



The Elite Insider

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Be sure to mark your calendars for the 2013 Fall Festival coming up Tuesday, October 1, 2013. We have three knowledgeable, enthusiastic speakers for the Fall Festival this year.

DATE: OCTOBER 1, 2013

TIME: 5:30- 8:00 PM

LOCATION: ELITE MANAGEMENT OFFICE AT 4112 BLUE RIDGE ROAD SUITE 100

Ronald Campbell with the City of Raleigh Fire Department

Mr. Campbell coordinates the City's fire prevention programs and works closely with the fire inspectors to develop new initiatives as well as assisting with consultations and inspections. He also hosts the Fire Department's television program. Mr. Campbell has been around the fire service his entire life and joined his first fire department in November 1992. He has been with Raleigh Fire Department since June of 2007.

Erwin Williams III, P.E. with TerraTech Engineers

Erwin Williams is the owner and President of TerraTech Engineers, Inc. Erwin is a graduate of NC State University with Bachelor's and Master's degrees in Civil Engineering obtained in 1983 and 1988,

respectively. Erwin's specialties include primarily the geotechnical and structural aspects of civil engineering. With 30 years of experience in providing engineering services, Erwin has consulted on over 7,000 construction and infrastructure projects. His experience includes evaluating the types of concerns often experienced by Homeowner's associations, including pavement distress, grading and drainage issues, water problems in basements and crawl spaces, foundation problems, roofing concerns, deck and patio problems, structural and framing issues, and problems with exterior wall coverings. Erwin has consulted on projects throughout the Southeastern United States and as far afield as Texas, Illinois, Utah and Washington. In addition to being licensed as a Professional Engineer in North Carolina, South Carolina, Virginia and Georgia, Erwin maintains a North Carolina residential home inspector's license.

Adam Beaudoin with Ward and Smith, P.A. Attorneys at Law

Mr. Beaudoin's practice experience encompasses a broad range of business law and transactional matters, including organizing for profit and nonprofit entities, business



transfers and acquisitions, stock purchases and redemptions, business transactional matters, and community association law governance and compliance issues.

He will address Association concerns regarding hot topics like rental limits, delinquencies and foreclosure, HOA legislative changes and other questions from the board members.

Elite Awards

Don't miss the announcement of the Elite Community of the Year and Volunteer of the Year Awards.

We have a great event planned for you!

Please plan to attend! It will be held at the Elite Management Office from 5:30-8:00 pm. Dinner will be provided and two great industry speakers will entertain. RSVP to dawn-hatcher@elite-mgmt.com

Is an HOA required to share the membership roster?

It would be wise to require anyone requesting the membership list to put the reason for the request and how they intend to use the information in writing.

Q: Our HOA has never made public the names and addresses for its members. Are we bound by N.C. law to make this information available to all members of the HOA? There is nothing in our covenants or bylaws that addresses this issue, and we have a member who is requesting the membership roster. We (the board of directors) are not sure if we should make this information available. Does anything address email or phone number publication as well?

A: The Planned Community Act and Condominium Act do not specifically address members' right of access to the membership roster. For that, we have to look to the N.C. Nonprofit Corporations Act, since most HOAs are organized as nonprofit corporations. Section 55A-16-02 of that

law says "a member may inspect and copy (certain records, including the membership list) only if:

1. The member's demand is made in good faith and for a proper purpose;
2. The member describes with reasonable particularity the purpose and the records the member desires to inspect; and
3. The records are directly connected with this purpose."

The law imposes additional requirements specifically on members' right of access to the membership roster (which must only include members' names and addresses—not email addresses or phone numbers). 55A-16-05 reads "a membership list or any part thereof shall not be:

1. Used to solicit money

- or property unless such money or property will be sued solely to solicit the votes of the members in an election to be held by the corporation;
2. Used for any commercial purpose;
3. Sold to or purchased by any person."

It would be wise to require anyone requesting the membership list to put the reason for the request and how they intend to use the information in writing. The strict restrictions on members' right of access to the membership list is important in this age of widespread identity theft and citizens' increasing concern over privacy and unauthorized access to their personal information.

2013 Calendar of Events and Office Closings

SEPTEMBER

September 2- Labor Day All Offices Closed

OCTOBER

2013 Fall Festival

October 1- 5:30-8:00 pm

We have a great event planned for you! Plan to attend our event held at the Elite Management Office at 4112 Blue Ridge Drive Suite 100 Raleigh, from 5:30-8:00 for dinner, raffle prizes and great industry speakers. RSVP to dawnhatcher@elite-mgmt.com

Board Member Education Seminar

October 29- 6:00-8:00pm

Come join us to review the important role of serving on the Board, how to review the financial statements, governing documents and review your community websites. Please contact Dawn Hatcher to register.

NOVEMBER

November 28 and 29-

Thanksgiving

All offices Closed

DECEMBER

December 10-5:30-7:30pm

2013 Holiday Open House

December 24 and 25-Christmas

All offices Closed

JANUARY 2014

January 1

New Year's Day All Offices Closed.



What law governs associations created before 1999?

Law for older HOAs?

Q: The Planned Community Act applies to Homeowners Associations formed in 1999 or later. What are the requirements for HOAs developed prior to 1999?

A: Some of the provisions of the Planned Community Act apply to planned communities regardless of when they are formed. The second statute in the PCA (47F-1-102 (c)) has a list of which provisions are retroactive. The

provisions dealing with assessments and the collection process, as well as those dealing with violations of the community's restrictive covenants, bylaws, or rules and regulations, are among the ones that HOA boards deal with most often. Those are some of the provisions that apply to pre-1999 communities. If yours is a pre-1999 community, and you have an issue that is not covered by the retroactive provisions of the PCA, you should be guid-

ed by your community's governing documents (Declaration of CCRs, bylaws and rules/regulations), and general principles of common law. If you are not sure what documents or law applies to your situation, or how it applies, discuss your concerns with your Community Manager and seek out a lawyer familiar with HOA or real estate law.



All Quack, No Bite for Realty Star

Duck Dynasty star Jase Robertson was fined by Greenwood Homeowners Association in West Monroe, Louisiana for burning leaves and keeping chickens in his yard. In a clip from A&E's reality show, Robertson attended a Greenwood meeting to fight the rules violations. "We are endowed by our creator with certain unal-

ienable rights: life, liberty and the pursuit of happiness. Chickens make me happy. They get insects. They fertilize your yard, and if anything goes wrong, you can put them in a pot," said Robertson, when given the opportunity to speak during the meeting.

The Greenwood president then handed Robertson a

copy of the governing documents, which prohibit burning leaves and keeping chickens.

Robertson relented, saying he was unaware of what was included in the documents when he signed them.

Lesson learned.



Board Leadership and Education Seminar

Please plan to attend the Board Education Seminar on October 29, 2013 from 6:00 pm –8:00 pm at the Elite Management Professional's office on Blue Ridge Road. Topics covered:

- Roles and responsibility of the Board
- Governing documents

- Parliamentary procedure for board meetings
- Board officer duties
- Homeowner rights and responsibility
- Management Company roles and responsibilities
- Work order process,
- bidding and contracting
- ARC process
- Financial management
- Reserve funding
- Website access

Please RSVP to dawnhatcher@elite-mgmt.com.