

Minutes of the Taberna Board of Directors Special Meeting of October 25, 2002

New Business:

Passed a motion to approve the Taberna Master Homeowners Association 2003 budget setting the 2003 dues at \$180 per lot/home owner.

Copy of budget attached.

Submitted by:
Ron McCausland

TABERNA MASTER HOMEOWNERS ASSOCIATION

2003 ANNUAL BUDGET

EXPENSES

Landscape Maintenance

Entry Way Scheduled	\$44,860
Entry Way Extras	18,000
Interior Common Areas	2,500
Landscape Miscellaneous	10,000

Lake Aquatic Management 850

Park Landscaping Maintenance 6,000

Insurance

Liability & Officers E & O 3,000

Legal 2,000

Utilities

Water 3,000
Electric 1,500

Accounting 3,000

Taxes 800

Annual Meeting 500

Miscellaneous 1,000

Administrative Expenses 2,000

Social Programs 2,000

Sub Total \$101,010

Increase To Cash On Hand 10,012

Total \$111,022

Master Homeowners Association Dues for 2003 in support of above budget are \$180.

Note that properties in Boleyn Creek, Taberna Landing, One Taberna Way, Abbington Woods and properties on Lake Leman are subject to supplemental dues for property maintenance.

Minutes of the Taberna HOA Board of Directors Meeting of October 7, 2002

Old Business:

Reaffirmed that there must be one insurance carrier for all homes in One Taberna Way. HOA Board may decide which carrier they must use and may use or may not use the recommendations of the One Taberna Way residents. One Taberna Way residents may use any broker/agent of the carrier.

Discussed how to help the Historical Society pay for the commercial lot that WREDCO has for sale at the Taberna entrance including the suggestion that a special assessment be levied on all property owners. The board tabled the matter to further consider the matter and to seek council from the association lawyer.

New Business:

Heard the appeal of Mr. Frazier regarding the ACC's rejection of his proposed fence. The board rejected the appeal upholding the decision of the ACC.

Discussed the desirability of more frequent mowing of lots and/or lot fronts. Passed a motion to require vacant property owners to bush-hog their lots twice a year and to have the front 12 feet of the lot mowed an additional 5 times a year at the property owners' expense.

Passed a motion to approve the formation of an Adjudicatory Panel to rule on fines for violations of the protective covenants and the applicable rules and regulations derived from the covenants. The fining procedure document will be mailed to all homeowners with the notice of the annual meeting at which time it will be in effect.

Appointed, by motion passed, the following homeowners to the Adjudicatory Panel: John Reichenbach, 3 year term; Ken Martin, 2 year term; Mary Womack, 1 year term. Terms will run from November 1, 2002 and the board will fill vacancies as needed or on this anniversary.

Appointed, by motion passed, Donna Clayton as Secretary of the HOA.

Reviewed the ACC's revision of the Architectural an Appearance Guidelines/Rules Clarification Document. Tabled action until further review by board members.

Accepted, by motion passed, Marcia Crawford as the Board of Directors nominee for the position on the board that will be open at the next Annual Meeting of the HOA.

Endorsed a proposal that the Community Activities Committee establish a regular Bloodmobile visit to Taberna.

Discussed a proposal that a set of building guidelines be established for Abbington Woods. Kip agreed to draft a set of guidelines for ACC review.

Next meeting scheduled for Monday November 4, 2002 at 9:00 AM at the Taberna Sales Center.

Submitted by:
Ron McCausland

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 and secretary annually or after the appointment of a new member to fill a vacancy.

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.
- 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.
- 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.

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 TMHA. 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, 500 Taberna Way, New Bern, North Carolina, at any reasonable date and hour as set by the Adjudicatory Panel. The Adjudicatory Panel shall set the time for the hearing at any time between the hours of 9:00 AM and 4:00 PM, Monday through Friday (excluding holidays). A notice of the time and date for the hearing shall be delivered to the subject property owners 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 of the date set for the hearing for good cause, such 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 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 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.

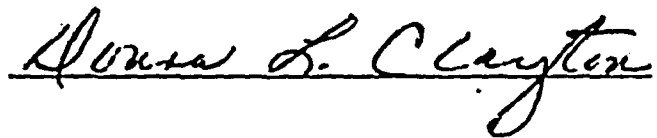
- C.** At the conclusion of the presentation by the representative of the Board, the property owner(s) shall have the right to be heard by the Adjudicatory Panel, if the property owner(s) so choose(s). The property owner(s) shall have an equal opportunity to present information to such Panel through 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 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 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 that 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) working 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 7th day of October, 2002.



Secretary

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