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**Board of Directors Meeting  
July 24, 2021**

1. Meeting Called to Order - by Greg Lohman, President
  - a. Pledge of Allegiance
  - b. Conduct of Meeting Reminder
  
2. Review of Minutes – Greg Lohman  
Mike Shaffer made motion to approve March minutes and Gene Neville seconded. Minutes passed unanimously. Motion carried.
  
3. Treasurer's Report – Patrick Coates, Treasurer
  - a. Patrick reviewed April Financials and advised this is the first time that we have had dues and assessments separated and you can see prior year versus current year.
  - b. Restaurant Expenses. First time that Patrick has known since being ran by POA that we have a profit.
  - c. Audit is complete and in review and should be signed in the next two weeks.

Discussion:

- d. Can we get the financials in a more timely manner? Understand there have been challenges with write offs through the office, but what can we do to support the office in order to do this. Patrick advised: The office needs to start to get the financial information to the management company quicker. We need to have everything to them by the 7<sup>th</sup>. Patrick has informed Sherry and Keith of this.
- e. Question: Are we on track for June financials? Complaint was that there was not time to review the financials before the board meeting and so to do it here quickly is not enough time Answer: We should have them in the next couple of days. If we can get stuff to Good Management, this should solve this problem.

Gene Neville made motion to approve April and May, Kelly Clark seconds. Motion passed 6 - 1, Motion carried, and Financials are approved

4. Managers' Report given by Beth Patterson in absence of Keith Litcofsky
  - a. Lounge/Restaurant
    - o The overlook outside patio is open. A lot of members are enjoying the outside dining.
    - o Destiny has been hired for the kitchen.
    - o Look for fun activities being planned for the Overlook deck in the next few weeks.
    - o Kitchen hours are Thursday 5 pm to 8 pm. Friday & Saturday 5 pm to 9 pm.

**b. Maintenance Updates**

- Getting bids for the culverts that were affected by the heavy rains and for Hatteras.
- Have caution driving on the of Sweet Briar & Fernwood. They have sides of the road that are blocked off and are wide enough for one vehicle. Kingswood and the end of Sweet Briar are completely closed.
- Fixed leak in clubhouse and replaced ceiling tiles.
- Continue to cut grass and lawn maintenance on property.
- Front of clubhouse landscaping has been enhanced.
- Cut and picked fallen trees down on different roads.
- Fixed toilets at two comfort stations.
- Working on pavilion in Mt. Bay
- Road committee is working on 2<sup>nd</sup> level of importance list for road repairs.
- PLEASE BE CAREFUL DRIVING IN THE COMMUNITY. The tractor is mowing the sides of the roads. We have already had a few close calls because of people not paying attention.

**c. Office Updates**

- Processed 19 new members
- Some people have called and asked about cards for their significant other. Please email or stop by the office to get the extra card
- Office will be closed Monday September 6 for Labor Day.
- Please make sure you include your account number on the payment check or money orders.

**d. Security**

- Interviewing candidates for the two part time vacancies.
- We had 7 incidents reported in June.
- June Traffic report- Several failed stop sign and speeding
- IF YOU SEE IT, REPORT IT!

**e. Pool**

- Hours are 11 AM to 8 PM. Water aerobics are on Monday, Wednesday, & Friday at 10 AM. Kelly & Nadine are looking forward to seeing you there.
- Pirates and mermaids party for the kids coming soon. Look for details in the coming weeks.
- Cabana is open Wednesday to Sunday at 1 PM until 5 PM. Thursday to Saturday members at the pool can call the restaurant and pick up at the window until 7 PM weather permitting.

Kelly Rembert inquired about why social committee was not contacted with regard to Pirates and Mermaids gathering at pool. Beth asked Sue if Keith had talked to her about the Pirates and Mermaids and they are not using social committee monies and it is coming out of their pockets. Greg Lohman advised that Lounge and staff trying to coordinate some events to make it fun. May have been a miscommunication between them and the social committee. Greg will speak with Keith about this.

**5. Advisory Update – Belinda Belvin – Member Comments and Suggestions**

- a. There were two (2) questions about the minutes and financials. Sonya and Belinda will now have access to the website and are going to be getting minutes uploaded as soon as they are approved. Financials were discussed we are working with the office staff so we can get to Good Management so that we can get the financials back and approved. These are things Belinda is focusing on and hope this will be taken care of this soon.
- b. Penny Wafford had submitted request to volunteer for the beautification committee and it has been sent over to Mike Shaffer who is the Board liaison.

## 6. Member Comments

- a. Greg Sheppard: Can approved financials be posted? Belinda advises we should have posted this week.
- b. With collection rate down, where do we stand in the collection process. Are we sending out late notices? Patrick: Late notices have been sent out. Second late notices are going out. Everything will be turned over to collections by August 15<sup>th</sup>.
- c. Confused where the May minutes are. We did March, shouldn't we be approving May. Answer: We did approve May minutes via e-mail and Sonya will give Beth the e-mail chain of the approval for the files.

## 7. Old Business

- a. Chapter 11 Update – Greg Shepard

On June 18, 2021, the Association, Jody Pope and Whitney Pope jointly filed that certain Notice and Application for Settlement and Compromise. After service of these documents and expiration of the 21-day objection period, without any objections being filed, the Court signed and entered the Consent Order Approving Settlement and Compromise on July 20, 2021. On July 21st, Mr. Pope complied with his obligation to withdraw his motions to dismiss the adversary proceeding and main case. Therefore, from a procedural perspective, the settlement process is now complete.

The approved Settlement Agreement provides that the Popes shall pay the agreed upon settlement amount to the Association within thirty (30) days after the date the Court entered its Order approving the settlement. This means that the deadline for the Popes to pay their agreed upon fees, dues and assessments is **August 19, 2021** (30 days after July 20, 2021). It is a significant step to complete the settlement with the Popes – the second most active litigants in the adversary proceeding.

On June 3, 2021, after no third-party objections were filed, the Court entered its Consent Order Approving Settlement and Compromise Between the Association and Jody M. Patterson. As part of the agreement approved by the Court's Order, Ms. Patterson must file a ballot accepting the Plan. The outparcel sections and the settlement with Ms. Patterson are addressed in Class 13 of the Plan. Ms. Patterson has not yet cast her acceptance ballot, but the deadline has not expired for doing so.

After the Court approved the joinder of 59 additional lot owners as defendants in the Adversary Proceeding, those individuals were served and all but two are in default. We will take the necessary steps to obtain a default judgment against those individuals in the coming weeks. The individuals who filed an Answer are Richard Boruty and Teresa Boruty.

We are currently in the midst of discovery in the adversary proceeding. All discovery must be complete by September 3, 2021. We have sent discovery requests to all answering defendants. The only defendants who have replied to our discovery requests are Mr. and Ms. Busbee, and we are currently reviewing their responses in preparation for their depositions in early August. Mr. Dodd requested, and we granted, an extension for his clients to answer our discovery requests. Their extended deadline is August 2, 2021. Mr. Pierce also replied, but his replies were woefully deficient, and a letter has been sent advising him of this and requesting additional information on or before July 29, 2021. For all other defendants, reminder letters have been sent (as required under the Federal Rules of Civil Procedure), and we expect motions to compel will be necessary. We don't expect these parties will actually produce anything, so the main goal is to either have the Court strike their answers for failure to comply with the Federal Rules of Civil Procedure or ask the Court to rule that they cannot introduce any evidence at trial.

Mr. and Ms. Busbee are the only parties who served discovery requests on the Association. Nexsen Pruet were onsite on July 19th and 20th to review the Association's documents that (1) are responsive to the Busbee's requests, and (2) that may serve as helpful evidence for us at trial. Nexsen Pruet asked me to convey their appreciation of the efforts made by Beth Patterson, Keith Litcofsky, the Board and all others who worked to organize the documents." Nexsen Pruet is now reviewing the documents for production to Mr. and Ms. Busbee. Responses to their discovery requests are due on or before August 2nd.

On June 18, 2021, the Association declined the Dodd clients' settlement offer. Instead, our attorneys countered with the same terms that the Association agreed to with the Popes. Mr. Dodd has not replied to this offer on behalf of his clients. We expect Mr. Dodd to contact Nexsen Pruet next week to discuss settlement again since his clients' discovery responses are due on August 2nd.

On June 24, 2021, the Association declined certain portions of the Busbees' settlement offer and sent a detailed counteroffer. The Busbees sent a letter with new offer terms after close of business on July 21, 2021. That letter and our initial analysis has been sent to the Board.

### **The Main Bankruptcy Case**

After a contested hearing held on May 26, 2021, the Court entered an Order approving the Association's disclosure statement and overruling the filed objections. The Court entered this Order on June 1, 2021. The hearing on confirmation of the Association's Plan is set for August 24, 2021, at 10:30 a.m. The full "plan package" has been served on all parties, and many ballots have been filed. As of our last count, approximately 2/3 of the ballots received were acceptances, and approximately 1/3 were rejections. The deadline to file ballots is August 17, 2021.

Also, after the hearing on May 26, 2021, the Court entered an Order denying the MaCaulays' motion to define the term "budget-based billing."

The Association reached a settlement with CAMS, which was memorialized in the First Amendment to the Amended and Restated Chapter 11 Plan of Reorganization filed on June 4, 2021. On July 14, 2021, CAMS filed its ballot accepting the Plan. Like Jody Pope in the adversary proceeding, resolving the Association's dispute with CAMS is a significant step in this case. This is also vital because we now have the acceptance of at least one impaired class under the Plan.

The Association also has an agreement with TESI, which was memorialized in the Second Amendment to the Amended and Restated Chapter 11 Plan of Reorganization filed on July 15, 2021. TESI has not yet filed its ballot accepting the Plan, but that should soon be received. TESI's acceptance will serve as another accepting, impaired class of creditors.

On July 5, 2021, Ms. Busbee filed a motion for miscellaneous relief asking for, among other things, the amount of attorneys' fees the Association has incurred in the main case and the adversary proceeding. The Judge denied this motion and stated that Ms. Busbee's request should be addressed through discovery, without court intervention.

And finally, On July 13, 2021, the Court entered an Order approving the Association's request to sell Lot 51 in Kinston.

- b. Bylaw Committee – No Updates
- c. ACC: Mike Shaffer presented in absence of Mike Smith.  
There has been a huge number of inquiries submitted for approval and request for documents. We could use some help if anyone is interested.
- d. Road Report – Russ Dukeman.
  - o Completed initial list and the approximate expense was a little under \$70K. Recently they have started a secondary list that they would like to get started on and would like to know what kind of budget we have left. It is kind of a moving budget because of the rains and other issues and therefore we can't spend all the budget since there are unforeseen.
  - o We have a list, and there have been people contacting him for things to look at. There are several locations that the road is breaking up and we need to get in and get some more of that done.
  - o Recent heavy rains have really taken their toll on the roads. The real issues we have are the sunken areas at the culverts. The culverts are too small and second, they are rusting through – breaking.
  - o We Also had a really bad wash out and need to get this fixed
  - o People are wanting access to their lots they are currently building and does not have a paved road. This situation is in different sections. One has been addressed, but the other road has a paved surface but needs to be widened and we will try to get gravel to it. We need to find a solution for future inquiries for the roads.
  - o Russ is interested in TESI settlement. Are we still going to be responsible for fixing their mess? Greg L advised that per the agreement they are supposed to fix the current situations going forward and we have offset the expenses already paid by us.

8. Security – Keith Dills –

- a. Still stopping a lot of speeding and not stopping at stop signs. It is the same people. They know we can't do anything about it, so they keep on. Greg Lohman advised that we approved giving tickets last year. Gene Neville advised that it should be the same authority as Oconee County and send to magistrate court. Keith doesn't feel that we should spend a day at the courthouse with the ticket management, but Board feels this would be okay.
- b. Need to purchase radar gun that was approved last year.
- c. Need to implement fines. If in house, the tickets could be appealed to the Board.
- d. Summary: Need to check the Bylaws, schedule of fines, and radar gun. Will address at next meeting.
- e. Member Penny Epperson voiced concerns about kids driving golf carts. Also, what vehicles are allowed, i.e., ATV, etc.

9. Communications: Beth Patterson

- a. Website: Website was hacked into this week and completely taken down. We are back up Belinda and Sonya will take over on posting board documents. Beth will continue to send out e-blasts and Denise will be responsible for the reorganizing of the website and posting all other documents.

- b. Keith and Beth have ordered the updated Foxwood Hills signs at a cost of \$2,500. Will receive proofs of those before being printed and will advise when this happens.
- c. There has been some work on the pavilion at Mt Bay Park. First thing was to fix the ceiling, but the baby buzzard is still there and is protected and can't do anything. Once buzzard is gone, we should begin as all materials are here and ready, just need to wait on the buzzard to leave. After pavilion has been completed, we will start on the trail.
- d. Committee member Penny Epperson is working with EZ log structures. They are very interested in working with us. Penny is asking for them to come and make a presentation. As soon as we have this, we will get them here for presentation.
- e. Maria Stamey is working on a revised new member packet and ideas for reaching out to large employers in our area.
- f. Keith and Beth met to see how we could get survey monkey. Originally thought it was \$25.00 a month and in actuality it is about \$1,500 from year.
- g. Net Doctors wants to know where we are with this opportunity. Keith explained that the Board wanted to do the survey. Net Doctors wanted to do the survey. We sent email to Board to see if we wanted to purchase survey monkey or do we want Net Doctors to do the survey.

Beth will get with Keith to research if there are other companies to use and we do not want to give out member information to Net Doctors. Greg Shepperd advised that he may know of a company and will let Beth know.

Mike Shaffer brought up if we have an SSL certificate on our domain. Beth will check into this and make sure we will get this certificate. Should not be that expensive.

#### 10. Beautification Committee – Mike Shaffer

- a. Kudos to the front entrance.
- b. We have a need for a chairperson and Penny Wafford has agreed to chair that committee. An e-blast will put together to get other members involved and come up with some ideas on things that we can do currently and long range.
- c. Mike Shaffer nominated Penny as the chair. Sonya Hale made motion to accept, and Belinda Belvin seconded. Motion passed unanimously.

#### 11. Social Committee – Sue Robert

- a. Awesome events on Memorial Day. Hairy chest contest was the big event.
- b. July events went over very well. The benefit event made about \$2,600.00.
- c. Tonight is open mic night.
- d. Due to personal reasons, Sue resigned from the committee.

Greg Lohman thanked Sue for her great service and advised we will be looking for a replacement. If anyone is interested, please let him know.

## 12. New Business

- a. Kelly Clark Nominated Kellye Rembert for Nomination Committee Chair. Kelly Clark made motion to accept Kellye as chair, Sonya Hale agreed, and Mike Shaffer seconded. Unanimously approved.
- b. Newbury 2<sup>nd</sup> Entrance – Kelly Clark: During Advisory Committee meeting Debbie Cook suggested that the second entrance to Newbury be one way. Kelly Clark went to the county to inquire if this agreeable and county has no issue. Next step is to get signatures from owners in Newbury. There will need to be 2/3 majority. Kelly will ask Debbie Cook to get petitions with printed name and lot # and signature and she can submit to Board at next meeting. Greg Lohman suggested that Kelly make a motion so we would not have to wait until next Board meeting with Kelly did. Mike Shaffer seconded, and motion carried.
- c. Restrictions for Mobile Homes – Greg Lohman advised that Susan the realtor had inquired about putting a stick-built house in a mobile home section. It was Aaron and Aaron has both so there was no issue there.
- d. There has been a request for a tiny home, lot 162 to be built in Kingston. Also, with regard to M section – mobile home section – are we allowing stick-built homes in that section. Greg Shepard suggested that since we are about a month away from the plan being approved and it addresses the tiny homes in the M section to wait to address all restrictions after the Plan approval.
- e. Penny Epperson has concerns in Hatteras II. She would like the restrictions changed concerning RV's.
- f. With regard to lot 191, a lot is up for sale next to this lot and the prospective purchaser would like the debris moved. Board agreed for Keith to contact owner and ask that they remove.
- g. Penny has concerns about easements and where some mailboxes are. When culvert is repaired, it should take care of this concern. Kelly advised that a community mailbox might work and maybe this is something Penny can work on.
- h. Gene Neville questioned Foreclosures and the availability to purchase. Board agreed to begin posting this information so community will know this is going to happen.

Meeting adjourned at 10:34