

Coalition for Homeowner Protection and Reform of Homeowner Association (HOA) Laws

"Homeowners for HOA Laws Reform, Best Business Practices, Oversight, Training, Licensing and Protection"

Failure of North Carolina General Statute GS 47F and 55a to Protect Homeowners

The Law is also being used by HOA Attorneys and Boards to Obstruct Homeowner Participation and deny Owner Request for Hearings as an effective process for HOA Dispute Resolution

The below Formal, Written and Fully Documented Request was sent to HOA, HOA Attorney and HOA Property Management Company under NC Law, asking to review certain Records of the HOA. The HOA, Attorney and Manager have refused to reply and agree to provide the Records ... for over EIGHT YEARS !!

"Pursuant to NC Law and Formal Request to the HOA via the HOA Website (see References below), I hereby reaffirm my Formal Request, under the Law, to review Financial Records of the HOA as specified in the Ask a Manager Submission #2314689 submitted on 2-22-16 (below) for the Purpose as outlined.

Since the HOA has denied my Request for a Hearing before the Board, in which this matter was to be included as part of the Hearing, but not exclusive to that now denied Hearing, my right to review these Records is not denied by the refusal of the HOA to hold the requested Hearing / Mediation.

Thus, I reaffirm my Formal Request for review of the Records of the HOA within 5 days of the original request. Please advise, under burden of violation of NC Law, where and when I may review these Records. I hereby request that March 1, 2016 be established as the date for Review. If the HOA Board would prefer that the date be moved to the next Board Meeting or the rescheduled Annual Meeting (both yet unannounced), as long as they are within 14 days of the Request, please advise that date, time and place for the Review.

This request is made under penalties allowed by NC Law for refusal to abide by the legally made, substantiated and legitimate request. Further obstruction or frustration by the HOA Board will be deemed as FAILURE of the Board and its Attorney to act in fair and equitable manner for the good of the HOA and thereby violating the FIDUCIARY RESPONSIBILITY of the Board and its Attorney to act for the proper and lawful operation of the HOA for the good of the HOA and its Members. The History of the HOA and the Board to NOT act for the good of the Members in the Financial Management of HOA Records and to share those Records and to maintain them, subject to Audit / Review as required by HOA Documents and NC Law is well established and admitted by the Board to be insufficient and delinquent.

Please advise by 2-29-16 (Five Days after Submission of Request) as to the HOA compliance with this Request, under HOA Documents and NC Law, as shown below.

Applicable Paragraphs of NC Law governing Association Records and Inspection by Members:

§ 47F-3-118. Association records.

(a) The association shall keep financial records sufficiently detailed to enable the association to comply with this Chapter. All financial and other records, including records of meetings of the association and executive board, shall be made reasonably available for examination by any lot owner and the lot owner's authorized agents as required in the bylaws and Chapter 55A of the General Statutes.

§ 55A-16-02. Inspection of records by members.

(a) A member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in G.S. 55A-16-01(e) if the member gives the corporation written notice of his demand at least five business days before the date on which the member wishes to inspect and copy.

(b) A member is entitled to inspect and copy, at a reasonable time and reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (c) of this section and gives the corporation written notice of his demand at least five business days before the date on which the member wishes to inspect and copy:

(1) Excerpts from any records required to be maintained under G.S. 55A-16-01(a), to the extent not subject to inspection under G.S. 55A-16-02(a);

(2) Accounting records of the corporation; and

(3) Subject to G.S. 55A-16-05, the membership list.

(c) A member may inspect and copy the records identified in subsection (b) of this section only if:

(1) The member's demand is made in good faith and for a proper purpose;

(2) The member describes with reasonable particularity the purpose and the records the member desires to inspect; and

(3) The records are directly connected with this purpose.