

Taberna Homeowners Association  
Board of Directors Meeting Minutes  
November 22, 2004

Attendees:

Larry Alderson  
John Galvanek  
John Murphy  
Kurt Weinheimer

Marcia Crawford  
John Geis  
Joan Peacock

Earl Eschbacher  
Esther Hardin  
Bill Rounds

Agenda Items

A motion was made, seconded and passed to approve the minutes from the November 8, 2004 Board meeting.

The Board reviewed the letter received from the ACC regarding the Drago residence at 310 Neuchatel Rd. The Board agreed to support the ACC in their final decision regarding the installation of columns in the front of their home. Bill Rounds will write a letter to the Drago's informing them of our support of the ACC decision.

Marcia Crawford received a letter from Bob and Carole Sands of 211 Ticino Court. They are in the process of building their home and discovered a drainage problem. There is a drainage pipe that runs from the street that should terminate at the drainage easement behind their lot. After the Sands did some research, it appears that the drainage pipe is short by about 108 feet. They have brought this situation to the attention of the City Engineer and the New Bern Water & Sewer Department. The Sands asked if the HOA had any suggestions as to next steps for them to take or if the HOA could "apply pressure to whoever was responsible for creating this problem." The Board decided that the City has easement rights and the problem needs to be pursued with the City by the Sands. Marcia will write to the Sands with this update.

There are some questions regarding the ACC enforcement issues that John Murphy will pursue with the HOA lawyer.

Annual Meeting planning

Marcia reported that she has received 60 proxies as of this date. Marcia will contact Monnier Homes and Bill Clark and request their proxies (Monnier has 13 lots and Bill Clark has 24 lots).

The Board discussed the set-up and equipment needed for the annual meeting to be held at Orringer Auditorium at Craven Community College. Bill Rounds will give the college our list of requirements, which includes tables, chairs, podium, microphones, overhead projector and screen.

Marcia will get two volunteers to assist with the sign-in of residents the evening of the annual meeting. Bill will send Marcia a sign-in form to be used.

Bill Rounds reviewed the agenda for the annual meeting. It was decided to highlight some of the significant events that this Board handled during the year.

The meeting was adjourned. There will be a brief meeting of the new Board of Directors immediately following the Annual meeting. No other board meeting dates were set at this time.

Respectfully submitted by,

Marcia Crawford  
Secretary

william rounds

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From: "RICHARD TURNER" <tbrhin1@gibraltar.net>  
To: "Bill Rounds" <wrounds@cox.net>  
Sent: Thursday, November 11, 2004 5:52 PM  
Subject: Abbington Woods front porch columns

To: The Taberna Homeowners Association Board of Directors

From: The Taberna Architectural Control Committee

Date: November 10, 2004

Subject: Front elevation design - Abbington Woods dwellings

It is the unanimous decision of the Taberna Architectural Control Committee that all of the homes located in Abbington Woods were designed and built with two columns situated at each front elevation. This is exemplified by the fact that, with one exception, all of the dwellings in that community have two columns. The one exception is the Drago residence at 310 Neuchatel Road, which is void of any columns. The committee's position is that any deviation or modification to this distinct front elevation design, disturbs the planned character and symmetry of the Abbington Woods Community.

In my September 27, 2004 letter to Al and Ann Drago, it was requested by the ACC that the porch columns be installed.

R. L. Turner  
Taberna A.C.C.

11/22/2004

Marcia Crawford, Secretary  
Taberna Master HOA  
213 Neuchatel Court  
New Bern, NC 28562  
USA

9 Halls Close,  
Drayton  
Abingdon  
Oxfordshire OX14 4LU  
England

November 12, 2004

Dear Marcia,

Please find enclosed our proxy vote for the forthcoming Annual Meeting.

We were wondering whether you could help us, or at least point us in the right direction regarding a drainage issue on our land, Lot 211 Ticino Court, where building of our house is currently being undertaken.

Our lot, according to the deeds and a separate survey that we commissioned prior to purchasing the land, indicates that a drainage pipe runs from the roadside to a 30 foot drainage easement behind our lot. The purpose of the lot is to take surface water from the road and to deposit it in the drainage channel.

Back in the early part of the summer, heavy rains resulted in large amounts of water were accumulating in the road and a blocked drain was suspected. We have been told that New Bern Water & Sewer Dept. was called out to look at the problem. They discovered the drainage pipe does not run the full length of our Lot to the drainage easement. It is in fact 108 feet short of the drainage easement.

We have been in touch with the City Engineer, Mr David Muse, who suggested that perhaps the original contractors who provided the drainage infrastructure for Weyerhaeuser might have taken some 'short cuts', particularly as the pipe was buried in the ground and verification of the length of the pipe would be difficult to ascertain.

The unfortunate aspect of this is that surface water from the road is being deposited on our land in a recently excavated ditch which is not only unsightly but may cause a health problem with the accumulation of stagnant water. It will also cause huge problems when we try to landscape the garden, when our house is completed.

We were wondering whether the Taberna Home Owners Association might have any suggestions as to what we do next, or be able to apply pressure to whoever was responsible for creating this problem.

Yours sincerely

*Bob & Carole Sands*

Robert & Carole Sands  
(E-mail: bob.sands@tiscali.co.uk)

PS. We have photographs and a video to illustrate the problem.

Taberna Homeowners Association  
Board of Directors Meeting Minutes  
November 8, 2004

Attendees:

Larry Alderson  
John Galvanek  
John Murphy  
Kurt Weinheimer

Marcia Crawford  
John Geis  
Joan Peacock

Earl Eschbacher  
Esther Hardin  
Bill Rounds

The nominated members of the Board of Directors for 2005 were present for this board meeting. Welcome aboard!

Agenda Items

A motion was made, seconded and passed to approve the minutes from the October 6, 2004 Board meeting.

John Murphy reported no progress made on obtaining the drainage permits. It was suggested that Alice Underhill may be able to provide some assistance in getting the required permits.

A motion was made, seconded and passed to approve the Adjudicatory Panel and Procedures document. Copies of the approved procedures will be sent to the Taberna HOA board of directors, the members of the Adjudicatory Panel and Beth Adkins, our lawyer.

The Emmen Berm fence and shrubs are now in place. Williams will trim the shrubs in the spring.

John Galvanek will work on getting the former construction entrance off Old Airport Rd fixed. The dirt mound blocking the entrance needs to be rebuilt.

NEW BUSINESS:

Bill Rounds received a letter from Al and Ann Drago appealing a decision of the Architecture Control Committee (ACC) to install columns under their porch overhang. The Board agreed to support the ACC but would like to determine if all the facts were presented to the ACC when their decision was made. The house was not constructed with columns. The builder of Abbingtion Woods and Weyerhauser had a special working arrangement and it is not known if all building plans and modifications were approved by the ACC.

The Taberna HOA received a letter regarding an experience between the House of Glas and a homeowner in New Bern. The Board agreed to take no action on the letter.

Marcia stated that 31 proxies have been received as of November 8<sup>th</sup>. A quorum of 25% of homeowners is needed to conduct business at the Annual Homeowners meeting.

Auditorium set-up requirements were discussed and identified so Craven Community College can provide the necessary tables, chairs, podium and microphone for the Annual meeting.

The board discussed the letter received from Bruce Gemmill expressing his concern the line item of \$8000 for Park Recreational equipment. Further discussion on the recreational equipment proposal will be handled at the Annual meeting.

Esther Hardin stated that she would be meeting in the coming week with the people who have expressed an interest in coordinating the Sharing program.

**Treasurer's Report:**

John Galvanek presented the Board with seven items (see attached) for approval. All items were seconded and approved.

There was some discussion on the Taberna Tribune advertising income. A proposal was made and seconded to give the Tribune up to \$200 for the Taberna Christmas committee.

The next HOA Board meeting will be held on Monday, November 22, 2004 at 4p at the HOA Office. The purpose of this meeting will be finalize preparations for the Annual meeting.

Respectfully submitted by,

Marcia Crawford  
Secretary

# **TABERNA MASTER HOMEOWNERS ASSOCIATION, INC.**

## **ADJUDICATORY PANEL and PROCEDURES**

### **I. Adjudicatory Panel**

The Board of Directors of the Taberna Master Homeowners Association, Inc. (hereinafter referred to as the "Board") shall appoint an Adjudicatory Panel of three (3) members to hear all matters under North Carolina General Statute Section 47F-3-102 (11) and (12), other than assessment of late payment penalties for dues, which action does not require a hearing.

### **II. Members**

A. The members of the Adjudicatory Panel shall be chosen by the Board from the membership of the Taberna Master Homeowners Association, Inc (hereinafter referred to as the TMHA). The members chosen must be in good standing with the TMHA and agreeable to serving as an Adjudicatory Panel member without remuneration.

B. The members of the Adjudicatory Panel shall elect their own chairperson, vice chairperson and secretary annually or after the appointment of a new member to fill a vacancy. Such officers may be elected to serve multiple terms.

### **III. Terms**

A. The members of the Board shall select the members of the first Adjudicatory Panel according to the following terms of office:

- One Adjudicatory Panel member for a term of three (3) years;
- One Adjudicatory Panel member for a term of two (2) years;
- One Adjudicatory Panel member for a term of one (1) year;
- One alternate Adjudicatory Panel member for a term of one (1) year.

B. Thereafter, at the expiration of the initial terms given to the first Adjudicatory Panel members, all new or re-appointed members shall serve a three (3) year term with the exception of the alternate Adjudicatory Panel member who will serve as an alternate for one (1) year. The alternate Adjudicatory Panel member, following his/her term of one (1) year, will be re-appointed (nominated) as a three (3) year term Adjudicatory Panel member.

C. The Board has the authority to appoint members to fill any unexpired terms of office caused by resignation, termination of a member's TMHA membership, death or incapacitation of a member or failure of a member to perform the duties of the office.

D. The alternate Adjudicatory Panel member will attend all hearings and will only be allowed to vote in the absence or abstention of one (1) of the regular Adjudicatory panel members.

#### **IV. Notice and Conduct of Hearings**

A. For alleged violations of the Taberna Protective Covenants and Amendments thereto, and Rules and Regulations of the TMHA, a NOTICE of the alleged violation shall be sent by the Board or its representative to the property owner(s) by certified mail, return receipt requested, and by regular mail. The mail sent according to this provision shall be addressed to the property owner(s) and posted to the address on file with, and maintained by, the THMA. Mail deposited pursuant to this section with the United States Postal Service shall constitute and be deemed to be NOTICE under the provisions of N.C.G.S., Section 47F-3-102(11) and (12).

B. Hand delivery of such NOTICE to the property owner or any of them if there be more than one of them, by any person over the age of eighteen (18) years shall also constitute and be deemed to be NOTICE under said provision and eliminates the requirements in the aforementioned subparagraph A.

C. A copy of the NOTICE, addressed to the property owner(s), shall be given to the Adjudicatory Panel and maintained by it at the TMHA office. A copy of the NOTICE shall also be maintained by the Board.

D. The Adjudicatory Panel shall, upon receipt of a copy of a NOTICE of violation, schedule a hearing on the matter pursuant to subparagraph E below, to be held within thirty (30) days after receipt of the NOTICE by the Adjudicatory Panel.

E. Hearings shall be held at the office of the TMHA at any reasonable date and hour as set by the Adjudicatory Panel. A notice of the time and date for the hearing shall be delivered to the subject property owner(s) as set forth in Sections IV A or B above. The property owner(s) may request by written application to the Adjudicatory Panel a postponement, at the discretion of the Adjudicatory Panel, not to exceed an additional fifteen (15) days. An alternate date for the hearing, as selected by the Adjudicatory Panel, shall be acknowledged by the property owner(s) in writing.

#### **V. Hearings (Contested)**

A. At the time and date set for the hearing, the Chairperson, or in the absence of the Chairperson, the Vice Chairperson, of the Adjudicatory Panel shall call the session to order. The Secretary of the Adjudicatory Panel shall be responsible for taking the minutes of the meeting.

B. The Board shall present its position on the matter to the Adjudicatory Panel through its representative. The presentation may consist of oral testimony, photographs, charts, graphs or any combination thereof, or any other evidence deemed material and competent by the Adjudicatory Panel.



1. The property owner(s) shall have the right to address reasonable questions to any TMHA witnesses.
2. The property owner(s) shall have the right to object to the entry of particular evidence in the proceeding or its consideration by the Adjudicatory Panel.
3. All evidentiary rulings will be made by the Chairperson, or in the absence of the Chairperson by the Vice Chairperson, of the Adjudicatory Panel.
4. Evidence of a kind commonly relied upon by reasonably prudent persons in the conduct of serious affairs shall be the evidentiary standard applied in the making of evidentiary rulings.

C. At the conclusion of the presentation by the representative of the Board, the property owner(s) shall have the right to be heard by the Adjudicatory Panel, if the property owner(s) so choose(s). The property owner(s) shall have an equal opportunity to present information to such Panel through oral testimony, photographs, charts, graphs or any combination thereof, or any other evidence deemed material and competent by the Adjudicatory Panel.

1. The representative of the Board shall have the right to address reasonable questions to the property owner(s) and their witnesses, if any.
2. The representative of the Board shall have the right to object to the entry of particular evidence in the proceeding or its consideration by the Adjudicatory Panel.
3. All evidentiary rulings will be made by the Chairperson, or in the absence of the Chairperson by the Vice Chairperson, of the Adjudicatory Panel.
4. Evidence of a kind commonly relied upon by reasonably prudent persons in the conduct of serious affairs shall be the evidentiary standard applied in the making of evidentiary rulings.

D. At the conclusion of the property owner(s) presentation, the representative of the said Board and the property owner(s) shall each have an opportunity to present a brief, oral summation to the Adjudicatory Panel.

E. At the conclusion of the summations, the Chairperson, or in the absence of the Chairperson, by the Vice Chairperson, of the Adjudicatory Panel shall declare the hearing closed.

F. The members of the Adjudicatory Panel shall confer among themselves and shall then deliver a written decision as determined by a majority vote of the Adjudicatory Panel members, including findings of fact, and the imposition of any fines, suspensions, or penalties as provided by law in N.C.G.S. Section 47F-3-102 (11) or (12), within ten (10) working days after the conclusion of the hearing.

1. A copy of the decision shall be delivered to the representative of the Board.
2. A copy of the decision shall be sent to the property owner(s) in the manner set forth in Section IV A or B above.
3. A copy of the decision shall be maintained by the Adjudicatory Panel in its records for a period of at least five (5) years.

G. With respect to any fines assessed under Section V Subsection F above, the subject Adjudicatory Panel may assess a fine of up to one hundred fifty dollars (\$150.00) per violation and an additional fine of up to one hundred fifty dollars (\$150.00) per day for each day that the violation remains uncorrected following delivery of such Panel decision per Section IV A or B above.

H. The property owner(s) may choose to contest the hearing held by the Adjudicatory Panel without appearing before the Panel in person. In such event, the Panel shall conduct the hearing in the property owner(s) absence, considering any appropriate evidence, if any, submitted on behalf of the property owner(s). The Adjudicatory Panel shall conduct the hearing as set forth herein above and shall notify the property owner(s) of its decision as set forth above.

#### **VI. Hearings (Uncontested)**

A. If the property owner(s), after receiving NOTICE of the alleged violation of the Taberna Protective Covenants and Amendments thereto, and Rules and Regulations of the TMHA, does not wish to contest the violation, the property owner(s) may so notify the Adjudicatory Panel in writing within ten (10) days following such notification.

B. Upon receipt of such notice from the property owner(s), the Adjudicatory Panel shall duly set a hearing date and time to determine the fines and/or other penalties, if any, to be imposed for the violation.

C. Such hearing shall be conducted by the Adjudicatory Panel in accordance with Section V above, with the Adjudicatory Panel determining, in its discretion, the extent of evidence necessary to reach a decision.

D. The property owner(s) may decline to attend the hearing on the penalty, in which case the Adjudicatory Panel shall comply with all of the procedures made and adopted above and give notice of its decision in the manner set forth above in Section V.

Approved by the TMHA Board of Directors on this 08th day of November, 2004

Marcia Crawford

Secretary

**TABERNA MASTER HOMEOWNERS ASSOCIATION, INC.**

**NOTICE OF ANNUAL MEETING**

The ninth Annual Meeting of the Taberna Master Homeowners Association, Inc. will be held at 7:00 p.m., Monday, November 29 at the Orringer Auditorium located on the campus of Craven Community College, New Bern, NC.

If you are unable to attend, please return the enclosed proxy to:

Marcia Crawford, Secretary  
Taberna Master HOA  
213 Neuchatel Court  
New Bern, NC 28562

To be valid the Proxy must be signed and lot number(s) designated. If you do not designate a Proxy by name in the first blank, the Proxy will be deemed given to the President of the HOA Board of Directors. If you do not write-in names of persons for whom your Proxy is to vote for directors of the corporation, your proxy may vote in his/her discretion for those positions for which you did not enter a name or did not enter a qualified person. We have many out-of-town lot owners, and many residents that cannot/do not attend the meeting. Please send in your Proxy form if you will not attend. We will need it to establish a quorum and conduct business.

A copy of the meeting agenda is provided on the reverse side of the Proxy sheet.

Item #8 of the Agenda is an Answer Period. Please submit questions in advance to Bill Rounds, 224 Mellen Road, New Bern, NC 28562 or at [wrounds@cox.net](mailto:wrounds@cox.net) by Monday, November 14, 2004. Questions will also be taken from the floor at the meeting.

On the reverse side of this notice you will find a statement of the association's expenses and income for 2003 and the budget for 2005. The Board of Directors passed the budget at their Board meeting on October 6, 2004.

Included in this mailing are revised copies of the Taberna Building, Architectural and Appearance Guidelines and attachments. These documents were adopted by the Board of Directors and are deemed to be in effect as of this mailing.

We look forward to seeing you at the Annual Meeting.

Sincerely,



Bill Rounds, President  
Taberna Master HOA Board of Directors

# Taberna Master Homeowners Association 2005 Budget

<u>Item</u>	<u>2004 Budget</u>	<u>2004 Projected</u>	<u>2005 Budget</u>
<u>Cash Receipts</u>			
Dues	127046	131833	156882
Tribune Journal	0	2663	2700
Miscellaneous	0	36	23
Total Receipts	127046	134532	159605
<u>Cash Disbursements</u>			
Landscaping-Scheduled	77600	82680	81705
Landscaping-Misc	10500	13500	11100
Insurance	3500	4261	4100
Utilities	4600	4600	4900
Accounting&Legal	8000	6000	8600
Rent	2650	2700	2700
Entry Way Improvements	7650	6000	0
Replacement Reserves	6646	6706	15000
Operations Contingency	0	0	15000
Tribune Journal	0	2585	2700
Administrative	3000	2700	3300
Annual Meeting	1000	1000	1000
Miscellaneous	1900	1800	1500
Park Recreational Equipment	0	0	8000
Total Disbursements	127046	134532	159605
Receipts Over Disbursements	0	0	0

## Reserves

Replacement	27700	27760	42760
Operations Contingency	0	0	15000

**TABERNA MASTER HOMEOWNERS ASSOCIATION, INC**

**NINTH ANNUAL MEETING, NOV. 29, 2004**

**PROXY**

I, the undersigned member of the Taberna Home Owners Association, do hereby constitute and appoint \_\_\_\_\_, my proxy, with full power of substitution to act and vote on behalf of me, the undersigned, at the Annual Meeting of members of the association to be held at 7:00 p.m., Monday, November 29, 2004 and at any adjournments thereof. The undersigned hereby directs this proxy to be voted as follows:

**Notes:**

1. You may write in below a maximum of four names of persons for whom you instruct your proxy to vote for as directors of the corporation provided they are Taberna property owners and have agreed in writing in advance to serve if elected. If you do not write in names for all four directors, or have written in names of persons not qualified to serve, your proxy may vote in his/her discretion for those positions for which you did not enter a name or did not enter a qualified person.

2. Your appointed proxy will vote upon any other business that may properly come before the meeting or any adjournment thereof.

3. Should there be no named holder of the proxy set out above, the President of the Taberna Master Homeowners Association Board of Directors shall be deemed authorized to vote this proxy.

4. Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy may be revoked if the undersigned member attends the meeting in person and requests of the Secretary of the association, prior to the Call to Order of the meeting, that the proxy be revoked. Any proxy received after the date of the meeting will be considered invalid.

For Directors of the Corporation, the following:

\_\_\_\_\_  
(Name of write-in for two-year term)

\_\_\_\_\_  
(Name of write- in for two-year term)

\_\_\_\_\_  
(Name of write-in for two-year term)

\_\_\_\_\_  
(Name of write- in for two-year term)

WITNESS MY HAND AND SEAL on the date set forth below:

\_\_\_\_\_  
Member's Name (Seal)

Lot Number(s) \_\_\_\_\_

\_\_\_\_\_  
(Date)

**AGENDA FOR THE NINTH ANNUAL MEETING  
OF THE  
TABERNA MASTER HOMEOWNERS ASSOCIATION, INC.  
November 29, 2004**

1. Call to order - Establishment of quorum
2. Introductions
3. Approval of the minutes of the Eight Annual Meeting
4. Presentation of financial reports
5. Nominating Committee report
6. Election of four members to the HOA to the Board of Directors
7. General discussion of HOA issues
8. Answers to submitted questions
9. Questions from the floor
9. Adjournment

A brief Board of Directors meeting will be held immediately following the Annual Meeting for the purpose of election of officers.

Nominating Committee's candidates for the HOA Board of Directors:

Two-year term:

Larry Alderson  
Earl Eschbacher  
John Geis  
Kurt Weinheimer

# **TABERNA BUILDING, ARCHITECTURAL AND APPEARANCE GUIDELINES RULES CLARIFICATION DOCUMENT**

**\*All rules are subject to Architectural Control Committee Review Process & Approval**

## **INTRODUCTION**

Covenants are protective legal instruments that are binding on the owners of property in Taberna. Covenants establish and apply reasonable restrictions for land use, architectural design and property maintenance. They provide a review process for approval of exterior plans and improvements or changes to the property. They allow the Home Owners Association to develop rules and regulations to monitor and ensure compliance. Their purpose is to keep Taberna an attractive and desirable place to live. Consistent application of the Covenants and Guidelines is designed to assure compatibility with the planned character of the community and protection of real estate values. **Owners must have prior approval from the Architectural Control Committee for home construction plans, exterior home improvements or a new structure on any property.**

This document contains:

Part A - New Construction Guidelines

Part B - Architectural and Appearance Guidelines

Attachment I - Abington Woods New Construction and Architectural and Appearance Guidelines

Attachment II - Standards for Home Additions, Conversions and Out Buildings

Attachment III - Standards for ground level patios and patio enclosures

Attachment IV - Standards for Signs

Attachment V - Water access building guidelines

Attachment VI - Taberna mailbox policy

## **PART A: NEW CONSTRUCTION GUIDELINES**

### **1. BUILDING GUIDELINES**

#### **Building Site:**

- Each construction site must have a temporary drive of washed stone (#57), access to a dumpster and a portable toilet during the entire period of construction.
- A compliance deposit of \$1,000.00 shall be submitted with application and plans.

#### **Drainage:**

- It is the responsibility of the builder/owner to provide positive drainage from the building pad to streets or other designated drainage easements.
- Water source heat pumps – No discharges will be allowed into roadside ditches or drainage swales along property lines.

#### **Tree Removal:**

- The Architectural Control Committee must give prior approval to the removal of any tree the size of six inches or more in diameter, measured 1 ft. above normal ground elevation at the trees location

#### **Foundations:**

- Homes must be built on a crawl space. The foundation will have a brick face or stucco exposed on the exterior. (crawl space may not be applicable to: Taberna Village, Bradford Place).

#### **Exterior:**

- Home exteriors should be designed to utilize brick, vinyl, stucco, and/or wood. Panel products such as TI-11 siding are not approved wood siding components.

#### **Roofing:**

- All roofs on residential construction at Taberna will have a minimum 6/12 pitch. Roofing materials allowed at Taberna are standing seam metal roofs, fiberglass shingles and cedar shingles.

#### **Colors:**

- Whites and earth tone choices are preferred; all choices are subject to architectural review.

Garages:

- A minimum two-car garage with appropriate apron in front of garage doors to accommodate the parking of two additional vehicles. Architectural design that orients the door opening in a direction other than the street is required, although variances for special areas or sites will be considered. (90° door orientation may not be applicable to: Taberna Village, Bradford Place, Boleyn Creek Villas, One Taberna Way).

**2. VACANT LOT MAINTENANCE**

Frequency:

- As specified in the Home Owners Association (HOA) schedule

Standard:

- Determined by the HOA

Payment:

- Contractor will bill directly – HOA negotiated rate

**3. MAIL BOXES**

Design & Color

- Two styles and one (1) color per Taberna spec sheet. Double box on single post only applicable to Abbington Woods.

**PART B: ARCHITECTURAL AND APPEARANCE GUIDELINES**

**1. FENCES AND DOG RUNS**

Location:

- Backyard within extended home sidelines. Not to exceed 50% of mean distance from envelope of home to rear property line. Envelope of home is any roofed over (i.e., living areas, garage or covered porch) portion of the house.
- Fences in no case may encroach upon drainage or utility easements, designated vegetative buffers or minimum building setback lines as shown on the plat.
- Fences/dog runs are not permitted on golf course lots.

Height Maximum:

- Four (4) feet for yard fencing and five (5) feet for dog runs.

Size Maximum for dog runs:

- 20 feet x 20 feet

Materials & Color:

- Wood or materials having appearance of wood. Vinyl fences are permissible. Natural wood painted or stained to blend with the dwelling.

Adjoiner View:

- Shall not block desirable views or negatively impact adjacent lots.

**2. OUTBUILDINGS: DETACHED GARAGES, STORAGE SHEDS AND GAZEBOS**

- Outbuildings must be approved by the Architectural Control Committee and must be architecturally compatible with the primary dwelling. Outbuildings restricted to one (1) per lot except for unusual circumstances. Not permitted on golf course or lake front lots.

**3. PATIOS, TERRACES AND DECKS**

- Patios: ground level, solid surface, at rear of home. Concrete, brick, flag stones or other similar materials. Sizes may vary at homeowner's discretion. Must be within extended sidelines of home. Patios may not be fenced; however, low enclosures are permitted. So as to differentiate patio enclosures from fences, enclosures should have an open portion providing unobstructed entry and egress to the patio. Enclosures should be no more than "seating wall" in height, approximately 18" - 24" and limited to dimensions of patio. Enclosures should be either brick (matching the brick of the home) or wood (natural in color or painted to match the trim of the home). Plant materials may be used in lieu of brick or wood.



- Terraces and Decks: Solid or wood surfaces usually 30" above ground level or equal to the first floor of home having a crawl space. City of New Bern Ordinances require an enclosure or railing be placed on surfaces 30" or more above ground. Terrace and deck sizes may vary at homeowner's discretion but must be at rear of home within extended sidelines of home. Area from ground level to terrace or deck level shall be screened.

#### **4. TREES**

##### Tree removal policy:

- Tree removal restrictions as stated in the Covenants remain in effect after completion of home construction.
- The Architectural Control Committee must give prior approval for the removal of any tree the size of 6 inches or more in diameter, measured one foot above normal ground elevation at the location of the tree.

#### **5. PROPERTY MAINTENANCE**

Each homeowner shall be responsible for:

- Maintaining the outward appearance of the home and property in accordance with existing community standards.
- Edging sidewalks and curbs of each home site
- Removing grass and weeds growing between the cement and roadway in front of each home site.

#### **6. OUTDOOR RECREATIONAL EQUIPMENT**

##### Location:

- Trampoline, swing set, playhouse or similar equipment permitted within fence envelope per guidelines.
- Recreational equipment as noted above not allowed on any golf course lot.
- Basketball backboard is permitted if located on driveway pad, minimizing exposure to adjoining home.
- Skateboard halfpipes are not allowed.

#### **7. PARKING OF RECREATIONAL VEHICLES, BOATS AND TRUCKS**

- Boats, boat trailers, other trailers, campers, recreational vehicles, utility vehicles or trucks (rated one ton or higher) may not be parked on any street right-of-way or on any lot overnight unless enclosed within a garage.

#### **8. POOLS**

- In-ground pools are not permitted on lots with golf course frontage.
- Aboveground pools are not permitted in Taberna.
- Note: Small kiddy type wading pools are permitted providing the pools are less than 24 inches in height, have less than a 200 gallon capacity and do not require a filtration system. These pools shall be confined to the back of the yard, emptied, removed and stored when not in use.

#### **9. PROPANE TANKS & TRASH RECEPTACLES**

##### Propane Tanks:

- Propane tanks should not be visible from the street or golf course (except for tanks commonly used with outdoor gas grills). All other tanks will be either buried or screened from view.
- Screening with plant materials must be at least two-thirds (2/3) the height of the tank being screened at planting with sufficient density to provide immediate screening.
- Screening with building materials such as brick, wood or vinyl may be used with height and width of the screening no wider or taller than necessary to conceal the tank. Material or color used should be in keeping with the materials or color scheme of the dwelling.

##### Trash Receptacles:

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

## **10. HEAT PUMPS AND WINDOW MOUNTED AIR CONDITIONERS**

### Heat Pumps

- Owners are encouraged to screen heat pumps using screening standards noted for propane tanks.

### Window Mounted Air Conditioners

- Window mounted air conditioners and/or heat pumps are not permitted.

## **11. CLOTHES LINES** - Clothes lines are not permitted.

## **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.

## Attachment II

### **TABERNA MASTER HOMEOWNERS ASSOCIATION**

#### **Standards for Home Additions, Conversions and Outbuildings**

The Taberna Homeowners Association has adopted these standards specific to home exterior changes and outbuildings. The Standards are intended to clarify information contained in the Covenants and the Taberna Building, Architectural and Appearance Guidelines. The Standards apply to additions to homes, construction of new free standing structures where permitted by the Covenants and alterations to currently existing structures where the external appearance of the home is changed.

All exterior changes to homes in the form of additions or conversions and the addition of outbuildings to lots shall be reviewed and approved by the Taberna Architectural Control Committee. Homeowners intending to change approved exterior colors or materials, or to make additions or conversions affecting the exterior of a home, or to add an outbuilding on a lot are required to seek approval first by completing an Architectural Change Request Form. Outbuildings such as detached garages, storage sheds, gazebos, etc. are not permitted on golf course or lake front lots.

#### **Definitions:**

**Structure-** Any element of construction that by reason of its size, use and/or placement on the property would materially alter the appearance of the property and its compatibility with the neighborhood. This definition applies to structures manufactured at another location or built on the site. Structures include outbuildings not directly attached to the home such as a storage buildings, workshops, garages, and gazebos.

**Addition-** Any change that extends the foundation, exterior walls or roof line of a home such as the addition of a room, porch, garage or deck, or the addition or modification of dormers, doors or windows.

**Conversion-** Any change to an existing structure that affects the external appearance of the home such as converting a screened porch to an enclosed room.

#### **Standards:**

**Architecture-** The architecture of the proposed structure, addition or conversion must be in harmony with the general architecture of the home. Roof lines and roof pitch shall be at or close to those of the house. Flat roofs are not permitted.

**Site Plan-** A plot plan annotated to show the location of the proposed structure, addition or conversion shall be submitted as part of the Architectural Change Request. Drawings and other information that would aid in the review shall also accompany the request. The location of a proposed structure or addition shall consider the drainage, topography, trees and impact on neighboring properties. An outbuilding will be permitted when it does not adversely affect the attractiveness of the community. Outbuildings will be placed to minimize visibility from the street and be sited within the rearward extended sidelines of the home. As part of the review process, the location of the proposed structure or addition shall be staked and trees to be removed marked. Easements and setbacks must adhere to provisions set forth in the covenants.

**Foundations-** All additions must be constructed with foundations that maintain the elevation of the home and have brick facing to match the home. Outbuildings must be constructed so that underpinnings are enclosed with a brick surround or other suitable materials compatible with the home.

**Materials-** Brick, siding, roofing, trim, soffits, windows, doors, and other exterior materials shall be an extension of the same materials, design, type and color as the home. Information as to materials to be used for the proposed structure, addition or conversion shall be specified on the Architectural Change Request Form. Substitute materials, if necessary must match as close as possible to the original materials used on the home. Additions and outbuildings must use the same percentage of materials as used on the home i.e. exteriors must be predominantly brick if the home is predominantly brick; or predominantly vinyl if the siding on the home is predominantly vinyl.

### Attachment III

## **TABERNA MASTER HOMEOWNERS ASSOCIATION**

### **Standards for Ground Level Patios and Patio Enclosures**

- The purpose of this document is to provide clarification of guidelines for patios, terraces and decks. These guidelines apply to patios, terraces and decks on both golf course and non-golf course lots.
- Ground level patios are solid surface areas at the rear of the home made of concrete, brick, flagstones or other similar materials. Patio sizes may vary at the homeowner's discretion but must be within the extended sidelines of the home and not exceed the impervious surface limitations of the lot.
- A patio enclosure generally offers a means to enhance the appearance of the patio and serves as a landscaping feature to the back yard. A patio may not be enclosed with a fence. So as to differentiate patio enclosures from fences, enclosures should have an open portion providing unobstructed entry and egress to the patio. Enclosures should be no more than "seating wall" in height—approximately 24 to 30 inches and limited to the dimensions of the patio. Enclosures should be either brick, matching the brick of the home; or wood, natural in color or painted to match the trim of the home. Plant materials may be used in lieu of brick and wood to form an enclosure.
- Terraces and decks, for the purpose of these guidelines are raised solid or wood surfaces usually 30 inches above ground or equal to the level of the first floor of homes having crawl spaces. City of New Bern ordinances require an enclosure or railing be placed on surfaces 30 inches or more above ground level. Terrace and deck sizes may vary at the homeowner's discretion but must be at the rear of the home within the extended sidelines of the home and, if solid, not exceed the impervious surface limitations of the lot. The area from ground level to terrace or deck level shall be screened ---
- A patio, terrace or deck will only be approved if it is aesthetically pleasing, does not detract from the reasonable value of any lot or property and does not impede the view of a water course or other attractive feature from any other property.

10/1/03

## Attachment IV

### **TABERNA MASTER HOMEOWNERS ASSOCIATION**

#### **Standards for Signs**

Taberna residents, builders, contractors and realtors are required to abide by the following standards.

All permitted signs shall be constructed of materials, styles, colors and sizes as approved by the HOA. The Covenants allow for exceptions for the Taberna Golf Club, street or directional signs erected by Weyerhaeuser Real Estate Development Company (WREDCO) and governmental entities. Specifications are available for permitted signs.

Only one (1) of the following signs shall be displayed, per lot, at any given time:

- One (1) sign provided by WREDCO identifying the name of the owner of the lot.
- One (1) sign specifying the general contractor actually constructing a home on the lot. Such sign must be removed upon issuance of a Certificate of Occupancy for the home.
- One (1) sign identifying the lot as "For Sale" either by a selling agent or by the owner. Any hanger boxes with sales information must be attached to the post. Such sign must be removed within two (2) business days following completion of the real estate purchase of the lot or home.
- Acceptable option: One (1) sign consisting of two conforming signs placed back-to-back on the same sign post.

The above signs must be placed a minimum of 10 feet from the curb and centered to the front of the lot.

Temporary signs announcing or giving directions to an open house, garage sale, reunion, party, etc., must be tastefully constructed and are not to exceed four square feet. Temporary signs may be erected on the evening prior to the event and must be removed no later than twenty four (24) hours after the close of the event.

Signs of a cautionary nature such as "Wet Concrete" may be displayed on a temporary basis and must be removed as soon as practicable. An owner may place one (1) home security sign adjacent to the front of the home on a temporary or permanent basis.

## Attachment V

### **TABERNA MASTER HOMEOWNERS ASSOCIATION**

#### **Water Access Building Guidelines**

Walkways, bulkheads and docks may be constructed to provide Taberna Homeowners access to and viewing of the waters of Brice's Creek and its tributaries. Construction will be allowed only following issuance of all required regulatory permits. Permitted plans shall be submitted to the committee for approval as to materials, size and location so as to minimize visual impact to adjacent Living Units. Per the setback guidelines no elevated structure shall be constructed beyond the rear minimum building envelope setback line, that being 20% of the mean lot depth.

#### Regulatory Restrictions:

Walkway structures constructed over 404 Jurisdictional Wetlands may not exceed six feet in width.

Maximum dock surface area may not exceed 192 square feet.

Structure may not extend over the water greater than 25% of the stream width.

These guidelines are consistent with the goals of CAMA and the USFS Scenic Waters Program.

9-29-03

Attachment VI

**TABERNA MASTER HOMEOWNERS ASSOCIATION**

**Taberna Mailbox Policy**

Taberna has custom designed, and built, mail/paper boxes and post that are to be used exclusively in our community. This will be the only approved mail/paper receptacle in Taberna and must be purchased through the Taberna Homeowners Association. The assembly consists of a cast iron post with pineapple top cap, mailbox, paper box, and two sets of numbers.

Builder's can either make payment when the assembly is picked up for installation, or the cost can simply be deducted from the \$1,000 Compliance Deposit.

Installation: The post should be embedded 12"-14" below grade, approximately 30" behind the curb near the driveway or other approved location. The cavity around the post should be filled with approximately 20 pounds of dry Sacrete mix and tamped firm. Numbers should be affixed to the paper box 6½" from the left and 1½" from the base of the box.

**ALL UTILITY SERVICES IN TABERNA ARE UNDERGROUND AND BEHIND THE CURB. TO AVOID DISRUPTION OF ELECTRICAL, TELEPHONE, OR CABLE TV SERVICE, STATE LAW REQUIRES THAT YOU CALL ULOCO (TOLL FREE) 1-800-632-4949 (Hours: 7 a.m. to 5 p.m., Monday through Friday) FORTY-EIGHT HOURS BEFORE DIGGING IN THE AREA. REPRESENTATIVES OF THE UTILITY COMPANIES WILL RESPOND TO THE ULOCO INQUIRY AND LOCATE THE UNDERGROUND CABLES ON THE PROPERTY.**

**WE URGE YOU TO COMPLY WITH THIS LAW TO PREVENT ANY DISRUPTION OF SERVICE OR PERSONAL INJURY.**

# **Attachment I**

## **ABBINGTON WOODS BUILDING GUIDELINES**

**Abbingtion Woods home sites and homes are subject to the Taberna Building, Architectural and Appearance Guidelines Rules Clarification Document except where modified herein.**

**\*All rules are subject to Architectural Control Committee Review Process & Approval**

### **INTRODUCTION**

Covenants are protective legal instruments that are binding on the owners of property in Taberna. Covenants establish and apply reasonable restrictions for land use, architectural design, and property maintenance. They provide a review process for approval of exterior plans and improvements or changes to the property. They allow the Home Owners Association to develop rules and regulations to monitor and ensure compliance. Their purpose is to keep Taberna an attractive and desirable place to live. Consistent application of the Covenants and Guidelines is designed to assure compatibility with the planned character of the community and protection of real estate values. Owners must have prior approval from the Architectural Control Committee for home construction plans, exterior home changes or improvements, or a new structure on any property.

### **1. BUILDING GUIDELINES**

#### **Building Site:**

Building sites must comply with all State and local codes and ordinances.

Building sites must be kept clean and free of debris capable of being blown off-site.

#### **Drainage:**

It is the responsibility of the builder/owner to provide positive drainage from the building pad to streets or other designated drainage easements.

Water source heat pumps – No discharges will be allowed into roadside ditches or drainage swales along property lines.

#### **Tree Removal:**

The ACC must give prior approval to the removal of any trees, six (6) inches or more in diameter measured one foot above normal ground elevation that are located at a distance greater than twenty (20) feet from the planned structure. Due to the nature and density of the homes, efforts to maintain trees in rear yards and common areas should be maximized.

#### **Foundations:**

Homes will be built on monolithic slabs at grade.

#### **Exterior:**

Homes will use vinyl or brick siding or a combination thereof. Accent vinyl siding shapes are allowed.

#### **Roofing:**

All roofs will be a minimum pitch of 6/12.

Shingles will be a 25-year architectural grade dimensional shingle.

#### **Colors:**

Whites and earth tone choices are preferred; all choices are subject to architectural review.

#### **Garages:**

A minimum two-car garage with appropriate apron in front of garage doors to accommodate the parking of two additional vehicles.

Garage doors may face the street.

### **2. LOT MAINTENANCE**

Landscape maintenance to be provided by the Taberna Master Homeowners Association. Landscape contractor to be selected by the Abbingtion Woods sub association committee and approved by the HOA Board of Directors.

### **3. MAIL BOXES**



Design & Color:

Single or double boxes on post may be utilized. Design should be similar to standard Taberna mailboxes. Any deviation is subject to Architectural Control Committee approval.

Cost:

Builder responsible.

Location:

Builder responsibility

Installation:

Builder responsibility.

**4. PRIVACY FENCING**

Location:

On property line starting at rear corner of house and going towards rear of lot.

Design:

Developed by builder subject to Architectural Control Committee approval.

Installation:

Builder responsibility.

Maintenance:

HOA responsibility.

Utilization:

Privacy fencing is not to be decorated, utilized as a wall, or have hangings on it without Architectural Control Committee approval.

11/17/03

Colonel Alfred N. Drago USMC (Ret.)  
310 Neuchatel Road  
New Bern, NC 28562

President Taberna Home Owners Association

In accordance with the decision of the Architectural Control Committee we have removed the porch railing and the under window design element. It was also decided that we would have to install columns under the porch overhang. We are appealing this portion of the decision.

The house when we purchased it had no columns. They were not installed by the builder. We assume that since the builder had control of the property that all the proper approvals had been obtained. At that point in the process we had not any knowledge of the protective covenants and the requirements of the HOA.

We have lived here for about 18 months without the columns and we have not had any adverse comments from our neighbors. In fact we doubt that anyone has noticed that they are not present.



Al & Ann Drago

Copy: Richard Turner ACC

Taberna Home Owners Association  
c/o R. McCausland  
222 Mellen Road  
New Bern, North Carolina 28562

To Whom It May Concern:

On August 19, 2004 we visited the New Bern Business Expo at the Riverview Convention Center, in New Bern. We stopped at the House of Glass booth, entered their contest to win \$1000.00 credit toward a job and spoke to them about having our screen porch enclosed. They called us on August 20, 2004 - said we had "won" and we made an appointment with them.

On Monday, August 30, 2004 we had House of Glass, 824 Gum Branch Road, Jacksonville, North Carolina 28540 and Middle Street, New Bern, North Carolina 28562, come to our home to give us a price to enclose our screen porch.

We agreed to the price of \$5000.00 and signed a contract. Mr. A. Tripp, owner and his contractor came out the following day to measure the porch. Mr. Tripp said we had gotten a "great deal" - the normal price would be much higher.

On Saturday, September 4, 2004, Joe Donnelly (House of Glass salesman) stopped at our home with a message from Mr. Tripp saying he could not do the job for the contracted price and wanted \$1000.00 more. We said NO!. This was five days after the contract was signed.

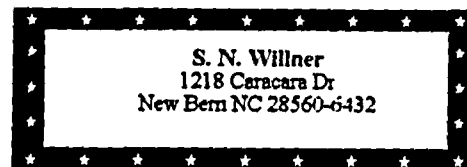
We do not feel this a reputable company and are very disappointed with their attitude and business practices.

They want to cancel a contract 5 days after it was signed.

On Tuesday, September 7, 2004, Mr. Tripp called to "apologize" and state he will not honor his contract. HE is the company officer and has the final say.

*Sheridan Willner*  
*Elizabeth Willner*  
*September 9, 2004*

cc: Better Business Bureau  
New Bern Chamber of Commerce  
Jacksonville Chamber of Commerce  
Riverfront Convention Center  
POA - Fairfield Harbour  
Taberna  
Greenbriar  
River Bend



David McFadden, District Attorney  
House of Glass  
Swiss Bear

November 1, 2004

**Bill Rounds , President  
Taberna Master HOA Board of Directors**

**Dear Bill,**

**I have had an opportunity to review the 2005 Budget and for the most part am in agreement with the Boards recommendations. In past years we have received a more detailed report to include such information as past due accounts and more detailed line items. I assume we will be provided with a detailed report at the annual meeting.**

**I am in total disagreement with the Boards decision to add a line item for \$8000 in Park Recreational Equipment. I challenge the Boards right to add this line item without membership approval .Two years ago a similar issue was raised by a special interest group concerning a Bocci Ball Court at this same park and was voted down.**

**We have a state of the art professional children's play ground (. 3) of a mile from Taberna that should satisfy any normal childs exercise requirements. Also at this beautiful facility are covered areas for picnics and refreshments. There have been reports of vandalism at Todd Danson park with the soccer equipment and the horseshoe pits which are almost non distinguishable and unused.**

**Who will be responsible for damage and liability for injury? We do not need to duplicate what the City of New Bern and Craven County has provided for our young population at taxpayer expense. This Board decision is similar to taxation without representation.**

**The Board has the POWER and AUTHORITY to manage the daily normal business issues of Taberna Homeowners however , when it comes to special interest group requests a membership vote should be required. If we allow this special interest group issue to slide by I assure you the door is now opened for many special interest groups to get on the hudget for an automatic approval without membership input.**

**I urge the Board to rethink this special interest group issue before the annual meeting. Please provide a response to this letter.**

**Bruce Gemmill**

**cc:**

**John Murphy  
Marcia Crawford  
Larry Alderson  
Esther Hardin  
Joan Peacock  
John Galvanck**

Motion made and seconded to approve a two year landscaping contract with TMC for Abbington Woods beginning Jan. 1, 2005 based on a recommendation of the Abbington Woods Subassociation committee.

Motion made and seconded to approve a one year landscaping maintenance contract with Kut-Rite Landscaping for Boleyn Creek beginning Jan.1, 2005 based on a recommendation of the Boleyn Creek Subassociation committee.

Motion made and seconded to approve a one year contract with Kut-Rite Landscaping for landscape maintenance of the Emmen Berm beginning Jan. 1, 2005 as recommended by the Buildings and Grounds Committee.

Motion made and seconded to approve a one year contract with Young's Lawn Service for common area lawn maintenance known as Plan #92110-P beginning Jan.1 2005 as recommended by the Buildings and Grounds Committee.

Motion made and seconded to approve a one year extension of a lawn maintenance contract with Craven AG Services for One Taberna Way starting Jan. 1, 2005 based on a recommendation by the One Taberna Way Subassociation Committee.

Motion made and seconded that monies remaining at end of the year 2004 in the Taberna Master Homeowners Association bank account and the accounts of Taberna Landing, One Taberna Way, Boleyn Creek and Abbington Woods subassociations be used for forward operating expenses and any remaining balance be allocated to reserve accounts within each account.

Motion made and seconded to retain Mona Kay Sadler CPA as the Taberna HOA accountant for 2005 at the rates noted in the approved budgets.