

3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
SPECIAL WORKING MEETING
December 5, 2025

The meeting was called to order by K. Brockman, President, at 10:00 AM in the 3CW Community Clubhouse.

<u>OFFICE</u>	<u>OFFICER</u>	<u>ATTENDANCE</u>
President	Karry Brockman	Yes
Vice President	Cindy Dubac	Yes
Treasurer	Curt Hendricks	Yes
Recording Secretary	Marge Barnes	Yes
Corresponding Secretary	Patricia LaCourse	Yes
Superior Executive Community Manager	Laura Marx	Yes

1. Meeting with Laura Marx on Voting and Election Policy and Procedure

- Cindy presented the revised Voting and Election Policy and Procedure for review.
 - Laura expressed that there is no need for a second envelope as she would verify who was voting with the mail-in ballot and keep records of all of the mail-in ballots received.
 - ◆ Email ballots are acceptable with scanned copies or pictures.
 - ◆ Superior will verify that the ballot was received from the correct owner of the correct address. A spreadsheet will be used to tabulate the ballots.
 - » Instructions, explaining how to vote, will be included in the original mailing to the community.
 - » There will be a deadline for receipt of the ballots at Superior and those arriving late will not be counted.
 - » There should be 2 worksheets; one to show, by address, that they voted, and another that tabulates how that person voted.
 - ◆ Superior will hold the ballots until the date of election and then bring them to 3CW to be counted by the voting inspectors.
 - ◆ The ballots would either be mailed to Superior or emailed to Superior.
 - ◆ Ballots will be handed out after registration at the community meeting, as usual, for in-person voting.
 - ◆ A dry run should be done to iron out any problems.
 - » Do a mock election after the first of the year.
 - ◆ Need to emphasize that the ballots cannot have anything written on them. If there is anything written on the ballot, it will be rejected.
- **Karry:**
 - Dormer Evaluation Status
 - ◆ 4 more requests for reimbursement were in the box this morning.
 - ◆ John Gabor changed the form with added notes at the top of the form.
 - ◆ Cindy is drafting a response to the community to inform them that the requests are on hold.
 - ◆ We are getting an expectation of what the people want.
 - ◆ Perhaps send out to the community the letter John Gabor wrote to the community regarding fixing the dormer issue in which he stated that it was the homeowner's responsibility.
 - ◆ Cannot say that all the dormers in the community have the problem of where the siding comes in contact with the shingles.
 - ◆ It was brought up at the Special Meeting on 11-25-2025 by Karen Newman and her sister that asked why the community has to wait until there is a leak, causing potential damage to the interior, before having the maintenance done on the dormers.
 - ◆ We need to get the cost of evaluating X number of dormers in the community.
 - ◆ Karry will talk to Heath of Mountain Ridge, Dan of Mr. Handyman and Rick Earndhardt asking for quote to fix the dormers possibly using the method from Gabor's email from 2024.
 - » The information received back from the contractors will be discussed at a community meeting.
 - » Current thinking is a special assessment would be required to fix the dormers.
 - » Need to know how many have had work done for repairing a leak caused by the dormer being installed incorrectly.
 - Legal opinions from 2 lawyers were presented during the 11-25-2025 meeting in which cited 5.02 of the CC&Rs, basically stating that anything not explicitly designated to the Association will be the responsibility of the homeowners.
 - It also states that Article V, Section 5.02(a) permits but does not require the Association to undertake certain exterior repairs of the Dwelling Units including, roofs, exterior structural elements, and painting/staining the exterior. Thereafter, Article V, Section 5.02(b) makes clear that "[e]xcept as provided expressly in this Declaration or as may be agreed to by a majority vote of the Association."
 - ◆ There has never been a vote by the Association regarding the Townhome Maintenance List.
 - ◆ The CC&Rs are not specific.
 - ◆ In another area of the CC&Rs, it states that the BOD has the responsibility for the use of assessments.
 - Laura expressed that the Townhome Maintenance List be sent to the lawyer for his opinion.

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- Karry covered the email he originally sent to Galvin for his opinion.
 - ♦ Galvin replied with an opinion on the election challenge, "There is no requirement to provide a method to challenge a vote."
 - Karry went over the email to be sent to the attorney, which will include all of the emails received by John Gabor including those that were not sent to the BOD
 - The BOD agreed, unanimously, that John Gabor's application for the Audit/Investment Committee is denied.
 - Karry will be sending an email to John Gabor stating that the BOD has received his requests and that the BOD has sent the emails to the attorney for an opinion. This email will state that his application for the Audit/Investment Committee has been denied.
 - Curt shared an answer to some of the BOD's questions on what the BOD can do with a member who is harassing the BOD.
 - ♦ We cannot ban him from the meetings.
 - ♦ Most other options have been done by the BOD with the exception of restraining orders, which could be used against another threat by Tim Donnelly.
 - Karry went over another email that he is compiling to be sent to Galvin.
 - Karry had talked to Ritchie of Lincoln Landscape about trimming the Japanese Maples and he said it would be \$30 each.
 - It was decided at an earlier meeting that the homeowners are responsible for trimming their Japanese Maples because the HOA does not know if the developer planted the tree or the homeowners.
 - An email will be sent to those residents that have Japanese Maples that they have to trim them themselves or can employ Lincoln Landscape to trim the tree for them at a \$30 each.
 - If they do not trim their trees, it could lead to a violation.
 - Karry received a quote from B. P. Drainage to install edge guards at \$8 a foot which compares to Lincoln Landscape's \$14 a foot.
 - Marge/Cindy – Approve installing the edge guards while they are here working on the North Star project at a cost not to exceed \$3600. Passed, unanimously.
 - The front entrance lights have shorted out. Karry will contact Lake Norman Electric to look at the lights.
 - Cindy/Marge – Have Lake Norman Electric to fix the front entrance lights at a cost TBD. Passed, unanimously.
 - End-of-Life Maintenance
 - Should we ask Galvin for an opinion on our use of the term "end-of-life"?
 - ♦ Right now we are saying we do not do maintenance on the dormers.
 - ♦ Need to educate the community that they bought their homes; there is maintenance to be done by the owners. There will be a cost that needs to be paid either by the HOA in the form of dues or the homeowner directly.
 - ♦ Perhaps we should use "useful life".
 - There are 6 doors on the list that have not been painted.
 - Hold until January.
 - Email String Regarding Maintenance of Dormers
 - BOD will not be involved in this email string; let it run its course.
 - BOD can use this email string for communicating better with the residents in the community.
2. **Adjournment:** Marge/Curt - The 3CW HOA BOD Working Meeting was adjourned in the 3CW HOA Community Clubhouse on December 5, 2025, at 10:35 AM.