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March 19, 2026

Via Email (themtnsvoice@aol.com)

Mr. David Hopkins
10887 Big Canoe
Big Canoe, GA 30143

Re: Big Canoe Property Owners Association, Inc.
*Response to March 10, 2026 Letter Regarding Lot 636, Petit Crest Villas, and
Related Records Requests*

Dear Mr. Hopkins:

I am writing to you on behalf of the Big Canoe Property Owners Association, Inc. (the "Association") in response to your March 10, 2026 correspondence concerning Lot 636 within Petit Crest Villas, the long-existing check-in/office use and related signage there, the 2026 Board elections, and your accompanying demands for documents and information. The Board has reviewed your letter and rejects your assertions that the Association has acted unlawfully, that it is obligated to restart any election, or that it must provide the broad explanatory and document production you demand.

As an initial matter, the Association disagrees with your premise that the challenged business use of Lot 636 may be pursued now as though it arose recently. Georgia law provides a two-year statute of limitations period for actions alleging breach of covenants restricting land to certain uses. O.C.G.A. § 9-3-29(a). The statute provides that the claim accrues immediately upon the violation, and Georgia appellate decisions have repeatedly held that where the alleged covenant violation is tied to a permanent fixture or other long-existing physical condition, the limitations period runs from the time that condition first resulted in the alleged violation. See O.C.G.A. § 9-3-29(c); *Helmley v. Liberty County*, 242 Ga. App. 881 (2000); *S-D RIRA, Inc. v. Outback Prop. Owners' Ass'n, Inc.*, 333 Ga. App. 692 (2015). Here, the office/check-in use, and related signage have existed openly for approximately 20 years. To the extent your complaint challenges that longstanding use, signage, and site configuration, the Association maintains that such challenge is untimely.

The Board also rejects your contention that use of the word "grandfathered" in prior correspondence somehow constituted a concession that no legal basis exists for the Association's position. The point made by the Board was straightforward: the complained-of condition has existed openly and continuously for many years, the Association is informed that the use was

previously permitted by the POA, and the Association will not now attempt to unwind a long-relied-upon status quo based on allegations raised well after the applicable statute of limitations period. Even if you disagree with that position, your disagreement does not convert the Association's enforcement decision into a governance violation.

Likewise, your reliance on anti-waiver language in the governing documents does not compel a different result. Even assuming such provisions preserve enforcement authority in an appropriate case, they do not require the Board to institute enforcement in every circumstance, nor do they negate all other defenses and equitable considerations, including timeliness, prior approval, acquiescence, reliance, and the age of the complained-of condition. Nor does your letter establish any actionable "selective enforcement" claim. The Association, therefore, denies your demand that it commence enforcement proceedings against Petit Crest Villas or restart the 2026 election process.

Your March 10 letter also seeks extensive legal analysis, factual narrative, and document categories far beyond what a member may inspect under the Georgia Nonprofit Corporation Code. O.C.G.A. § 14-3-1602 gives a member a right to inspect certain existing corporate records, subject to the statute's limits and conditions; it does not require the Association to answer interrogatory-style questions, create new documents, compile legal arguments for a member, disclose attorney-client communications, or produce broad categories of historical enforcement material untethered to the statutory inspection provisions. See O.C.G.A. §§ 14-3-1601, 14-3-1602, 24-5-501. The Association, therefore, declines to treat Sections V and VI of your letter as proper statutory inspection demands and denies any suggestion that the Association must provide narrative responses or create records that do not exist.

Subject to the foregoing objections and reservations, the Association responds to Section VI-A of your letter in bold as follows:

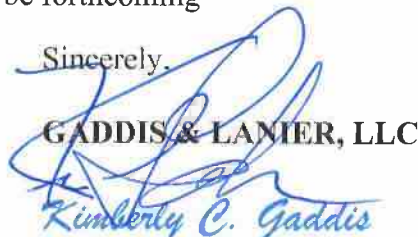
1. All minutes, excerpts of minutes, written consents, resolutions, or recorded votes of the Board of Directors in which the commercial use of Lot 636 (Petit Crest Villas) was discussed, authorized, ratified, reviewed, or otherwise addressed: **There are no documents in the Association's possession responsive to this request.**
2. Any written legal opinions, memoranda, or correspondence from Association counsel relied upon in determining that commercial use of Lot 636 is "grandfathered" or that the Association is "barred from taking any enforcement action": **This request is denied. Such materials, to the extent they exist, are not within the scope of a member's inspection rights and are protected by the attorney-client privilege and related protections.**
3. All documents reflecting enforcement actions taken, declined, or resolved concerning commercial use of any Class A residential property within the past fifteen (15) years: **This request is denied. It is not within the scope of a member's inspection rights under O.C.G.A. § 14-3-1602, is overly broad, and seeks materials beyond the records subject to member inspection.**

4. Final certified vote tabulations for the 2026 Primary and General Board Elections, including total ballots issued, total ballots received, quorum calculations, and vote totals for each candidate: **The vote tabulations are being provided with this response per the attached letter from Mauldin & Jenkins, CPA, dated February 26, 2026.**
5. Records reflecting the number of Class A Improved Lot votes attributed to Petit Crest Villas for the 2026 Primary and General Elections, and documentation reflecting how those votes were aggregated, certified, or counted for quorum purposes: **Petit Crest Villas contains thirty-two (32) Family Dwelling Units. Under the governing legal documents, each Unit is assigned two (2) votes. Those votes were allocated and counted toward quorum in the 2026 Primary and General Elections accordingly.**
6. Minutes, resolutions, written consents, or communications reflecting the decision to re-mail ballots following the failure to reach quorum, including documentation identifying the authority relied upon for that action: **The Minutes of the Special Board Meeting dated December 15, 2025, are enclosed with this letter. There are no resolutions or written consents pertaining thereto. To the extent that any communications exist between the Board and legal counsel regarding this matter, your request for same is denied as these would be protected by attorney-client privilege.**

For the avoidance of doubt, except as expressly set forth above, the Association denies your requests and rejects your assertions that the Board must provide additional explanation, produce privileged communications, disclose materials outside the statute, or take remedial action concerning Lot 636 or the 2026 elections. Nothing in this letter waives any objection, defense, privilege, or position of the Association, all of which are expressly reserved.

Please also note that the Association responds to requests for existing records actually maintained in the ordinary course of business. It is not required to create explanatory memoranda, reconstruct historical events, or generate records in response to a Member demand. This is the final correspondence on this matter from the Board, the General Manager, and legal counsel. No further response will be forthcoming

Sincerely,



GADDIS & LANIER, LLC

Kimberly C. Gaddis

KCG\bm

Cc: Board of Directors
General Manager



February 26, 2026

Big Canoe Property Owners Association, Inc.
Attention: POA Board President, Election Committee Chair,
and Director of Finance
10586 Big Canoe
Big Canoe, GA 30143

Dear POA Board President, Election Committee Chair, and Director of Finance:

The voting deadline for the Election of the Board of Directors ended on February 24, 2026, with the following results to report:

ELECTION OF THE BOARD OF DIRECTORS RESULTS:

Was a Quorum achieved for the Election of the Board of Directors to take place outside of a meeting?

35% Quorum: **YES**

The number of ballots received and counted for the Election of the Board of Directors was 1,729 representing 3,274 votes. The total number of votes required to have been cast to meet the 35% quorum requirement in the By-Laws for the Election to take place was 2,162.

A total of 3,274 votes cast represented 53% of the 6,178 total eligible votes of the POA membership. As such, a 35% Quorum was achieved, and the **Election of the Board of Directors took place.**

21 incomplete Election of the Board of Directors ballots were received; therefore, they were deemed ineligible and not included in our voting results.

The results showing the total number of votes cast for each of the candidates:

Roger Hackler	1,608
Lynette Howard	2,302
Robert Kelley (Bob)	737
William Thurber (Bill)	1,597

The results of the vote to lower the minimum quorum to as low as twenty-five percent (25%) to allow the election to proceed by written ballot outside of a meeting are as follows:

	YES	NO	TOTAL
Lots only	74	78	152
Lots with dwelling	1,690	1,266	2,956
Waterford		22	22
Total	1,764	1,366	3,130

Please call if you have any questions.

Sincerely,

MAULDIN & JENKINS, LLC



Jon Schultz, Partner

MINUTES OF THE SPECIAL BOARD MEETING – December 15, 2025

Board Members present: Terry Stewart, President; Sandy Pullara, Vice President; Jim Conneely, Treasurer; Craig Price; Rich McLeod; Mike Zeigler (Developer Director)

Invited Guests: Scott Auer (GM)

Location: EOC / Zoom

9:00 am – Meeting called to order

Agenda:

Terry Stewart went over the day's Agenda, Goals, To-Do list, and New Business.

Business:

Discussion – Minutes Approval

- **Action 12.15.25-01:** Mark Green made a motion to approve the Minutes from the December 1, 2025 Special Board Meeting. Jim Conneely seconded the motion. Discussion ensued. Motion passed by a vote of 7-0
- **Action 12.15.25-02:** Mark Green made a motion to approve the Minutes from the December 1, 2025 Special Board Meeting Executive Session. Jim Conneely seconded the motion. Discussion ensued. Motion passed by a vote of 7-0
- **Action 12.15.25-03:** Mark Green made a motion to approve the Minutes from the four December Executive Sessions relating to the General Election. Sandy Pullara seconded the motion. Discussion ensued. Craig Price seconded. Motion passed by a vote of 7-0
- **Action 12.15.25-04:** Mark Green made a motion to approve the Minutes from the 2025 Annual Meeting held on December 6, 2025. Craig Price seconded the motion. Discussion ensued. Motion passed by a vote of 7-0

Discussion – Scott Auer updated the Board on the \$3 Million annual recurring Line of Credit that the POA has with Wells Fargo. This line of credit acts as a financial safety net for unexpected or urgent costs, allowing quick access to funds without a lengthy loan application process. Fortunately, the POA has never needed to tap into this line of credit.

- **Action 12.15.25-05:** Jim Conneely made a motion to approve renewing the Wells Fargo \$3Mill line of credit (for unforeseen emergencies) for one year. Sandy seconded the motion. Discussion ensued. Motion passed by a vote of 7-0

Discussion – Rich McLeod updated the Board on the status of the Planning Committee makeup.

Discussion – Jim Conneely updated the Board on the status of the GM Search Committee.

Discussion – Voice of the Community II has been completed. Data is currently being analyzed.

Executive Session:

The Special Board Meeting of the POA is being adjourned at 10:09 AM to enter into Executive Session for the purpose of discussing topics related to legal, personnel, proprietary, and/or matters of a strategic or competitive nature.

- **Action 12.15.25-06:** Craig Price made a motion to enter into Executive Session at 10:09 AM, Jim Conneely seconded the motion. Motion passed by a vote of 7-0.

10:09am – Enter Executive Session

11:34am - Pause Executive Session

General Manager Report:

- Petit dam update – great response/questions coming in on the spillway RFP
- GEMA grant application is still in progress and under consideration
- Disharoon sluice gate routine testing upcoming in the next few weeks

11:55am – Break for lunch

12:25pm – Resume meeting

Business continued:

Discussion – Scott Auer presented his initial internal research on the topic of succession planning for his direct reports (and other key positions). A robust conversation followed.

Discussion – Upcoming Board Meeting dates for January

12:55pm – Scott Auer left the meeting

12:56pm – Re-enter Executive Session

1:24pm - End Executive Session

1:25 pm – Meeting was adjourned by unanimous consent.

Next Regular Board Meeting: January 29, 2026

Approved by the Big Canoe POA Board of Directors:



Mark Green, Secretary

Date: January 12, 2026