



FREDERIC H. BRANDT*
DAVID L. ROBBINS
BARBARA A. MALONE
**Of Counsel*

206 Princeton Road, Suite 25
Johnson City, TN 37601
(423) 282-1981

November 15, 2023

Lake Meadows Homeowner's Association

Sent Via Email to: Treasurer, Pam Jones at jonespams@aol.com

Re: Community Questions

Dear Ms. Jones:

Please be aware that the responses provided here are based on information derived from the Restrictive Covenants and Bylaws, both as amended. My role involves offering legal services exclusively to the Board. I have addressed these community questions with the express permission of the Board. However, it's important to note that I am unable to provide legal advice to individual community members.

1. Will Attorney Stilwell send out a letter to the community explaining our Covenants and Bylaws pertaining to the issue of the fence and that the community is responsible for these legal fees. **I can provide a letter to the Board that can be shared with the community if new covenants are passed at the upcoming annual meeting. This letter will only serve to put the community on notice of the updated covenants.**
2. Will Attorney Stilwell be attending the meeting and be present when a vote is being taken? (If Ricker is being represented by an attorney the HOA needs to have representation) **The annual meeting and appeal process are normal routines of the Board, with established protocols in the bylaws, legal representation is not warranted at this time, nor have we been notified of any other legal representation.**
3. How does our HOA attorney interpret Item K of the 2020 Restated and Amended Bylaws on Page 6? **The By-Laws state the affected lot owner of a Board decision has the right to appeal the Board's decision directly to the Homeowner's Association and that the appeal will be heard by the Homeowner's Association at the next annual association meeting, unless the Board decides to hold a special association meeting, which it did not.**
4. How many people does it take to pass a motion? **The Bylaws state that the meetings are governed by Robert Rules of Order, which encompasses various types of motions that can be made in accordance with those rules. The question would need to be more specific to address specific motions appropriately. In general, under Robert's Rules, the process for**

handling motions involves the introduction of a motion, its seconding, a period of discussion, and finally, a vote. Robert's Rules serve as a ceremonial guide to manage meetings smoothly. It is important to note that the Bylaws take precedence over any provisions within Robert's Rules concerning the requirements for passing a motion. According to the Bylaws, a motion can pass with the following conditions: (1) A quorum must be present, defined as a majority of those entitled to cast a vote, with one vote per lot owner. (2) The motion passes with an affirmative vote from the majority of the votes present at a meeting where a quorum is established.

5. How can anyone appeal a single Covenant/Bylaw where wire is prohibited? **It is important to clarify that the appeal process involves the lot owner affected appealing the Board's decision. The Board is following the procedure laid out in the Bylaws, its governing document.**
6. How many people does it take to appeal a Covenant? **This information is public record. Restrictive Covenants can be amended with approval and signature of 75% of lot owners, per the Restrictive Covenants dated July 9, 1982 recorded in the Washington County Register of Deeds office in Misc. Book 105, Page 557.**
7. Do we wait the six months for a vote or request an earlier resolution? **The annual meeting is held on March 14, 2024, or 30 days prior, neither of which is six months. Per the ByLaws, the Board chose to address this appeal at the annual meeting (March 14, 2024 deadline).**
8. How can Ricker go against the Covenants and rulings by the HOA attorney? **Every lot owner, without exception, is afforded an appeals process as outlined in the Bylaws, which is the Board's preferred method to address decisions that impact lot owners.**
9. What are our options? **I would suggest that the homeowners attend their homeowners association meeting as it is meant to be their platform. Additionally, you may seek outside counsel.**
10. How will the proposed new Covenants/Bylaws affect this issue? **There are no new proposed Bylaws that I am aware of at this time. The Board can provide the proposed amended covenants when it plans to do so.**
11. If the new Covenants/Bylaws are passed when will they go in effect? **If the proposed new covenants are passed with 75% lot owner approval, they are effective upon recording in the register of deeds office.**

Sincerely,

Barbara A. Stilwell