

Attached find
version of Covenants & By-laws

TATER KNOB PROPERTY OWNERS

ANNUAL MEETING

JULY 20, 2002

Meeting was called to order at 10:05 am by President Ralph Small. Those present included Doolittle, Small, Faber, Bruce, Scovil, Ray, Topfl, Smith, Knaust, Peek, Erdlitz, Rilott, Drew, Stearns, Greiser, Larson, Bowdoin, Cook, Kenney, Self, Rosen and Rogers. Those represented by proxy included Maloney by Kevin Maloney, Adams by Scovil, Martin (2 votes) by Doolittle, Jeter by Small, Shaw by Greiser, and Lindsey by Small. The secretary declared that a quorum was present and that there were 29 voting members represented including proxies.

The invocation was given by Ralph Small after the observation of a moment of silence for Tom Maloney who passed away earlier this year.

Ralph Small then announced that Fliss Jeter would be hosting our September 1 meal. He also said that the association is trying to organize another get together in late September or early October and requested that anyone wishing to volunteer to host this event contact Bonnie Jean Small.

Lynn Doolittle then gave the Secretary/Treasurer's report. She passed out copies of last year's checkbook activity on "Quicken" to all present and stated that all dues were collected, all bills paid and \$21,083.30 was in our Emergency Funds CD's as of July 1, 2002.

Dick Erdlitz then reported on the audit, which he and Lee did for the Association. They found all records to be in order and all accounts to be in balance.

Jerry Cook took the floor next to report on the water testing done this spring. He stated that no bacteria was found, no unusual chemicals and that the water had tested "good".

The discussion then moved on to the drafts of the newly amended Declaration and Bylaws for Tater Knob, copies of which were recently mailed to all owners. Mike Ray said he would be passing out a ballot form later in the meeting, and explained that 67% of the owners must vote in favor of the amended Declaration and Bylaws for them to be adopted. Since there are 37 lots, 25 votes will be needed to exceed the 67% requirement. If the amended documents are adopted, a "consent" will be mailed to all owners with the approved form of the documents showing any changes or additions, which may be made at this meeting. Tater Knob's attorney wants a consent on file from each owner formalizing his/her approval of the amended documents.

Mike then opened the discussion by indicating there were 3 changes that the Board recommended in the draft of the Declaration:

- 1- Mike pointed out that Section 12 under Article I: Definitions redefined a single family dwelling, and that the Board recommended that the words "under one roof" be inserted following the word "dwelling" so that it will read, "...dwelling, under one roof, for...".
- 2- Adding a new "Section 11. Prior to Construction" under Article IV. Administration... Thereof. The new section would read, "At least 30 days prior to commencement of construction of any structure on any lot, the Owner shall submit to

the Board of Directors a sketch of such structure and information sufficient to determine compliance with the provisions of Sections 1, 2, and 3 of Article V of this Declaration."

- 3- Adding a third and final sentence under Section 1 of Article V. Restrictions On Use. It would read, "There shall be no heated habitable structure on any lot other than said single family dwelling, nor shall any structure, other than said single family dwelling, contain an operating toilet."

Mike then made a motion that these 3 changes be approved. The motion was seconded by Roger Scovil. After discussion, the motion was unanimously approved.

The discussion proceeded with a question from Melba Rilott asking that the length of time which a truck or RV may be parked on Tater Knob be clarified. (*See V: Restrictions on Use, Section 13 of the Declaration*). Discussion followed and Melba made a motion that this section be modified to add that no truck/RV etc. may be parked "...on a permanent basis for more than 1 week without the permission of the Board". There was no second to this motion.

Setbacks (*see V: Restrictions on Use, Section 2 of the Declaration*) were discussed next and Kevin Kenney made a motion to move setbacks to "...35' from Centerline of Road and 20' from side lot lines". No second was forthcoming.

Clark Smith then made a motion that this section on setbacks be modified to read, "... any and all improvements except landscaping shall be located not less than 15 feet from the centerline of any road...." Phil Rogers seconded this motion and it was unanimously carried.

Jay Rosen then asked if adopting these new documents would cancel any contracts and agreements made under the old ones. Mike Ray answered that since this was an amendment to the previous documents, all contracts and agreements would still carry over after the adoption of the amended Declaration and Bylaws. Ralph Small said that he knew of no agreements other than the security contract with Carroll Broom and Tater Knob's Agreement with the Dockowners and asked Rosen what contracts he was referring to. He said that his interest was in the Agreement with the Dockowners.

At that point, there seemed to be no further discussion and Mike Ray passed out the ballot forms. There were 26 ballots voted during the meeting with all 26 voting in favor of adopting the Bylaws as proposed and the Amended Declaration as proposed with the 4 changes approved today and indicated above. Three members abstained. The requisite 67% vote having been obtained, the amended Declaration and Bylaws were passed and adopted by the Association.

As forms were being filled out, Jay Rosen made a motion that all previous agreements made by Tater Knob be cancelled. Phil Rogers seconded the motion. There was 1 vote in favor, 28 votes against. Motion not passed.

Neil Greiser then took the floor to talk about the docks. He said that he and the other dockowners were aware of the problems with the power company only allowing us 10 dock slips and several people on the waiting list. He said that the dockowners had held a meeting and voted to propose that the Association members, under Guidelines set by the dockowners, be allowed to temporarily use the south side of the dock for loading and unloading and tying their boats there while they park their trailers. There would be no overnight parking of boats, no use by renters, and no swimming, diving, jumping or other use of the dock. Those wishing to use the dock would sign a license & release agreement. He made a motion that the Agreement between Tater Knob and the Dockowners be modified in this manner. Mike Ray seconded the motion, and it was unanimously carried.

Carol Smith then stood and thanked the dockowners for their efforts to meet the needs of the other residents on the mountain.

Jay and Donna Rosen then reopened the subject of docks and Lynn Doolittle read excerpts from the annual meetings of 1995, 1998, 1999 and 2000 when the dock situation had been previously discussed. Jay Rosen then made a motion, seconded by Phil Rogers, to terminate the Agreement between Tater Knob and the Dockowners and renegotiate the contract. There were 4 votes 'for' and 25 votes 'against'. Motion did not pass.

Budget was discussed next and Mike Ray, seconded by Joanne Bruce, moved to accept the Budget as presented. Unanimously passed.

Election of Officers and Directors followed and Dick Erdlitz, seconded by Kevin Kenney, voted to accept the slate of officers running (Ralph Small, Director and President; Jim Faber, Director and Vice President; Lynn Doolittle, Director and Secretary/Treasurer and Mike Ray, Director). Motion unanimously carried.

At 12:20 pm, the meeting was temporarily adjourned to enjoy the luncheon prepared by Bonnie Jean Small.

Meeting of the Membership was reconvened at 1:15 pm. Jim Faber passed out auto decals for the windshield of cars. Each household received a stack of decals so that 1 could be placed on each vehicle and extras given to renters and guests to identify their cars.

Ralph then noted the excellent job of sign painting done by Maxine and Jerry Roberts on the entrance and street signs and thanked Jim Faber for getting a "10 mph" sign in place and moving the "Beach Rules" sign up onto the hillside in front of the Pavilion where it is more easily seen.

Jim Faber then brought up the subject of canoe racks. He and Mudd Merrihew had built a prototype rack beside the Pavilion for everyone's inspection. He proposed that up to 3 racks be built, each one to accommodate 8 canoes. One more would be out in front and the third would be put behind the Pavilion. TKPOA was to pay for the construction (approximately \$100 per rack) and maintenance, and those using the racks would pay an annual \$15 fee to the Association. Those using the racks would sign an Indemnification to Tater Knob relieving the Association of liability arising from use of the racks. Members would have a slot on a rack for one season and renew at the end of each season for a slot for the following year.

Jim then placed the aforesaid provisions in the form of a motion that the design, location, number of racks and terms of ownership and use be accepted. This was seconded by Mike Ray and unanimously approved.

Ralph Small then stated that he had received two requests for use of the Pavilion by residents for groups not a part of Tater Knob. He said that he had spoken with Tater Knob's insurance agent and been told that although the liability should be covered, the underwriter would look at the usage of the Pavilion and could choose to raise our premiums or not cover at all. He also felt that use by other groups would require more parking and take away from the residents' enjoyment of the beachfront. The Board recommended that the Pavilion be used only by Tater Knob residents, family and friends. There was no disagreement and the Board will be using these guidelines in the future.

Neil Greiser encouraged all residents to join the "Friends of Lake Glenville", noting that when relicensing of the lake comes around, we will need adequate representation to defeat the efforts of canoeist and kayakers downstream to take water from Lake Glenville. Ralph stated that this would be a very worthwhile \$25 investment in your property here.

Phil Rogers then suggested that the Board look into the acquisition of a generator in case power should go out for an extended period of time and the pumps will not work. Roger Scovil questioned if this had ever happened, and the only time anyone could remember was during Hurricane Opal several years ago. Phil said that his company could provide such a generator for something in the \$4-\$10,000 range. No motions were forthcoming, and the Board agreed to take this suggestion under advisement.

Phil also talked about the "Village Play", a playground for the community to be built on the road between Hwy. 64 west and the Summit Charter School. The residents working on this project are looking for volunteers and sponsors who would like to help by 'buying a brick'.

There was no further business before the association and the meeting was adjourned at 1:50 pm.

Respectfully submitted,

Lynn Doolittle, Secretary/Treasurer