**Voting Rights**

**Section 1.** The Association shall have one class of voting membership. Voting members shall be all those members who hold the interest required for membership in Section 1 of Article II and who are in good standing. Each lot is entitled to one vote regardless of ownership.

**Section 2.** Any member may vote by proxy, provided that no proxy shall be effective unless filed with the Secretary prior to the meeting.

**Section 3.** Voting by members may be by way of vocal response, but any ten members present in person or by proxy may demand a roll call vote.

**ARTICLE IV**  
**Powers and Duties**

The Association shall have the following supervisory powers and duties which shall be exercised for the mutual benefit of all members:

**Section 1.** To keep and maintain common properties in a clean and orderly condition.

**Section 2.** To exercise such control and maintenance over the common properties as it may deem necessary or desirable.

**Section 3.** To do all things necessary or incidental to the protection of plant and wild life in the common properties and in and about the subdivision.

**Section 4.** To provide for the erection or maintenance of gateways, entrances, or other ornamental features as now existing hereafter to be erected or created.

**Section 5.** To build and/or maintain recreational facilities.

**Section 6.** To enforce, either in its own name, or in the name of any real estate owner or owners, as may be necessary, all Covenants and restrictions which have been, are now, or may hereafter be imposed



*upon any real estate in said Corrotoman By The Bay, or any additions thereto. The expenses and costs of these proceedings shall be paid out of the general funds of the Association.*

Section 7. *Whenever a property owner member maintains his property in a manner detrimental to the best interest of the Association and the Community, the Board of Directors shall give such owner formal notification of its awareness of the condition or conditions. If the condition or conditions are not corrected within a time period deemed reasonable by the Board and set forth in the formal notice, the Board of Directors shall correct the conditions and assess the cost thereof as a special assessment against the property or properties involved.*

**ARTICLE V**  
Length of Existence

*The term of the corporate existence is perpetual.*

**ARTICLE VI**  
Membership Meetings

Section 1. *Annual Meetings. The regular annual meeting of the Association shall be held on the first Sunday of May in the State of Virginia at such time and place as the Board of Directors shall determine.*

Section 2. *Thirty days notice of the annual meeting shall be given to each member by mail, addressed to his last known address as recorded with the Association. The notice shall set out in reasonable detail the business to be brought before the meeting and each meeting shall be limited to the items set out in the notice in order that those casting absentee ballots may be permitted to express their desires. Members present may make suggestions covering items which they feel should be brought before the membership. If any such suggestions are approved by proper resolution of those members present, it shall be the duty of the Secretary to present such resolution to the members for consideration at the next regular or special membership meeting. It shall further be the duty of the Secretary to include with the notice of any regular or special membership meeting such suggestions or requests as may be properly presented in writing and endorsed by twenty-five or more individual members in good standing, providing such requests are received at least sixty (60) days prior to the meeting date.*