

**Minutes of Board of Directors Meeting**  
**Taberna Homeowners' Association**  
**February 3, 2010**

**Board Members Attending:**

Rick Layton	President
George McNulty	Vice President
Linda Pickens	Secretary
James Dugan	Treasurer
Willis Vincent	Member at Large
Russell Packard	Member at Large
John Serumgard	Member at Large

Rick Layton called the meeting to order at 5:30pm, there being a quorum present.

**Minutes:**

John Serumgard made a Motion to approve the Minutes of the December 9, 2009 Meeting, which was seconded by George McNulty. The Minutes were unanimously approved and accepted.

George McNulty made a Motion to approve the Minutes of the January 6, 2010 Meeting, which was seconded by Willis Vincent. The Minutes were unanimously approved and accepted.

**Treasurer's Report:**

The Treasurer provided the attached report.

There are three properties that have gone into foreclosure sales. There were no excess funds from the proceeds of the sales to clear the liens on the properties for delinquent Dues. The Treasurer recommended that the delinquent Dues be written off. John Serumgard made a Motion to write off the delinquent Dues owed by the three properties in the amounts of \$435, \$415 and \$435, which was seconded by Russ Packard. The Motion was unanimously passed. The new owners of the foreclosed properties will be billed for the 2010 Dues.

Due Dates: The Finance Committee will be asked to review the issue of the due date and grace period for payment of the annual Dues and make its recommendation to the Board.

Russ Packard made a Motion to accept the Treasurer's report, which was seconded by George McNulty. The Motion was unanimously passed.

**2010 Committee Members:**

George McNulty made a Motion to approve members of the Architectural, Finance, Building and Grounds, Crime Watch and Wetlands Committees and the Sub-Association Representatives for Abbingtion Woods, Boleyn Creek Villas and One Taberna Way for 2010, which was seconded

by Russ Packard. The Motion was unanimously passed. The list of Committee members and Sub-Association Representatives is attached.

### **Commercial Lots:**

One of the commercial lots has been formally subdivided into three separate lots, with each of the lots conveyed to three separate owners in 2007 and 2008. The three lots have continued to be assessed dues as one lot, with the amount due prorated among the three owners. Jim Dugan made the following Motion: *In order to maintain an equitable dues structure, every lot in Taberna, regardless of prior practices, except for those lots having a prior written agreement with Weyerhaeuser to the contrary, shall pay a full share of Taberna annual dues. With any previous and subsequent subdivision of lots, each lot resulting from the subdivision will be considered a new and separate lot and thus responsible for a full share of annual dues.* The Motion was seconded by Russ Packard and was unanimously passed. The three separate lots resulting from the subdivision will be charged as individual lots beginning in 2011.

### **Survey Results:**

Linda Pickens prepared an article for publication in the next issue of the Taberna Tribune regarding the results of the community survey.

### **New Committees:**

Rick Layton has received two different proposals for Todd Denson Park improvements/enhancements from residents. Rick feels that, given the level of interest, it would be beneficial to form a Committee so that residents can work together to develop a solid plan for improving the Park over a period of time. George McNulty made a Motion to establish a Todd Denson Park Proposal Committee, which was seconded by Willis Vincent. The Motion was unanimously passed. Rick also feels that it would benefit the Community to form a new committee to monitor the Canoe Dock Park since the Building & Grounds Committee has expressed its desire to no longer be involved with this Park. After discussion, Linda Pickens made a Motion to establish a Canoe Dock/Nature Trail Committee, which was seconded by Jim Dugan. The Motion was unanimously passed.

### **Rules and Covenants:**

Linda Pickens, John Serumgard and Willis Vincent are working on preparing a compilation of the Rules and Covenants for posting on the website in order that residents can readily find this information. Willis Vincent discussed the need for a policy statement concerning home businesses since the Board received a complaint from a resident. Russ Packard made a Motion to send a letter to the resident concerning the home business complaint, which was seconded by Linda Pickens. The Motion passed. John Serumgard voted against the Motion.

**Covenant Violations:**

Willis Vincent reported there were two violations for trash receptacles in the previous month.

**Web Site Link:**

Rick Layton reported that the Taberna HOA website is now linked on the New Bern Now website: [www.newbernow.com](http://www.newbernow.com)

**2010 Board Goals:**

The Board reviewed and discussed the Board goals for 2010 that Willis Vincent prepared. John Serumgard made a Motion to approve the HOA Mission Goals and Objectives as amended, which was seconded by Willis Vincent. The Motion passed unanimously. The approved Goals and Objectives is attached.

There being no further business before the Board, John Serumgard made a Motion to adjourn, which was seconded by Linda Pickens. The Motion passed and the meeting was adjourned at 8:00 pm. The next meeting of the Board of Directors will be **March 3, 2010**.

**Approved by the Board of Directors:**

  
By: Rick Layton, President

31 MAR 2010  
Date:

**Treasurer's Report**  
James Dugan, Treasurer  
Wednesday, February 3, 2010

The status of last year's aged receivables is as follows:

**Taberna Master HOA** had three court cases this fall:

1. The first payment plan is with an owner who agreed to the plan before the court date. The owner is paying in accordance with the plan.
2. The second payment plan is for one of the two judgments and was signed Feb 1<sup>st</sup>. Payments are to begin on Feb 16<sup>th</sup> and continue until the debt is paid.
3. The other judgment is probably not collectable until the house sells and the judgment gets paid at closing. If it goes to bank foreclosure, we will probably not receive anything.

Note: Late fees "accrue" during the payment plans in the event of a default, but are forgiven" if the payment plan is completed.

We had liens on the three properties that went into foreclosure. The first foreclosure was for lot [REDACTED] and did not have excess proceeds. The attorney for the foreclosure on Lots [REDACTED] and [REDACTED] states that there were no excess proceeds from the foreclosure auction. Therefore, we will not get anything from these liens. The former Treasurer recommended waiting until the properties were sold by the banks before writing off the debts. Even though the liens have not expired, the foreclosure sales took precedent over our liens and we have no legal means to collect. I recommend we write them off. Lot [REDACTED] owed \$435; Lot [REDACTED] owed \$ 415; and Lot [REDACTED] owed \$435.

The remaining 2009 Taberna Master dues assessments have been paid.

**Boleyn Creek Sub-Assn** is ok for now as all of last year's sub-assn dues have been paid.

**Abbingtion Woods Assn** has one property being assessed late fees for last year's sub-assn dues. We have two liens on that property. The lien of June 2009 covers the first \$196.50 owed. The lien of Nov 2009 covers an additional \$393.00. In addition to these two liens they now owe \$187.50 first quarter sub-assn dues. Total owed to the sub-assn is \$777.00. The same property now owes the master association \$220 annual dues and \$180 in late fees. Combined total owed the two associations is \$1177.00. The two association accounts should be kept on separate liens. They are working with an attorney and have stated that they cannot pay.

**Taberna Landing Sub-Assn** is ok for now as all of last year's sub-assn dues have been paid.

**One Taberna Way Sub-Assn** has all except one of last year's sub-assn dues paid and that one has a payment plan that is being met.

Late fees are to be invoiced to only two properties this month (the judgment without a payment plan and the Abbingtion Woods lot discussed above).

**The 2010 master dues are 81% collected as of February 1<sup>st</sup>.**

The remaining 19% consist of 37 pages of dues that are in the aged receivables category of 31-60 days. Late fees will be assessed on accounts not paid by February 28th.

The BB&T deposit accounts have each increased substantially due to the deposits from the receipt of dues. The discrepancy of amounts between the aged receivables and bank account totals is the result of a lag between the posting of dues in the books and the actual deposit into the bank accounts.

Scott & Stringfellow accounts show a decrease of \$83.32 due to CDs being listed at market value. Otherwise, the investment accounts are essentially unchanged.

## 2010 COMMITTEE MEMBERS AND SUB-ASSOCIATION REPRESENTATIVES

### **Adjudicatory Panel:**

John Reichenbach 638-1040  
Chuck Censullo 633-1484  
Bryan Scoggins 636-9997

### **Architectural Control Committee:**

Richard Turner, Chair 634-3404  
Charles Dannemann 634-1648  
Steve Harman 638-3623  
Jim Peacock 633-9288  
Deb Willard 635-9474  
Jerry Willard 635-9474

### **Buildings & Grounds Committee:**

Jim Wilson, Chair 636-5164  
Ron McCausland 636-5839  
Clay Carson 633-5298  
Al Crawford 672-9221  
Glen Killian 635-3157  
Bob Livingston 636-1465  
Dave Myers 633-6106  
Bernadette McNulty 636-6005  
Bill Rounds 635-9247

### **Crime Watch Committee:**

Sue McCarthy, Co-Chair 633-5755  
Tom Tucker, Co-Chair 288-5926

### **Finance Committee:**

Bob Costanzo, Chair 637-6628  
David Pickens 633-6374  
Tim Klaumann 636-1487  
Bruce Simmon 288-4715  
Maria Vincent 288-5165

### **Wetlands Management Committee:**

Robert Costanzo 637-6628

### **Sub-Associations**

#### **Abbingtion Woods:**

Dave Myers 633-6106  
Beverly Robertson n/a  
Don Loudin 636-2913

#### **Boleyn Creek Villas:**

Jim Wilson 636-5164  
Paul White 638-5275  
Jay Valentine 672-0020

#### **One Taberna Way:**

Bill Bradbury 637-2827  
John Carrigan 633-1014  
Bruce Wood 514-4019

## **TABERNA HOA MISSION, GOALS, and OBJECTIVES--2010**

***Mission Statement:*** *The Board of the Taberna Master Homeowners Association is committed to providing the highest quality of life for our residents and owners through an aesthetically pleasing, well-maintained, and secure environment. We will operate from an ethical and community-oriented standpoint, follow prudent management practices, and conduct business in a transparent manner. To accomplish this mission, the Board has established the following goals and objectives for 2010.*

### ***Goal 1—To be financially responsible in the handling of Association funds***

- 1.1 Conduct an audit of the Taberna financial records (a) to identify risks, vulnerabilities, and gaps in current accounting practices, (b) to discover cost savings, and (c) to improve the process of financial decision-making in the development of policies and procedures.

### ***Goal 2—To provide for a high standard of living within the guidelines of the Restrictive Covenants and Bylaws***

- 2.1 Ensure that the covenants and rules/regulations of the HOA are followed, and that all rules are applied fairly and uniformly (a) by continuing the monthly monitoring of the community in conjunction with Building & Grounds; (b) by tracking violations on a spreadsheet; (c) by compiling quarterly summary reports and a year-end compliance report.
- 2.2 Research previously adopted HOA rules to ascertain that our website reflects all past rules/regulations approved by the Board of Directors.
- 2.3 Review current regulations and enact updated rules in regard to satellite dishes and the usage of signs if needed.
- 2.4 Research and review past efforts to adopt an amendment and rules for garage/yard/moving sales, in-home sales events, and home businesses.

### ***Goal 3—To review committee functions and encourage community involvement in HOA committees and activities***

- 3.1 Review all standing HOA committees with respect to the following factors: (a) incumbency and composition; (b) operations within the “letter and spirit” of the covenants and rules; and (c) opportunities for increased community participation.
- 3.2 Create a community volunteer list that identifies residents who have expressed an interest in serving our community, and contact them when committee positions become available.
- 3.3 Establish special committees to plan the annual picnic, review Todd Denson Park proposals, and oversee the canoe dock.

**Goal 4—To promote effective communication with residents and implement changes based on community input**

- 4.1 Enhance HOA Board communications with residents by utilizing all communication tools available, including but not limited to, the *Taberna Tribune*, tabmail, the website, other posts (e.g. blogs), and the minutes.
- 4.2 Publish a calendar of meeting dates for the Board and each standing committee so that interested residents may attend meetings for the purpose of learning more about Association activities and functions.
- 4.3 Update the Taberna HOA website to include, but not be limited to, (a) the minutes of standing committee meetings as well as the Board minutes; (b) the responsibilities of the standing committees; (c) a full composite of the covenants and rules/guidelines in an easily readable format; and (d) a section on community activities and special events.
- 4.4 Prepare a written report for publication in the *Taberna Tribune* on the findings of the 2009 community survey.
- 4.5 Recommend and implement changes within the community, including Todd Denson Park, after a comprehensive review of the findings obtained from the 2009 community survey.

## **Board of Directors Strategic Planning for 2010**

**Rick Layton, President**

Our Association Board recently completed strategic planning for 2010. What does that mean, and what happened? Simply stated, strategic planning is a process we used to determine where we're going and how we're going to get there.

The Board accomplished strategic planning by doing the following:

- We assessed our current position. We used the findings from the community survey included with the 2009 annual meeting materials to help analyze our strengths and weaknesses.
- After analyzing our strengths and weaknesses, we summarized our purpose as a mission statement. Then we set goals that identified what we needed to accomplish to achieve the mission. The goals served as the framework for the development of specific objectives.

Each objective will require a Board member to assume responsibility for its achievement by a certain date. We will monitor and update our objectives periodically. If we learn that our current objectives are shortsighted or unfeasible, we'll revise them accordingly.

**Taberna Homeowners Association**  
**Board of Directors**  
**Agenda**  
**February 3, 2010 @ 5:30**

- |              |  |   |
|--------------|--|---|
| <b>I.</b>    | <b>Opening Remarks</b>   | <b>Rick Layton</b>  |
| <b>II.</b>   | <b>Adoption of Minutes</b>   | <b>Linda Pickens</b>  |
| <b>III.</b>  | <b>Treasurer's Report/<br/>Status Liens &amp; Court Actions</b>  | <b>Jim Dugan</b>  |
| <b>IV.</b>   | <b>Old Business</b>  |   |
|              | <ul style="list-style-type: none"><li>• <b>Status Old Business Open Items</b></li><li>• <b>Community Survey</b></li><li>• <b>Committees</b></li><li>• <b>Website Update</b></li><li>• <b>Home Businesses</b></li></ul> | <b>Rick Layton/All<br/>Linda Pickens<br/>BOD<br/>Linda, John S. and Willis<br/>Willis</b> |
| <b>V.</b>    | <b>New Business</b>  |   |
|              | <ul style="list-style-type: none"><li>• <b>Covenant Violations</b></li><li>• <b>New Bern Now</b></li></ul>   | <b>Willis Vincent<br/>Rick</b>  |
| <b>VI.</b>   | <b>Good of the Order</b>   |   |
| <b>VII.</b>  | <b>Confirm Next Meeting</b>  |   |
| <b>VIII.</b> | <b>Adjournment</b>   |   |

**BACKGROUND  
MATERIAL  
FOR  
MATTERS  
DISCUSSED  
AT  
BOARD  
MEETING**

## **Treasurer's Report**

**James Dugan, Treasurer**  
**Wednesday, February 3, 2010**

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3. The other judgment is probably not collectable until the house sells and the judgment gets paid at closing. If it goes to bank foreclosure, we will probably not receive anything.

Note: Late fees "accrue" during the payment plans in the event of a default, but are "forgiven" if the payment plan is completed.

We had liens on the three properties that went into foreclosure. The first foreclosure was for lot 441 and did not have excess proceeds. The attorney for the foreclosure on Lots 303 and 618 states that there were no excess proceeds from the foreclosure auction. Therefore, we will not get anything from these liens. The former Treasurer recommended waiting until the properties were sold by the banks before writing off the debts. Even though the liens have not expired, the foreclosure sales took precedent over our liens and we have no legal means to collect. I recommend we write them off. Lot 303 owed \$435; Lot 441 owed \$ 415; and Lot 618 owed \$435.

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WORKING DRAFT  
NOT FINAL

SYNOPSIS OF PROTECTIVE COVENANTS  
PURSUANT TO  
DECLARATION OF PROTECTIVE COVENANTS  
RECORDED AT DEED BOOK 1488, PAGES 565-599

**SINGLE FAMILY UTILIZATION (Section 3 of Protective Covenants)**

This Protective Covenant restricts all numbered Lots subjected to its terms to use only for residential purposes.. All Living Units shall either be single family structures, or shall be included within buildings containing no more than four (4) Living Units. No Living Unit constructed within any Community shall be utilized for commercial purposes, except that Declarant or its assigns shall be entitled to use any structure located within Taberna for purposes relating to the sale of property within Taberna. While it is not the intent of this Protective Covenant to prevent joint ownership of Lots, Living Units, or ownership by a corporation, partnership, limited liability company, or trust, it is specifically prohibited that any living Unit be utilized in the nature of a time share or use share accommodation. The Association shall have the specific authority to adopt rules prohibiting or restricting the utilization of a Living Unit by multiple families either at the same time or in alternating time frames to the extent that such utilization has a likelihood of increasing traffic within Taberna or promoting utilization of a Living Unit by more than a number of persons which can reasonably be accommodated by such Living Unit in the manner of a single family residence utilized for permanent or second home residential purposes.

11/8/04

## **TREES (Section 4 of Protective Covenants)**

There shall be established as a committee of the Association an Architectural Control Committee ("Committee"). The Committee has adopted building guidelines for utilization and evaluation of proposed landscaping and construction plans. **The Committee must give prior approval to the removal of any tree of a size of six inches or more in diameter, measured one foot above normal ground elevation at the location of said tree, from any Lot and must give approval to the construction of any improvement or structure on any property subjected hereto, in accordance with the procedures described in Section 5 of these Protective Covenants, except that no approval shall be required of any Living Unit or other structure constructed by Declarant. In addition, the following restrictions shall apply:**

### **Rules/Policies:**

#### **Tree Removal Guidelines**

*(Approved by the Board of Directors at its Oct. 8, 2008 Meeting; effective January 1, 2009)*

Taberna property homeowner shall request the removal of a tree or trees by submitting an Architectural Change Request Form to the Architectural Control Committee (ACC).

The committee shall inspect the tree(s) identified for removal. Approval shall be granted if, in the judgment of the committee, the tree(s) has obvious damage caused-by disease, infestation, wind or lightning-or if the tree(s) poses a risk to the homeowner's house, property or adjacent property.

If, in the judgment of the committee, the tree(s) is questionable for removal, the homeowner shall be requested by the ACC to provide a written assessment from a certified arborist, accredited consultant forester, or an accredited member of a tree or forester association accepted by the HOA. The assessment shall be used by the committee in making a final determination of approval or disapproval of the request. The homeowner shall be advised in writing by the ACC of the final determination.

**SIGNS: (Section 4(D) of Protective Covenants)**

No sign shall be allowed on any Lot so as to be visible from any street right of way or any adjoining property or Amenity, except the following signs, which shall be allowed:

- (1) one (1) sign per Lot, no greater than six square feet in size, specifying the general contractor actually constructing a Living Unit on such Lot. Such sign must be removed upon issuance of a certificate of occupancy for the Living Unit;
- (2) one (1) sign per Lot or Living Unit identifying the property upon which such sign is placed only by the name of the owner and a street number. Such sign must be constructed at a size, and to specifications and styles, established by the Committee, and must be located in a place specified by the Committee;
- (3) one (1) project sign for any Community or similar development site, which sign shall not exceed in size fifty (50) square feet, and which shall specify only the name of the development and developer and the name and location of the selling agent;
- (4) one (1) sign per Lot or Living Unit no greater than six (6) square feet in size which includes only the words "For Sale", the name of the selling agent and the telephone number of said agent. Each such sign must be located a minimum of ten (10) feet from the nearest curb on the adjoining street right of way. No such sign may be installed or erected (unless stating "For Sale By Owner") until such time as the Lot or Living Unit has been listed by written agreement for sale with the agent named thereon. Such sign must be removed within two (2) business days following execution of a Purchase Contract for sale of the Lot or Living Unit listed by said agent;
- (5) street or directional signs erected by Declarant or by the Association;
- (6) any sign constructed by any governmental agency;
- (7) identification and informational signs constructed by Declarant, the purpose of which is to assist Declarant in identifying the project and the location of Lots, Living Units, sales offices, Amenities, sales models or other uses within Taberna;
- (8) temporary signs denoting a particular event such as an open house, -subject to such rules and regulations concerning the utilization of such signs as may be adopted from time to time by the Association; and
- (9) identification or directional signs constructed by the owner of the Taberna Golf Club, which signs must be constructed to specifications and installed in locations approved by Declarant or by the Association, but such signs and such locations as are approved by Declarant shall be allowed to the owner of the Taberna Golf Club as a matter of right, as long as such signs are maintained in a good and sightly condition.

All permitted signs, except those constructed by a governmental entity, shall be constructed of materials, in a style, of colors and in a location established and approved by the Committee.

### **Rules Regarding Signs:**

As established on 10/20/03 and put into effect on 11/6/03, the Taberna Master Homeowner Associations "Standards for Signs" are to be adhered to by Taberna residents, contractors and realtors. The following outlines the committees and their responsibilities for enforcement of the standards.

1) The Architectural Control Committee will be responsible for the following:

- General Contractors signs on new construction sites. No subcontractor signs are allowed except signs of a cautionary nature such as "wet concrete."

2) The Building and Grounds Committee will be responsible for the following:

- Realtor's signs; Subcontractor signs (none allowed) on established home sites.
- Any signs of a temporary nature

### **Political Signs**

*(Approved by the Board of Directors at the October 8, 2008 meeting; effective January 1, 2009)*

The ACC Guidelines are modified as follows:

3. The sign policy shall be in compliance with all North Carolina and City of New Bern laws and ordinances. Thus as of January 1, 2006 political signs are allowed on individually owned lots. The homeowner/lot owner must comply with all of the related State and City laws and ordinances.

### **"Welcome Home Signs"**

*(Approved by the Board of Directors at the December 8, 2009 Meeting; effective 01/01/10; distributed to all residents with the Invoice for 2010 Dues)*

Taberna supports our troops and thanks them for their sacrifice. Therefore, the Board, pursuant to its rulemaking authority under Section 15 of the Protective Covenants, hereby authorizes a Lot Owner to temporarily display one (1) professionally made sign/banner on designated common property owned by the Association to welcome home a specific military family member who resides in Taberna and who is returning home from a deployment. Such sign/banner shall not exceed 16 square feet, shall be self supporting, and shall be removed within seven (7) days of posting. The Board of Directors has designated the grass area across from the flag pole on the right upon entering Taberna as the designated site for placing a Welcome Home sign/banner. A sign/banner as described above may also be displayed on an Owner's lot for a period not to exceed seven (7) days.

**STATE LAW:**

**North Carolina General Statute § 47F-3-121.**

**American and State flags and political sign displays.**

*(This law, enacted by the State General Assembly in 2005, supersedes any Covenant which prohibits displaying political signs or political signs not in conformity with Signs Covenant.)*

Notwithstanding any provision in any declaration of covenants, no restriction on the use of land shall be construed to:

(1) Regulate or prohibit the display of the flag of the United States or North Carolina, of a size no greater than four feet by six feet, which is displayed in accordance with or in a manner consistent with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:

1. Flag of the United States of America;
2. American flag;
3. United States flag; or
4. North Carolina flag.

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States or North Carolina flag only if the restriction specifically states: **"THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR STATE OF NORTH CAROLINA"**.

This subdivision shall apply to owners of property who display the flag of the United States or North Carolina on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others.

(2) Regulate or prohibit the indoor or outdoor display of a political sign by an association member on property owned exclusively by the member, unless:

a. For restrictions registered prior to October 1, 2005, the restriction specifically uses the term "political signs".

b. For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of political signs only if the restriction specifically states: **"THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF POLITICAL SIGNS"**.

Even when display of a political sign is permitted under this subdivision, an association (i) may prohibit the display of political signs earlier than 45 days before the day of the election and later than seven days after an election day, and (ii) may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is no more

restrictive than any applicable city, town, or county ordinance that regulates the size and number of political signs on residential property. If the local government in which the property is located does not regulate the size and number of political signs on residential property, the association shall permit at least one political sign with the maximum dimensions of 24 inches by 24 inches on a member's property. For the purposes of this subdivision, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot. This subdivision shall apply to owners of property who display political signs on property owned exclusively by them and does not apply to common areas, easements, rights-of-way, or other areas owned by others. (2005-422, s. 8; 2006-226, s. 15(b).)

## **PARKING (Section 4(J) of Protective Covenants)**

No boat, boat trailer, other trailer, camper, recreational vehicle, utility vehicle or truck (to the extent that a truck is rated as a one ton truck or larger) shall be allowed to remain on any street right-of-way or on any Lot or on any common property controlled by the Association (or any other homeowners association within Taberna) overnight unless it is enclosed within a garage that has been constructed in accordance with the provisions of these Protective Covenants, or is parked on an area owned by Declarant or the Association designated specifically for such purpose.

### **Parking Rules: (Clarifying Section 4(J) of the Protective Covenants**

*(Approved by the Board of Directors at the October 14, 2009 Meeting; effective January 1, 2010)*

#### **7. Parking of Vehicles, Boats, Trailers, Etc.**

There has been some confusion as to the meaning of certain terms contained in Section 4(J) of the Protective Covenants for Taberna, as recorded in Book 1488, Page 565 ("Protective Covenants"). **No boat, boat trailer, other trailer, camper, recreational vehicle, utility vehicle or truck (to the extent that a truck is rated as a one ton truck or larger) shall be allowed to remain on any street right-of-way or on any Lot or on any common property controlled by the Association (or any other homeowners association within Taberna) overnight unless it is enclosed within a garage that has been constructed in accordance with the provisions of these Protective Covenants, or is parked on an area owned by Declarant or the Association designated specifically for such purpose.** The Board of Directors of the Taberna Homeowners Association, Inc. ("Board") wish to resolve the confusion and implement a uniform set of guidelines by interpreting some of the terms contained in Section 4(J);

The Board hereby resolves that, for purposes of enforcing Section 4(J), the following definitions shall apply:

1. The term "boat" shall include and be defined as any boat, ship, sailboat, canoe, kayak, jet ski or other watercraft designed for transport upon the water.
2. The term "boat trailer" and "trailer" shall include and be defined as vehicles without motive power designed for carrying boats, property or persons wholly on their own structure and to be drawn by a motor vehicle, and including pole trailers or a pair of wheels used primarily to balance a load rather than for purposes of transportation.
3. The term "camper" and "recreational vehicle" shall include All-Terrain Vehicles, House Trailers, Recreational Vehicles, Motor Homes, Travel Trailers, Fifth-wheel trailers, Camping Trailers and Truck Campers, as the same are defined and designated in North Carolina General Statutes §20-4.01 (2009).
4. The term "utility vehicle" shall mean any vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, including, without limitation, tractors, riding lawn mowers and golf carts, but does not include vehicles designed and primarily used for transportation of persons or property on a street or highway.

The Board, in accordance with Section 15 of the Protective Covenants, does hereby promulgate the following rules concerning the parking of vehicles, other than those specified in Section 4(J) of the Protective Covenants, which covenant remains in full force and effect.

1. Vehicles may be parked in a driveway, on the street, or in a garage so long as the vehicle is otherwise parked in accordance with the following:

a. Owners or their agents shall park their vehicles on or adjacent to their own Lot.

b. No commercial vehicles, including, but not limited to, vehicles with a one-ton or greater rating or "for hire" vehicles such as taxis, limousines or buses, shall be parked on the street or on any Lot overnight unless the vehicles are enclosed within a garage constructed in accordance with the provisions of the Protective Covenants.

c. No vehicles containing exposed landscaping, construction, electrical, utility, or other commercial supplies, materials and/or equipment shall be parked on any Lot or on the street overnight unless the vehicles are enclosed within a garage constructed in accordance with the provisions of the Protective Covenants or the homeowner has ACC approval for construction at the Lot.

d. No vehicle shall be parked upon any street or Lot for the primary purpose of advertising a product or service, for the promotion of an event, or for the offering of said vehicle for sale.

e. No vehicle shall be parked or stored on a vacant Lot.

2. No vehicle shall remain upon a driveway or street overnight unless the same is roadworthy, currently registered, licensed and operable. Any vehicle that is not roadworthy, or is unregistered, unlicensed or inoperable may be parked on a Lot overnight so long as the vehicle is enclosed within a garage constructed in accordance with the provisions of the Protective Covenants.

3. No vehicle shall remain on a Lot or street at any time unless the same has all tires properly and firmly on the ground, except that a vehicle may remain on a jack, block, board or other device while the vehicle is actively undergoing minor repair/maintenance for a period that does not extend overnight. Major repair of vehicles is not allowed on a Lot or street except within a garage constructed in accordance with the provisions of the Protective Covenants.

4. Parking at the common Lot leading into Todd Denson Park is restricted to Taberna residents who are using the park. In no event shall vehicles be parked overnight in the common Lot leading into Todd Denson Park.

5. Lot Owners may use portable storage units for one-time moving in or out of a living unit for up to three (3) consecutive days without the permission of the Board of Directors of the Association. At no time shall a Lot owner place, or cause to be placed, a portable storage unit on any street or vacant Lot overnight.

The Board of Directors of the Taberna Homeowners Association in accordance with the Covenants and By-Laws has approved this resolution. This resolution and the attendant rules are effective January 1, 2010. Owners determined to be in violation of any of these rules will receive a notice from the Taberna Homeowners Association to rectify the violation within ten (10) days from the date of written notice. In the event that an owner fails to comply with the request made by the HOA, the HOA may refer the matter to the Adjudicatory Panel, which may issue a fine for the violation that does not exceed \$100 per day.

**Home Businesses: (Section 2(A) of the Protective Covenants)**

A. Except as more fully set out in this sub-paragraph, **all Lots shall be limited to residential utilization only.** There is shown on the plat of Phase I of Taberna, dated August 11, 1995 (Exhibit B attached hereto) three tracts labeled Weyerhaeuser Real Estate Company Commercial. Two of those tracts are located between US Highway 70 and the Atlantic and North Carolina Railroad right-of-way, and the third tract is more fully described on Exhibit A-I attached hereto. Non-residential usage shall be allowed on those three tracts. Nothing shall prohibit the utilization of property within Taberna for recreational purposes, with facilities appurtenant thereto.

**SATELLITE DISHES: (Section 4(l) of the Protective Covenants)**

I. No satellite receiving dish, radio antennae or other similar device shall be allowed on any Lot, except that satellite receiving dishes, no greater in size than twenty four (24) inches in diameter, shall be allowed, but only upon approval by the [Architectural Control] Committee as to the size and location of such satellite receiving dish, and only if it is located in a way to minimize the visibility of such satellite receiving dish from any street or adjoining property (including any Amenities). The Committee may impose screening requirements by vegetation or otherwise as it deems appropriate.

**Architectural Control Committee Guidelines:**

(Approved by the Board of Directors at the \_\_\_\_\_ Meeting; effective May 18, 2005)

[Need to verify Board Approval and date]

**12. TV RECEPTION EQUIPMENT**

**Satellite Dish:**

- Satellite dishes up to 24 inches in diameter are permitted.

**Location & Screening:**

- The Architectural Control Committee must approve placement on each lot.
- Dish is to be located in a way to minimize the visibility of the dish from the street, golf course or adjoining property. Ground level placement is preferred.
- The Committee may impose screening requirements by vegetation or otherwise as it deems appropriate.

**Federal Law**

**Federal Communications Act of 1996**

*(The Act was approved by the 104th Congress on January 3, 1996 and signed into law on February 8, 1996 by President Bill Clinton)*

As directed by Congress in Section 207 of the Telecommunications Act of 1996, the Federal Communications Commission adopted the Over-the-Air Reception Devices ("OTARD") rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from direct broadcast satellites ("DBS"), broadband radio service providers (formerly multichannel multipoint distribution service or MMDS), and television broadcast stations ("TVBS").

The rule (47 C.F.R. Section 1.4000) has been in effect since October 1996, and it prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or

prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

**Action Necessary:**

ACC must revise its Guidelines to incorporate the provisions of the Act. Once re-written, and reviewed by HOA attorney, the Board must formally approve the new Guidelines and notify all residents.

**TRASH RECEPTICALS** : (Section 4K of Protective Covenants)

K. The Association has adopted rules and regulations restricting the location of temporary or permanent clotheslines, the number of vehicles that may be parked on any Lot, the number, type and location of trash receptacles and trash receptacle enclosures, and the type and location of mailboxes. Such rules and regulations shall be fully applicable and binding on the owner of every Lot as though fully set out herein. Such rules and regulations may be amended from time to time, with notice of such amendments being given in writing to the owners of Lots prior to the effective date of such amendments.

**Rules:**

*(Architectural Control Committee Guidelines, adopted \_\_\_\_\_ and effective May 18, 2005*

**Garbage Receptacles:**

- Garbage receptacles should not be visible from the street or golf course.
- Outside storage of garbage receptacles must be within a screened or enclosed areas.
- Screening must comply with rules noted for propane tanks

**Need to Add:**

Propane Tanks

Fences

Playground equipment

Mailboxes

~~Yard sales~~

Lawn/yard maintenance

Feb. 10,2010

To: Rick Layton,  
Board of Directors

After receiving your letter yesterday, I would like to address the "Concerned Residents" letter dated 1/27/10. I am not sure why they are writing at this time, probably nothing better to do with their time. They are also gutless not to sign their letter. The last I heard, in the USA you have the right to know who your accuser is.

You, along with them need to get your facts straight. I have not conducted my business since February 2009. I would love to know dates and activities seen since last February, probably a social gathering that they were not invited to attend.

I'm sure you have better things to do, like finding those you do not clean up after their pets, the feral cats running wild, homes being rented to multiple marines who do not take care of the property, houses that are so green with mold that need to be power washed. These things truly affect the neighborhood and property values.

I hope you can move on to more important items. The next time the "concerned resident" contacts you tell them to have the guts to sign their letter!!!

Debbie Deigert

## Linda Pickens

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**From:** WsVincent@aol.com  
**Sent:** Friday, January 29, 2010 5:46 PM  
**To:** lindapickens676@suddenlink.net  
**Cc:** ricklayton@msn.com  
**Subject:** Re: (no subject)

Hi Linda & Rick: Yes, I am well aware of this situation. Gene Peele received a similar anonymous letter in February 2009, which he passed on to me, and I staked out the property in late February. The past correspondence was very similar but included a flyer about the candle "party" business.

My wife and I observed business activity at the specific time and date listed in the flyer. The resident at 501 Neuchatel Rd. has been inviting certain people in our neighborhood to this party for several years. I had prepared a letter for the homeowner, but the matter fell into limbo because we did not have a home business policy.

We really need to implement a home business policy in 2010 that is clear and enforceable. This matter should have priority because we continue to receive complaints from residents about home businesses as well as yard/moving sales.

Can we discuss this matter in some detail at our February 3 meeting?

Willis

In a message dated 1/29/2010 4:09:08 P.M. Eastern Standard Time, [lindapickens676@suddenlink.net](mailto:lindapickens676@suddenlink.net) writes:

Willis,

Attached is an anonymous letter sent to the HOA concerning a home business. You may already be aware of this particular situation but thought you would want to know about this recent complaint.

Thanks,

Linda

January 27, 2010

Tabern HOA Board Of Directors

This is the second time in the past three years that I have reported a covenant violation to the Board Of Directors regarding a business being operated out of a Taberna personal residency.

The violation is a Candle Business (Party's and Catalog Sales) being sold and distributed out of the residents at 501 Neuchatel Road. This business is fairly widely known around the community. If indeed there is a home business violation and it is challenged and taken to the Judicatory Panel, the current Candle Sales business would create a problem because the covenants have not previously been enforced.

I think it behooves an investigation be conducted to resolve this violation

Concerned Taberna Citizen

## Linda Pickens

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**From:** Jim Dugan [jimdugan@embarqmail.com]  
**Sent:** Thursday, January 07, 2010 3:18 PM  
**To:** George McNulty; John Serumgard; Linda Pickens; Rick Layton; Russ Packard; Willis Vincent  
**Subject:** Motion to eliminate prorating dues for lots  
**Attachments:** Motion for Lot Dues.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All,

Attached is my draft of a motion to eliminate prorating dues for lots resulting from a subdivision of lots. Since the 2010 dues have already been invoiced, it should not be retroactive, but it will be in place for the 2011 dues. If we approve it at the February Meeting, it will also have been in the minutes for ten months by the date of the next invoices.

I have referenced the deeds for the lots in question. So far, I have found no mention of how the dues would be handled. I did find Lot 1 was referred to as Lot 2 in some deeds and vice-versa, but that has no bearing on the motion.

Jim Dugan

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.725 / Virus Database: 270.14.129/2605 - Release Date: 01/07/10 02:35:00

## **Motion for the next Board of Directors Meeting**

The following motion is required to bring dues invoicing procedures into compliance with covenants so that every lot pays its fair share.

**Motion:** In order to maintain an equitable dues structure, every lot in Taberna, regardless of prior practices, except for those lots having a prior written agreement with Weyerhaeuser to the contrary, shall pay a full share of Taberna annual dues. With any previous and subsequent subdivision of lots, each lot resulting from the subdivision will be considered a new and separate lot and thus responsible for a full share of annual dues.

**Precedence, compliance, and non-compliance:**

Lots previously subdivided and invoiced in compliance include:  
551A, 551B, 551C, and 551D.

Lots previously subdivided and not previously invoiced in compliance include:  
Commercial Lots 1A, 1B, and 1C.

**Authorization:**

Taberna Covenants as recorded in Craven Co. Book 1488, Pages 566-599.  
Article 6: Association; Section G. Dues and Assessments.

Approval of this motion will result in two more dues paying lots as Commercial Lot #1 has been divided into three lots:

Commercial Lot #1A, Bk 2552, Pg 0714; 01/11/2007; East Carolina Bank (0.915 acres)

Commercial Lot #1B, Bk 2748, Pg 0224; 08/05/2008; Trent River Ent. (1.449 acres)

Commercial Lot #1C, Bk 2614, Pg 0827; 06/20/2007; Pamlico-Craven Properties (0.651 + 0.654)

**Notes:**

Prior invoices to these three commercial lots were based on each of the three owners paying a percentage of the original single lot fee. A at 72%, B at 12.4%, and C at 15.6% These fees were apparently based on estimated linear feet of fence line and not acreage of property.

Certain deeds refer to Commercial Lot#1 as Commercial Lot#2 and vice-versa. By whatever reference to lot numbers in deeds, we are using the Craven County GIS and Deed Descriptions as the determining factor of ownership.



Taberna Home Owners Association  
1005 Taberna Circle  
New Bern, NC 28562

## TABERNA HOA 2010 BOARD OF DIRECTORS, OFFICERS, AND COMMITTEES

### Board of Directors and Officers:

Rick Layton, President	633-1093
George McNulty, Vice Pres.	636-6005
Linda Pickens, Secretary	633-6374
James Dugan, Treasurer	637-5314
Russell Packard, At Large	638-6207
John Serumgard, At Large	633-2119
Willis Vincent, At Large	288-5165

### Adjudicatory Panel:

John Reichenbach	638-1040
Chuck Censullo	633-1484
Bryan Scoggins	636-9997

### Architectural Control Committee:

Richard Turner, Chair	634-3404
Charles Dannemann	634-1648
Steve Harman	638-3623
Jim Peacock	633-9288
Deb Willard	635-9474
Jerry Willard	635-9474

### Buildings & Grounds Committee:

Jim Wilson, Chair	636-5164
Ron McCausland	636-5839
Clay Carson	633-5298
Al Crawford	672-9221
Glen Killian	635-3157
Bob Livingston	636-1465
Dave Myers	633-6106
Bernadette McNulty	636-6005
Bill Rounds	635-9247

### Crime Watch Committee:

Sue McCarthy, Co-Chair	633-5755
Tom Tucker, Co-Chair	288-5926

### Finance Committee:

Bob Costanzo, Chair	637-6628
David Pickens	633-6374
Tim Klaumann	636-1487
<del>Russ Packard</del>	<del>638-6207</del>
Bruce Simmon	288-4715
Maria Vincent	288-5165

### Wetlands Management Committee:

Robert Costanzo	637-6628
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### Sub-Associations

#### Abbingdon Woods:

Dave Myers	633-6106
Beverly Robertson	n/a
Don Loudin	636-2913

#### Boleyn Creek Villas:

Jim Wilson	636-5164
Paul White	638-5275
Jay Valentine	672-0020

#### One Taberna Way:

Bill Bradbury	637-2827
John Carrigan	633-1014
Bruce Wood	514-4019

## Linda Pickens

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**From:** Rick Layton [ricklayton@msn.com]  
**Sent:** Sunday, January 31, 2010 1:00 PM  
**To:** Linda P  
**Subject:** RE: Motion to accept owner's offer to pay on a payment plan

Linda,

For the record, I vote in favor of the motion. Rick

---

**From:** lindapickens676@suddenlink.net  
**To:** ricklayton@msn.com  
**Subject:** RE: Motion to accept owner's offer to pay on a payment plan  
**Date:** Sun, 31 Jan 2010 12:56:04 -0500

Rick, yes ... that is a majority voting in favor. Linda

---

**From:** Rick Layton [mailto:ricklayton@msn.com]  
**Sent:** Sunday, January 31, 2010 12:30 PM  
**To:** Linda P  
**Subject:** RE: Motion to accept owner's offer to pay on a payment plan

Linda,

By my count, John, Willis, Russ and you have voted for. I presume that Jim will also and me. That should be enough to pass, right? Just making sure.

---

**From:** lindapickens676@suddenlink.net  
**To:** jimdugan@embarqmail.com  
**CC:** ricklayton@msn.com; j.serumgard@suddenlink.net; rpackard@caro-san.com; WsVincent@aol.com; mmculty@suddenlink.net  
**Subject:** RE: Motion to accept owner's offer to pay on a payment plan  
**Date:** Sun, 31 Jan 2010 11:31:34 -0500

I vote in favor of Jim's motion.

For the benefit of the new Board members, on the proposal referenced in Jim's email, there was serious debate among the Board as to the ability of the individual to pay as proposed. He had a history of not following through on payment proposals. The Board wanted to ensure that we would not lose any legal rights to collect what was owed if the individual defaulted on the payment plan, which was a real possibility. Given that this owner cannot now be located and has made no attempt to pay what is owed, I think the Board's reticence was warranted. It is more likely that the individual did not "change his mind" due to the Board's deliberation so much as he was simply unwilling or unable to pay as proposed since he indicated he would have to borrow money from family to meet his obligations.

Linda

---

**From:** Jim Dugan [mailto:jimdugan@embarqmail.com]  
**Sent:** Saturday, January 30, 2010 5:20 PM  
**To:** 'Rick Layton'; George McNulty; John Serumgard; Linda Pickens; Russ Packard; Willis Vincent  
**Cc:** Suzanne Forsythe  
**Subject:** Motion to accept owner's offer to pay on a payment plan

Taberna Board Members,

We have received a request to set up a repayment plan for the balance owed by the owner of one of the judgments we have. He is willing to pay \$200 per month to pay it off.

I recommend we approve this immediately. (The urgency is because the last time an owner – a different one – made an offer, the prior board took so long to approve it that he had changed his mind. Let's not let this one slip away! He has offered to pay it off in full.)

Rick,

I make a motion that we accept the owner's request to pay off his balance (judgment, attorney fee, court costs, late fees, and 2010 dues assessment) of \$1461 at the rate of \$200 per month starting Feb 16<sup>th</sup> 2010 and each month thereafter until the full amount is paid with the stipulations:

That late fees will continue to accrue, but shall not be added to the debt owed.

That if the terms of the agreement are fooled in full, these accrued late fees will be forgiven after the debt is paid.

That if he defaults pursuant to the terms of this agreement, all accrued monthly late fees shall be added to the balance due and owing.

I have a copy of the agreement with another owner on a payment plan that we can use as a base for the agreement.

Again, let's not let this opportunity to collect receivables pass us by.

Sincerely,

James Dugan, Treasurer



# TABERNA

Taberna Home Owners Association  
1005 Taberna Circle  
New Bern, NC 28562

January 7, 2010

Mr. and Mrs. Henry Gouty  
105 Nyon Road  
New Bern, NC 28562

Re: Lot 027, Taberna  
105 Nyon Road

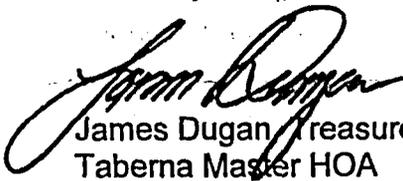
Dear Mr. and Mrs. Gouty,

Enclosed is our invoice for an additional late fee of \$20 assessed against your overdue account with the Taberna Master HOA as of December 31, 2009.

Including this invoice for the additional late fee of \$20, judgment awarded us of \$940.00, attorney fees of \$141.00, court costs of \$100.00, additional late fees for Oct. and Nov. 2009 of \$40.00, and invoice for 2010 annual Taberna Master Dues of \$220.00, your account with the Taberna Master HOA totals \$1461.00.

Additional late fees will continue to be assessed until the account is brought up-to-date or a payment plan is approved and followed. I urge you to contact me at 252-637-5319 in order to discuss this debt in order to prevent further legal action.

Sincerely,

  
James Dugan, Treasurer  
Taberna Master HOA

enc: as noted

DEAR MR DUGAN, PLEASE SET UP A  
REPAYMENT PLAN FOR THE BALANCE OF \$1461.  
I CAN AFFORD \$200 PER MONTH BEGINNING ON  
FEB 16TH 2010. PLEASE FEEL FREE ~~TO~~ TO CALL  
ME WITH ANY QUESTIONS Henry Gouty  
2299094

## TABERNA HOA MISSION, GOALS, and OBJECTIVES--2010

**Mission Statement:** *The Board of the Taberna Master Homeowners Association is committed to providing the highest quality of life for our residents and owners through an aesthetically pleasing, well-maintained, and secure environment. We will operate from an ethical and community-oriented standpoint, follow prudent management practices, and conduct business in a transparent manner. To accomplish this mission, the Board has established the following goals and objectives for 2010.*

### **Goal 1—To be financially responsible in the handling of Association funds**

- 1.1 Conduct an audit of the Taberna financial records (a) to identify risks, vulnerabilities, and gaps in current accounting practices, (b) to discover cost savings, and (c) to improve the process of financial decision-making in the development of policies and procedures.

### **Goal 2—To provide for a high standard of living within the guidelines of the restrictive covenants and by-laws**

- 2.1 Ensure that the covenants and rules/regulations of the HOA are followed, and that all rules are applied fairly and uniformly (a) by continuing the monthly monitoring of the community in conjunction with Building & Grounds; (b) by tracking violations on a spreadsheet; (c) by compiling quarterly summary reports and a year-end compliance report.
- 2.2 Research previously adopted HOA rules to ascertain that our website reflects all past rules/regulations approved by the Board of Directors.
- 2.3 Review current regulations and enact updated rules in regard to satellite dishes and the usage of signs.
- 2.4 Research and review past efforts to adopt an amendment and rules for garage/yard/moving sales, in-home sales events, and home businesses; thereafter, enact and implement a policy on home businesses/business activities.

### **Goals 3—To review committee functions and encourage community involvement in HOA committees and activities**

- 3.1 Review all standing HOA committees with respect to the following factors: (a) incumbency and composition; (b) operations within the “letter and spirit” of the covenants and rules; and (c) opportunities for increased community participation.
- 3.2 Create a community volunteer list that identifies residents who have expressed an interest in serving our community, and contact them when committee positions become available.
- 3.3 Establish a special committee to plan the annual picnic and to advise the Board on other community activities that might foster neighborliness and a sense of community.

### **Goal 4—To promote effective communication with residents and implement changes based on community input**

- 4.1 Enhance HOA Board communications with residents by utilizing all communication tools available, including but not limited to, the *Taberna Tribune*, tabmail, the website, other posts (e.g. blogs), and the minutes.
- 4.2 Publish a calendar of meeting dates for the Board and each standing committee so that interested residents may attend meetings for the purpose of learning more about Association activities and functions.
- 4.3 Update the Taberna HOA website to include, but not be limited to, (a) the minutes of standing committee meetings as well as the Board minutes; (b) the responsibilities of the standing committees; (c) a full composite of the covenants and rules/guidelines in an easily readable format; and (d) a section on community activities and special events.
- 4.4 Prepare a written report for publication in the *Taberna Tribune* on the findings of the 2009 community survey.
- 4.5 Recommend and implement changes within the community, including Todd Denson Park, after a comprehensive review of the findings obtained from the 2009 community survey.

## **Taberna HOA Strategic Planning for 2010**

**Board of Directors**

**Rick Layton, President**

**Our Association recently completed strategic planning for 2010. What does that mean, and what happened? Simply stated, strategic planning is a process we used to determine where we're going and how we're going to get there.**

**The Board accomplished strategic planning by doing the following:**

- **We assessed our current position. We used the findings from the community survey included with the 2009 annual meeting materials to help analyze our strengths and weaknesses.**
- **After analyzing our strengths and weaknesses, we summarized our purpose as a mission statement. Then we set goals that identified what we needed to accomplish to achieve the mission. The goals served as the framework for the development of specific objectives.**

**Each objective will require a Board member to assume responsibility for its achievement by a certain date. We will monitor and update our objectives periodically. If we learn that our current objectives are shortsighted or unfeasible, we'll revise them accordingly.**

## Linda Pickens

---

**From:** Jim Dugan [jimdugan@embarqmail.com]  
**Sent:** Wednesday, January 27, 2010 3:30 PM  
**To:** 'Rick Layton'; 'Linda P'  
**Cc:** 'Jim Wilson'  
**Subject:** RE: Lot 001, 101 Geneva Rd, letter about common property conditions

Rick,  
Jill Buria owns Lot 001, the residential lot with her house at 101 Geneva Rd by the four-way stop. It is the first house on the left as you drive onto Geneva Rd.  
She is commenting on the berm that runs along Taberna Way behind her house and the triangular lot adjacent to her lot (153.42 deep by 218.62 ft street front along Geneva Rd x 33 ft at corner x 200+/- along Taberna Way). It is the one with crepe myrtles.  
Yes, HOA owns the 13.39 acres that make up the berm (to the bridge) and the triangular northwest corner of the intersection (far right corner from the stop if you are coming from the railroad tracks).  
Jim Dugan

---

**From:** Rick Layton [mailto:ricklayton@msn.com]  
**Sent:** Wednesday, January 27, 2010 1:40 PM  
**To:** Linda P; Jim Dugan  
**Cc:** Jim Wilson  
**Subject:** FW: Lot 001, 101 Geneva Rd, letter about common property conditions

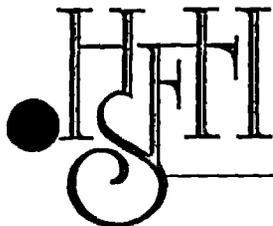
Linda, Jim D. and Jim W.,

Is in fact this lot HOA common property? I remember something coming up about it last year, but cannot get it right now. It is a large lot if it is under our control. Let me know so we can get back with the the people. Rick

---

**From:** jimdugan@embarqmail.com  
**To:** ricklayton@msn.com  
**CC:** mmculty@suddenlink.net; j.serumgard@suddenlink.net; lindapickens676@suddenlink.net; RPackard@caro-san.com; wsvincent@aol.com  
**Subject:** Lot 001, 101 Geneva Rd, letter about common property conditions  
**Date:** Wed, 27 Jan 2010 12:23:16 -0500

Rick,  
Attached is a scan of a letter about common property conditions from Jill Buria, Lot 001, 101 Geneva Road, that was enclosed with her check for the annual dues.  
Please forward to the appropriate committee and have them copy us with the response.  
Thanks,  
Jim Dugan



HOWARD,  
STALLINGS,  
FROM &  
HUTSON, P.A.

Telephone: 252.633.3006 | Facsimile: 252.633.3097 | PO Box 975, New Bern, NC 28563

ATTORNEYS at LAW

[www.HowardStallings.com](http://www.HowardStallings.com)

February 1, 2010

E. Cader Howard  
I. Allan From  
Joseph H. Stallings  
John N. Hutson  
Beth F. Atkins  
James B. Angell  
B. Joan Davis  
Brian E. Moore  
Philip W. Paine  
Richard P. Leissner, Jr.  
\*Michael A. Burger  
Russell W. Johnson  
Kathleen B. Coyle  
Brooke L. Dalrymple  
Stephen A. Brown  
Nicholas C. Brown  
Matthew M. Lawless

Of Counsel  
Edwin P. Friedberg  
(Deceased 2009)

\*Admitted only in PA

Taberna Master Homeowners' Association, Inc.  
c/o Treasurer  
1005 Taberna Circle  
New Bern, NC 28562

Re: New Legislation Affecting Homeowner Association Liens

Dear Treasurer:

The 2009 General Assembly passed a number of bills which affect how homeowner associations enforce liens for assessments. The changes are as follows:

I. Mailing Address and 15 Day Statement

This bill requires HOAs to make reasonable and diligent efforts to ensure that its records contain the lot or unit owner's current mailing address before filing a claim of lien for levied assessments. An additional requirement is that at least fifteen (15) days prior to filing a claim of lien, the HOA must mail an assessment statement (demand letter) by first class mail to (a) the physical address of the property, and, (b) to the owners address of record with the HOA, if difference from the physical address of the property, and (c) to the address shown for the owner on the county tax records, if different. If the owner is a corporation, the statement must also be sent to the mailing address of the registered agent.

II. Required Language in and Attachments to the Claim of Lien

The first page of the Claim of Lien must contain the following language in bold face, capital letters and no smaller than the largest print used elsewhere in the document: **"THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN IS NOT PAID, THE HOMEOWNERS ASSOCIATION MAY PROCEED WITH FORECLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW."**

The person signing the Claim of Lien on behalf of the association must attach to and file with the claim of lien a certificate of service attesting to the efforts made to ensure that the owner received actual notice. If the Claim of Lien presented to the Clerk of Court for filing does not contain the required language, or there is no Certificate of Service attached, the Clerk will not

NEW BERN OFFICE  
2407 Grace Ave.  
New Bern, NC 28562  
Telephone: 252.633.3006  
Facsimile: 252.633.3097

RALEIGH OFFICE  
PO Box 12347  
5410 Trinity Road  
Suite 210  
Raleigh NC 27605  
Telephone: 919.821.7700  
Facsimile: 919.821.7703  
Toll Free: 800-822-4182

accept the document for filing.

III. How Service of the Claim of Lien Can be Deemed Without Actual Receipt

The new legislation deems service complete if the filer attempted service by BOTH (1) registered or certified mail, or service by a designated delivery service or delivery with signature confirmation by the US Postal Service, AND (2) mailing a copy by first class mail, postage prepaid, to the physical address of the property and to the owners address of record with the association, if different, and the address of the owner as shown on the tax records, if different. If the owner is a corporation or LLC, the filer is deemed to have met the requirements for service if service has been attempted ONCE to the Registered Agent or any officer or director of the company. If the property owner is not a natural person, corporation or LLC, please contact our office to determine the property method of service.

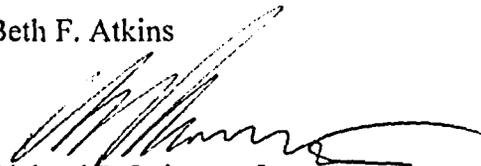
Enclosed is a new form Claim of Lien which replaces the form you are presently using. The filing fee has not changed and is still \$6.00 for the first page and \$.25 for each additional page.

Please do not hesitate to call if you have any questions regarding this matter.

Sincerely,



Beth F. Atkins



Richard P. Leissner, Jr.

Prepared by and return to: Taberna Master Homeowners' Association, Inc., 500 Taberna Way, New Bern, NC 28560

NORTH CAROLINA  
CRAVEN COUNTY

CLAIM OF LIEN

**THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN IS NOT PAID, THE HOMEOWNERS ASSOCIATION MAY PROCEED WITH FORECLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW.**

The following is a Claim of Lien by a homeowners' association pursuant to North Carolina General Statutes 47F-3-116:

1. Name and address of the Association: Taberna Master Homeowners' Association, Inc.  
1005 Taberna Circle  
New Bern, NC 28562
2. Name of the record owner(s) of the lot at the time the Claim of Lien is filed:
3. Description of the lot(s) upon which the lien is claimed:
4. The amount of the lien claimed:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Taberna Master Homeowners' Association, Inc.  
(Lien Claimant)

By: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
1005 Taberna Circle  
New Bern, NC 28562

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing Claim of Lien on all parties to this cause by depositing a copy of same in the United States mail, first class, postage prepaid and by certified mail with return receipt requested, addressed as follows:

[Insert name and address of property owner(s)]

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Taberna Master Homeowners Association, Inc.

By: \_\_\_\_\_  
Name and Title: \_\_\_\_\_  
1005 Taberna Circle  
New Bern, NC 28562