

Article III - Assessments

New Document	Feedback from Membership	Committee Response
1. The Association shall have the right to assess each lot in Chatuge Village for the up-keep and maintenance of the roads, the installation, upkeep and maintenance of the water systems, furnishing water to the Village residents, the maintenance of common and public areas, including the employment of agents needed to assist or provide these services, household garbage pick-up, bookkeeping, billing and collection of said charges, including, the employment of agents deemed necessary by the Board for the management and maintenance of Village properties and services to be performed. The amount and schedule for payment of said assessments shall be proposed by the Board and approved by a majority of the Association Membership, and the owners of lots or property within Chatuge Village shall be responsible for the payment thereof. Each owner, by acquiring or holding an interest in any lot, thereby covenants to pay such assessment.		
2. Assessments are made as follows: a full assessment for developed lots (single and combined lots with any structure); a partial assessment for unimproved lots (no development and not combined as part of a developed lot).		

<p>3. Assessments are billed on a quarterly basis and full payment is due by the last day of the first month of the quarter. Among other remedies, the Association may disconnect water service if payment is not received by the due date.</p> <p>The owner shall be notified in writing, by first class mail, of the Association's intention to disconnect water service not fewer than fifteen (15) days prior to the disconnection of said water service. To avoid disconnection, or to have water services reconnected once disconnected, the owner must bring the owner's account current and reimburse the Association for any charges it incurs in disconnecting/reconnecting the water service.</p>	<ul style="list-style-type: none"> • ...Add "and by electronic means" • Are we lawfully allowed to turn off water supplies for those in arrears? 	<ul style="list-style-type: none"> • Electronic means is an additional method the Board can use but is not required. • Yes, water supply can be turned off. This is an option in the current CVCA C&R and has been used once. This is the final step in a process which seeks a mutually agreeable solution. It is only used as a last resort where other methods of compliance proved unsuccessful.
<p>4. Each assessment not paid within thirty (30) days of the due date, together with any late fees, interest in the amount of eighteen percent (18%) per annum, costs and attorneys' fees thereon, shall be a permanent and continuing lien upon the lot against which the assessment was made. Such lien may be perfected and enforced pursuant to the provisions of § 47F-3-116 of the PCA or any other remedy provided by law. Each such assessment, together with interest, costs, and reasonable attorney fees, shall be the personal obligation of the owner(s) at the time the assessment fell due.</p>		

<p>5. No owner may be relieved from any liability or the assessments provided for herein by non-use of the property or common areas; by virtue of having a well located on the owner's property; or otherwise.</p>		
<p>6. The owner has the sole responsibility of keeping the Association informed of the owner's current address if different from the lot owned. Otherwise notice sent by Association to the lot (upon which a Residence is constructed) is sufficient for any notice requirement under this Declaration.</p>		
<p>7. The Board shall determine assessments based on the adopted budget and the Board's reasonable estimate as to the income and expenses anticipated based on the aforesaid budget. The total amount of the budget, including an amount needed for the reserve fund(s), shall be prorated according to the number of lots and, if applicable, the number of separate Dwelling Units per lot. For purposes of this paragraph, a Dwelling Unit consists of a separate entrance and kitchen appliances. The foregoing notwithstanding, any lot on which one or more separate Dwelling Units have not been subject to assessment prior to the effective date of this Declaration, shall not be deemed to be separately assessable until title to that Dwelling Unit is conveyed by the current owner as of the effective date of this Declaration.</p>	<ul style="list-style-type: none"> • Should this be changed because Chatuge Village only allows building of single- family residences and this was to cover the duplexes and triplexes that had already been built on single lots and have been grandfathered in. • Suggest adding "vacant" before lots and deleting Dwelling Units and replacing with Residences in second sentence. Delete rest of paragraph. • Does this mean residences with two kitchens will have two assessments? 	<ul style="list-style-type: none"> • There is one exception which exists in the Village and has been grandfathered in. • The wording should stand. The only differentiation between lots in our documents is developed or undeveloped lots. • Philip Roth needs to further address "dwelling units" and rewriting of last sentence in simpler terms or possible deletion. • Residences with two kitchens will not have two assessments unless previously assessed as a duplex or a triplex.

<p>8. Any single proposed expenditure by the Board in an amount in excess of ten thousand dollars (\$10,000.00) must be approved by the members at a meeting called for the purpose and at which a quorum is present.</p> <p>The monetary cap, hereby set initially at \$10,000, shall be determined from time to time by a majority vote of the members attending a meeting called for that purpose, and at which a quorum is present.</p>	<ul style="list-style-type: none"> Should not be able to split an invoice over \$10,000 into two invoices less than \$10,000 each to avoid needing a special vote. 	<ul style="list-style-type: none"> The Board is generally authorized to expend budgeted funds in its discretion and without the further approval of the membership; provided, however, that its authority to do so is subject to a monetary cap on single expenditures not otherwise set forth in a ratified budget. Any proposed single expenditure in excess of the monetary cap shall require the approval by a majority vote of the members attending a meeting called for that purpose, and at which a quorum is present. (Philip Roth)
<p>9. The Board may levy special assessments in the event operating funds are insufficient to construct, structurally alter, repair, or replace Improvements in the common areas. Any proposed special assessments shall require the approval of sixty-seven percent (67%) of the votes of Members who are voting in person, or by proxy, at a meeting duly called for this purpose. Any such special assessments shall be paid as determined by the Board, and the Board may permit such special assessments to be paid in installments extending beyond the fiscal year in which the special assessment is imposed. Nothing in this paragraph requires the Association to exhaust reserve funds prior to imposing a Special Assessment.</p>		