

# FORMAL DEMAND FOR EXPLANATION, DOCUMENT PRODUCTION, AND IMMEDIATE REMEDIAL ACTION

Re: Unauthorized Business Use of Class A Residential Property – Petit Crest Villas, Lot 636  
Parcel No.: 046A 109 | 29 Wolfscratch Dr, Big Canoe, GA

Date: January 18, 2026

Delivered Via Email

To:

**Board of Directors**

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## I. INTRODUCTION AND PURPOSE

I am a Member of the Big Canoe Property Owners Association (“BCPOA”) and write to place the Board on **formal notice** of a serious and ongoing governance issue involving:

1. **The apparent unauthorized commercial use** of a Class A Improved Lot located within Petit Crest Villas (Lot 636; See Photographs as ATTACHMENT A) and..
2. **The resulting conflict of interest and potential election integrity implications**, given Petit Crest Villas’ status as the **largest single voting block in Big Canoe**.

This letter constitutes a **formal demand** for:

- Immediate clarification,
- Production of governing authorization documents (if any), and
- Remedial action, including suspension of election activity if warranted.

I submit this demand in my capacity as a Member whose voting rights, covenant protections, and governance interests are directly affected by the matters described herein.

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## II. FACTUAL BACKGROUND (UNDISPUTED)

1. **Petit Crest Villas (“PCV”)** consists of approximately **32 dwelling units**, collectively holding **64 Class A Improved Lot votes**, making it the **largest single voting block** within Big Canoe.
2. **Unit #636 (Parcel 046A 109)** is being used **full-time** as:
  - A guest check-in office
  - A maintenance and operations office
  - A staffed business location
  - A hub for guest and staff parking
3. The business use of this unit is **open, continuous, permanent, and publicly visible**, including but not limited to:
  - Permanent signage directing guests to “Check In Here”
  - Office directional signage
  - Dedicated guest and staff parking
4. This use is **not incidental, not residential, and not mixed-use in character** — it is a **sole-purpose business operation**.

Photographic documentation substantiating these facts is available and preserved. See Attachment A.

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## III. GOVERNING DOCUMENT VIOLATIONS

The BCPOA **Rules & Regulations**, adopted pursuant to the **1988 Amended & Restated Declaration**, expressly prohibit this conduct.

### Rule A.13 – Rules for Business / Commercial Endeavors

**“No family dwelling unit may be used solely for business/commercial purposes.”**

Additionally, “business/commercial endeavors” are broadly defined to include:

*Any occupation, work, or activity undertaken on an ongoing basis involving the provision of goods or services to persons other than the provider’s family, whether or not compensation is received.*

**Further prohibitions include business activity that is:**

- Apparent or detectable by sight, sound, or traffic
- Characterized by regular visitor or customer presence
- Inconsistent with residential use

**The use of Lot 636 meets every prohibited criterion.**

There is **no exception** in:

- The Declaration
- The By-Laws
- The Rules & Regulations

for:

- Resort operations
- Management convenience
- Legacy use
- “Grandfathered” commercial activity

Any claimed exception **must be written, recorded, and lawfully adopted.**

To the extent any claim is made that Lot 636 retains nominal residential status, such characterization is contradicted by its continuous staffing, permanent business signage, guest-facing operations, and exclusive functional use for Association and resort operations. The unit’s actual use, not its theoretical designation, governs compliance under Rule A.13.

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## **IV. GOVERNANCE AND ELECTION INTEGRITY CONCERNS**

The Board’s apparent tolerance of this violation raises **serious governance concerns** because:

1. The beneficiary of this selective non-enforcement controls **64 Class A votes**.
2. Those votes are **effectively controlled by management**, not independent resident owners.
3. Big Canoe is currently experiencing:
  - Failed quorum events
  - Voting irregularities
  - Heightened community concern regarding election legitimacy
4. Allowing covenant violations by the **largest voting bloc** while enforcing rules against individual owners creates:
  - **A structural conflict of interest**
  - The appearance of **vote influence or inducement**

- A breakdown of uniform covenant enforcement

No allegation of quid pro quo is required to recognize that this situation **undermines confidence in POA elections.**

The Board's selective non-enforcement of governing restrictions in favor of a voting bloc whose ballots materially affect Board composition and quorum determinations **implicates the Board's fiduciary duties of loyalty, care, and impartial governance** owed to all members of the Association.

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## V. PRECEDENT AND COMMUNITY-WIDE RISK

If Lot 636 may lawfully operate as a business, then:

- Other Class A owners are entitled to the **same privilege**
- The residential-use covenant framework becomes **unenforceable**
- Selective enforcement exposure and fiduciary risk increase substantially

If this exception exists, **it must apply equally to all owners** — and must be disclosed.

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## VI. FORMAL DEMANDS

Accordingly, I formally demand the following within 7 **calendar days**:

1. **Written identification** of the authority permitting business/commercial use of Lot 636, including:
  - Board resolutions
  - Amendments
  - Variances
  - Legal opinions
  - Management agreements
2. **Dates, votes, and participants** involved in any decision to permit or tolerate this use.
3. Confirmation whether **any other Class A residential properties** are allowed similar business use.
4. Immediate clarification whether **PCV votes have been relied upon** in recent election or quorum determinations.
5. **Immediate suspension of all elections, vote tabulations, and quorum certifications** that rely upon Petit Crest Villas votes, pending written resolution of the unauthorized business use and its governance implications.

Failure to respond will be interpreted as confirmation that **no lawful authorization exists**.

## **VII. PRESERVATION OF RECORDS**

The Association is hereby directed to preserve all documents, communications, emails, texts, memoranda, agreements, and electronic records relating to Petit Crest Villas operations, covenant enforcement, voting procedures, quorum determinations, and election administration. Routine destruction or alteration of such records after receipt of this notice may constitute spoliation.

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## **VIII. RESERVATION OF RIGHTS**

Nothing in this letter waives any rights or remedies available to me or other members under:

- The Declaration
- Georgia nonprofit law
- Fiduciary duty principles
- Election and governance standards

All rights are expressly reserved.

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## **IX. CONCLUSION**

This issue is no longer a private enforcement matter.

It is a **community-wide governance and election integrity concern**.

Transparency, equal enforcement, and public accountability are now required.

I expect a **written response** within the timeframe stated above.

Respectfully,

**David Hopkins**

Member, Big Canoe Property Owners Association

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Big Canoe, Georgia

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**See following page for Photographs (ATTACHMENT A)**

## ATTACHMENT A:

