



800 Hickory Trail, Westminster, SC 29693

Fax 864-647-7669

Website: www.foxwoodhills.net

Phone 864-647-9510

Email: poaoffice@foxwoodhills.net

**Board of Directors Meeting
September 25, 2021, Minutes**

1. Calling of Meeting to Order – Greg Lohman, President
 - a. Pledge of Allegiance
 - b. Conduct of Meeting reminder
2. Review of Minutes – Sonya Hale, Secretary
 - a. Board Meeting – May 2021 & July 2021
Minutes have already been approved and posted on website.
3. Treasurer’s Report – Patrick Coates, Treasurer
Collection rate is currently at 48.24%. If prior year is taken into account, the collection rate is 55.59%.
 - a. Approval of Financials – June 2021
Financials unanimously approved by Board
 - b. Approval of Financials – July 2021
Financials unanimously approved by Board
 - c. Audit 2020 / 2021
Target completion date is December 31, 2021
4. Manager’s Report – Keith Litcofsky, General Manager
 - a. The POA office is seeking applicants for kitchen help (cooking, dishwashing and other kitchen duties.)
 - b. Applicants are also needed for part-time armed security positions. Applicants must have experience with firearm and have a background in security or law enforcement.
 - c. Kitchen hours are Thursday 5:00 p.m. to 8:00 p.m., Friday & Saturday 5:00 p.m. to 9:00 p.m.
 - d. Brandon Burdette has been hired for full time position on the Maintenance Team.
 - e. Sherri Howard has been added part time to our office staff.
 - f. Pool attendance for 2021 was 7,800.
 - g. The pool is closed for the season.
5. Advisory Update – Belinda Belvin, Vice President
 - a. Member Comments/Suggestions
No comments or suggestions
6. Old Business
 - a. Chapter 11 Update – Greg Shepard
On August 24, 2021, the Court held a hearing to determine whether the Association’s Chapter 11 Plan of Reorganization should be confirmed. At that hearing, the lot owners represented by Michael Dodd withdrew their objection to confirmation, leaving Kim Macaulay as the sole objecting party who appeared at the hearing. Judge Burris concluded the hearing by strongly implying that she would confirm the Plan. On September 1, 2021, the Court entered its Order officially confirming the Plan.
Next, the Association must “substantially consummate” the confirmed plan. The Association has already accomplished this in large part by making the first scheduled payments to TESI and CAMS. The next step is for Nexsen Pruet to file their fee application, asking the Court to approve the discounted attorneys’ fees and costs they will seek. After an Order on the fee application is entered, we will file a final report and application for final decree. This must be served on everyone on the mailing matrix. If the Court approves the application for final decree, the Judge will then enter an Order closing the case. Based on past experience with the lot owners, we expect to get at least a few objections on these final applications, but we expect the main bankruptcy case to be closed before the end of 2021. Even after the main case is closed, the Court will retain jurisdiction over the adversary proceeding.
Regarding the adversary proceeding, on August 18, 2021, the Court approved the Association’s settlement with Renee and



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Calvin Busbee, over the objection of Kim Macaulay. The Court entered this Order after the hearing on August 17, 2021, on the application for settlement and Mrs. Macaulay's objection. This Order gives full force and effect to the settlement reached between the Association and the Busbees. On August 26, 2021, the Court took the final step of dismissing all claims and counterclaims by and between the Association and the Busbees. On August 4, 2021, the Court entered its Order granting the Association a default judgment against an additional sixty (60) property owners who were joined as defendants in the adversary proceeding earlier this year.

On August 30, 2021, the Association filed its application for settlement and compromise with Defendant Sheri S. Kimball, Trustee for Trust B under the Will of James Perry Kimball. The deadline to object to this application was September 23, 2021, and I am not aware of any parties filing an objection to the settlement. Assuming no objections were filed, I expect the Court to enter an Order (without a hearing) next week approving this settlement.

The deadline for completion of discovery is October 18, 2021. The primary group with whom we are still engaging in written discovery are the Dodd Defendants. We have served responses to their interrogatories and produced documents responsive their requests for projection. We have some additional documents to produce in the coming days, which should conclude our obligations for written discovery. The Dodd Defendants have also served us with some responses and produced some documents. We are working on a letter to Dodd to advise that we either (a) need additional information and documents from them; or (b) need him to confirm in writing that he understands his clients are prohibited from introducing any evidence at trial beyond what has been produced in discovery. Written discovery will be complete within the next two weeks.

Dodd will take certain Board members' depositions sometime from October 6th to the 15th. Similarly, Nexsen Pruet will depose the seven of Michael's clients who will testify at trial on those same dates.

With respect to the *pro se* defendants (all defendants not represented by Michael Dodd), most of these individuals are subject to Orders from the Court that granted our motions to compel their discovery responses, which we filed after those defendants failed to respond to our discovery requests. These Orders gave the *pro se* defendants another 14 days to respond or be subject to entry of a default judgment against them. Default judgments will be entered against many of these *pro se* defendants, which will negate the need for any further litigation with them. I expect there to be a few *pro se* defendants who will make it through discovery to trial, and we will be ready to try the case against those individuals.

After discovery closes on October 18th, we will have until November 3rd to file a motion for summary judgment. That motion will likely be heard in December or January. We expect trial to be held in March 2022.

b. ACC – Mike Smith

Gene Neville reported for Mike Smith. We know of at least 4 people that are in process of filling paperwork to build. There are still some building going on from past permits.

Greg Lohman advised that 21 Foxwood Hills lots have been sold this year.

c. Road Report – Russ Dukeman

Biggest issues are drainage. Roads has approximately \$76,500 so far and have an additional \$7,500 that will be spent and this will take us over \$84,000 for the year. We have \$114,000 budgeted but we have drainage issues that will cost around \$25,000. We will really not have much left after the drainage issues are fixed. We will be going into next year with around \$30 – 40 thousand in drainage issues so Russ thinks we need to address a better way to handle these because drainage issues are really not road issues.

Greg Lohman asked for a figure of what he would need for drainage and Russ estimated another \$70,000 to complete the drainage issues. Russ was asked to put together what he thinks he will need to finish out this fiscal year.



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d. Security – Keith Dills

Security continues to pull speeders and stop sign runners. It is the same people over and over. Had several suspicious people reported and a few thefts and some domestic matters reported. Still need two part time people.

Keith D is to purchase radar gun and Keith L is to purchase carbon copy tickets to be issued.

Need to know the lot number and make sure it is 100% correct when issuing tickets so office can issue bill. If visitors are stopped and they will not give information, then advise them to leave the property.

e. Communications and Marketing – Beth Patterson

Denise Savidge came across a free tree grant program. Beth has pursued and we will be getting 20 free trees. It is a mixture of crepe myrtles and pink dogwoods. Requirements are quarterly litter pickups and sending a report.

Penny Epperson brought to the committee the idea of working with EX Cabins. Initial thoughts were EZ Cabins would ask for \$30,000 investment. Then they asked for \$180,000 and Penny was asked to negotiate with them. EZ Cabins was advised that we would give them a lot. They are to speak with the owner and get back with us. Greg Lohman advised that we would be okay with furnishing lot, but it would be their responsibility for lot clearing. Suggestion was made that a tiny home section be in Section M but restrictions would need to be reviewed. Discussed that in the reorganization we are not going to enforce restrictions and Section M would be the best for something like this. Problem is that while the POA may not enforce the restrictions, individuals in that section can.

Beth has signed FWH up for free South Carolina grant program. At this time, she has limited information on this. The grants will fund anything from infrastructure to renovations of parks, buildings, etc. For \$199 you can have full access to the grant database. Beth is asking for support to spend the \$199 to start. It was agreed that if funds were still in the budget, then it is okay to purchase.

Greg Lohman question if we were sure we wanted to continue the Mt Bay Park and walking trails. After discussion, it was decided that we would re-examine and try to figure another place for this to be located.

f. Beautification Committee – Penny Wafford

Penny advised that she has 2 people that said they would be on the committee.

Penny has been riding around taking pictures of property that needs to be addressed, i.e., overgrown, abandoned campers, etc.

Penny believes that lots need to be marked.

Penny is still working on getting a meeting together but still need committee members.

g. Social – Greg Lohman

We do not have a chairman for the social committee and need to put that out to the neighborhood. It is an important committee as it helps keep our neighborhood together and give us cohesiveness and common things to do and spend time together.

h. Townhall for Bylaws

Board would like to hold a townhall to discuss member comments. We would like a questionnaire sent so members can return their comments to discuss at the townhall. Meeting is scheduled for October 23, 2021. An e-blast will be sent with the questionnaire and request forms be submitted by October 18, 2021.

Objective would be to possibly have additional one in December and then in January have it ready for the annual packet so community can vote on the bylaws. Bylaws will be posted on the website, and we will ask for community input.



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7. New Business

- a. Board Member Vacancy / Term Limits for Appointments to Board of Directors
Have had 3 people apply.
E-blast will be sent for resumes to be submitted by October 30th and interviews will be conducted in November.
Interviews will be around November 13, 2021
- b. Nomination and Approval of Budget Committee Chair
Patrick Coates nominated Greg Sheppard as chair of the Budget Committee. Belinda second nomination.
Nomination approved unanimous. Two other members, Perry Slaton and Sharon Eckholt were nominated by Patrick and Gene seconded. Nominations approved unanimous.
First Budget Committee meeting will be October 1, 2021, at 6:00 p.m.
- c. Revision of Adjoining Lot Agreements
Patrick would like to amend the adjoining lot agreements to state that if you do not pay your dues, the adjoining lot agreement becomes null and void. Patrick made motion and Kelly seconded. Belinda asked if anything in the bylaws about this. If voided, you will not be able to get another agreement.
- d. Procedure for Fines for Trash Lots
We have procedures for fines in place and they need to be enforced. Will begin to bill owners for the fines. This will be managed by the Beautification Committee in conjunction with the ACC guidelines.
- e. Discuss placing liens on property and the added 12% interest
Patrick is developing a list to start placing liens. Would like, in the next month, to start placing liens and add 12% interest. This is in the bylaws and will be implemented. Topic was discussed so that membership can be aware of this procedure being implemented next month.
- f. Transfer Fees
Transfer fees are charged in most neighborhoods for new owners. Keowee Key charges \$2,500 and Chickasaw is \$1,500. Will confirm the ability to do this with the attorneys. If not currently able, then we will see about adding to the revised Bylaws.
- g. Monthly Process to Track Deed Changes
Patrick advised that we need a process to track deed changes twice monthly. Patrick is currently compiling a up to date list and once complete would like the office to do this check at least twice a month.
It was also suggested that the manager submit to the Board once a month the number of transfers, maybe even a list of the transfers, so the board will know the community members are new and secondly it will mandate that the process is being followed. Beth will add this to the description of the office staff.
- h. Discussion of lots in the FLC
Foxwood Hills has about 300 lots currently in the FLC. There are people that buy these lots, and sometimes they don't even own them, advertise and sell the lot to people sometimes with pictures that do not represent the lot. It is believed that if we take these lots from the FLC then this would stop this from happening. It is a revolving door, but this will shut that door off. A lot of scams are going around. Belinda mentioned that buyer beware should prevail. However last time we purchased 100 lots for \$1,000 and 300 lots were purchased. We have agreement with TESI that we do not pay enhancement fees in future. Taxes are only \$7.00 per lot as long as we own the lot. Once under control, it should no be a problem in the future.
We will check with Oconee County about purchasing these lots similar to the last purchase and will proceed accordingly.



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i. Advisory Meeting Discussion

Sonya discussed the actual need for an Advisory Meeting. Committee chairs come to the Advisory and present the same thing at the Board Meeting. Sonya feels that the meeting is redundant. We will look at the bylaws and will submit questionnaire for bylaw revision if needed.

j. Veteran's Day Recognition

Kelly Clark would like to make a Veterans Day recognition a yearly event. This event would open to all veterans no matter of status. There will be a free meal for all veterans. There will be a small charge for spouses. The cost will come out of the social committee. Motion carried unanimous.

k. Pool, Snack Bar Hours, and Pool Rules - Add to Website

Suggestion that pool hours, pool rules, everything to do with the pool be added to the website. We will put a Pool page together on the website.

8. Adjourn at 11:38