



The Elite Insider

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Please plan to attend the 2013 Spring Fling on April 9th from 5:30pm– 8:00pm. The event will be held at our main office at 4112 Blue Ridge Road, Suite 100, Raleigh, NC 27612. Please RSVP to dawnhatcher@elite-mgmt.com.

We have a fantastic lineup of speakers for the event.

DISASTER PLANNING

It is 3 AM and your buildings on fire. What next? Your building has flooded. Who do you call? Thieves broke in and vandalized your property. Do you have a plan?

We do! These plans protect your owners, your reputation, and prevent downtime that eats at the bottom line. These plans have been approved by hundreds of associations, insurance car-

riers, and municipalities. These plans will allocate specific resources, provide your association with emergency procedures, establish a chain of command, and provide immediate response in the event you experience an emergency. Over 39 billion dollars in property damage occurred last year! Don't Wait! According to a recent study 78% of businesses fail after experiencing some type of emergency. Be protected!

ATTORNEY ADVICE

Lori P. Jones is an attorney with the law firm of Jordan Price Wall Gray Jones & Carlton, PLLC, whose practice is focused on general and complex litigation and community association law. Lori handles a variety of litigation matters, including in the homeowner association context. In addition, she often advises board members and community managers regarding other legal aspects of community association law, including corporate

governance, covenant interpretation and enforcement. Born and raised in Raleigh, North Carolina, Lori attended both undergraduate and graduate school at N.C. State University where she received a Bachelor of Science degree in Zoology, a Bachelor of Arts degree in Multi-Disciplinary Studies, and a Master of Zoology degree. Shifting schools, but not team allegiance, she then attended UNC Chapel Hill School of Law where she was a member of the *North Carolina Law Review*. She received her J.D. with honors in 2004. Lori is admitted to practice in both state and federal courts in North Carolina, as well as the Fourth Circuit Court of Appeals. She is a member of CAI, and has lectured on various community association law topics.

BMP BASICS

Brad Harris, Aquatic Biologist/Forest Biologist

Brad Harris, North Carolina Regional Manager,

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Wonderful Food will be Provided!

joined the SŌlitude Lake Management team as an Aquatic Biologist and Forest Biologist. His love and respect of nature began in 1997 while hiking the entire length of the Appalachian Trail. After completing the trail, he worked at William B. Umstead State Park in Raleigh, NC. It was there that working outdoors became his passion. He enrolled at Paul Smith's College in the Adirondacks, New York where he received an Associate's Degree in Forestry. He continued his college education at NC State University in the Forest Management curriculum.

After college, Brad pursued a career working outdoors

in the landscape industry in Raleigh. He started as a laborer and worked his way to managing a multi-million dollar landscape maintenance division. Brad's passion for working outdoors and respect for the environment brought him to SŌlitude Lake Management. He became storm water BMP certified in 2008, which sparked his interest in water quality. Brad is certified to inspect and maintain Storm water Best Management Practices (BMPs) and is a Certified Compliance Inspector of Storm water (CCIS). He embraces the significance of working with community managers and owners to help protect, restore and maintain watersheds,

BMP's, ponds and lakes.

In his free time, Brad enjoys spending time with his wife and son, playing golf and on the water at Lake Gaston.

Website Education

The Elite team will guide board members through some of the special features of the Association websites. There is much to review such as the Architectural history for every property, work orders, violations, and real time delinquency reports. Also, how can the website centralize the communication for the board members and management team?

2013 Calendar of Events and Office Closings



MARCH

March 29- Good Friday
All Offices Closed

APRIL

April 9- 5:30-8:00pm
2013 Spring Fling

MAY

May 27- Memorial Day
All Offices Closed

JUNE

June 25- 6:00pm- 8:00pm
Board Member Education Seminar

JULY

Board Appreciation Month

July 4- Fourth of July
All Offices Closed

SEPTEMBER

September 2- Labor Day
All Offices Closed

OCTOBER

October 1- 5:30-8:00 pm
2013 Fall Festival

October 29- 6:00-8:00pm
Board Member Education Seminar

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

North Carolina Legislative Action Committee Newsletter

Introduction

This is the initial issue of the CAI North Carolina Legislative Action Committee (CAI-NC LAC) newsletter. This newsletter is intended to inform the Board of Directors and community member residents in North Carolina's Homeowners (HOA) and Property Owners (POA) associations, of the actions taken by the CAI-NC LAC.

The CAI-NC LAC exists to represent the interests of, and provide regular communications to, CAI members and chapters located within their boundaries with respect to state legislative, regulatory and *amicus curiae* activities of relevance to the creation and operation of community associations. You can find additional information on the CAI LACs and the CAI-NC LAC specifically by going to <http://www.caionline.org/govt/advocacy/LAC/Pages/default.aspx> and selecting North Carolina from the list of state LACs. This will also take you to a page that describes the mission and activities of the CAI-NC LAC in much greater detail.

It is the intention of the CAI-NC LAC to distribute this newsletter via email and also make print versions available by request to all CAI member communities and to anyone who signs up to receive it by registering on the CAI web site, www.CAI-NC.org

What's on the CAI-NC LAC's 2013 Agenda

March 2, 2013: The CAI Law Day event featured a panel hosted by the CAI-NC LAC which focused on describing it's 2013 NC legislative agenda and on collecting input from the attending community leaders and community management company representatives.

The CAI-NC LAC panel presented a proposed bill that will be introduced before March 15, 2013, which modifies the NC Planned Community Act G.S. §47F-1-103 and 47F-1-104 so that the courts will properly allow the HOA/POAs to use the powers granted under NC statutes 55A. Almost all HOA/POAs are non profit corporations and operate under statutes 55A and could then use this as legal authority to manage their communities.

The topic of Community Manager certification or licensing was also discussed. Given the diversity of the audience, there was almost unanimous agreement that some form of certification was needed.

Repeal of Foreclosure Option for HOAs and POAs

February 13, 2013: Representatives R. Moore, Alexander and Hamilton introduced an NC House bill to repeal the ability of a HOA/POA to use foreclosure as a tool in the collection of delinquent dues. This bill modifies G.S. §47F-3-116 of the NC Planned Community Act and 47C-3-116 of the Condominium Act to accomplish its goal. The effect of this bill, if passed by the NC House and Senate and signed by the governor would be to remove the option for HOA/POAs to use foreclosure as a method of recovering unpaid dues and force them to use the much more expensive method of bringing a Civil Action in court to accomplish the recovery. The Civil Actions are much more expensive and the courts have not always awarded attorney fees and court costs to the winner of the suit. This can mean that even if the HOA/POA wins the suit, they may lose money because of their costs to bring the suit to trial. Removing the foreclosure option for HOA/POAs could have a devastating impact on the finances of HOA/POAs. The bill has been referred to the House Judiciary A Committee.

The CAI-NC LAC opposes this bill and will use all of its resources to assure that it does not become law. HOA/POA Board members should contact their NC House and Senate members and request that they oppose passage of this bill, referred to as HB-175. For more information and current status of this bill, go to www.ncleg.net and search for HB-175.

Additional Legislation Being Considered by CAI-NC LAC

In addition to legislation to assure the inclusion of NC Statutes 55A as part of the controlling document in any legal action by or against a HOA/POA, other legislation is also being considered for inclusion this year.

An amendment to G. S. §47F-2-117 and 47C-2-117 specifying that amendments to Declarations of Covenants, Conditions and Restrictions (particularly in pre-1999 communities) are effective, if they follow the provisions prescribed to amend their controlling documents.

Amend to G.S. §47F-1-102(d) to make it easier for pre 1999 communities to come under the rules that apply to post 1999 communities. Since the legislature created a clearer and more definitive set of legal processes that apply to post 1999 communities, it is highly advantageous for pre 1999 communities to achieve post 1999 status. However, the current procedure necessary to achieve post 1999 status is exceedingly difficult and considered almost impossible in today's environment.

Legislation that would limit the power of local government to garnish or levy against Association funds to satisfy prior property tax liens after the Association forecloses on and obtains title to property of the tax debtor.

Amend G. S. §47F to require that all HOAs/POAs register with the state. This could be accomplished through modification to the required information collected by the NC Secretary of State when they initially are incorporated or when their incorporation is renewed. Currently there is no way for HOAs/POAs to be identified by the state for the purposes of communications.

Legislation that may be introduced providing for community manager licensing will be followed very closely.

Dollar a Door

The CAI-NC LAC established the dollar a door program that affords HOAs/POAs the opportunity to financially support CAI-NC LAC activities. It is hoped that each POA/HOA will include a contribution of \$1 for each door in their facility. For some the next opportunity they will have to include a donation will be in their 2014 budget, but others have the ability to make a contribution from their existing budget. Each HOA/POA considering a donation should review their controlling documents for guidance. Many HOA/POAs may find it convenient to make their donation from earned income rather than dues income. The controlling documents should be used to determine which approach is the best. Making a donation to the CAI-NC LAC is a great investment in protecting the members and their Board of Director's ability to effectively manage their community.

CAI-NC LAC does not make donations to any office holder or candidate but it does expend funds for lobbying activities. This lobbying is performed at no cost by CAI-NC LAC members and by paid attorneys that specialize in Homeowner law.

Direct your comments or questions about the CAI-NC LAC Newsletter to:

Paul Hill 252-633-2272, paul.hill@infohpoa.com

Gordon Corlew 910-457-1799, gtcorlew@aol.com

Bill Bittenbender 910-253-9846 wbittenbender@ec.rr.com

CAI-NC LAC Membership

For calendar year 2013 the National CAI LAC has appointed the following persons to the CAI-NC LAC:

John Lawton – Chair

Robb Baer – Co Chair IPM Corp

Tina Frazier Pace, Esq. – Secretary Hatch Little & Bunn

Diane Klietsch – Treasurer North State Bank

Bill Bittenbender Brunswick Alliance of POA's

Gordon Corlew President, St. James Plantation POA

Virginia Davis York Properties

Samuel Franck, Esq. Ward and Smith

Paul Hill VP, Fairfield Harbour POA

Henry Jones, Esq. Jordan Price Wall Jones Gray & Carlton

John McInerney Talls Management Group

Floyd McKissick III, Esq. Bixler Management Group

Each CAI-NC LAC member is appointed for a two year term. If you are interested in learning more about the duties and responsibilities of a CAI-NC LAC member or would like to be considered for appointment to the CAI-NC LAC, contact John Lawton at 919-870-8448 or email john_lawton@bellsouth.net