

Mixon Creek Homeowners Association Bath, NC

Updated May 30, 2023

Summary of Covenant Amendments and HOA Rules

In chronological order...

- Per Board approval August 1997, having notified all HOA members soon thereafter, a Weight Limit was established for subdivision roads and responsibility designated for road damage:

"A 6.0-ton per axle limit is established for Mixon Creek subdivision roads. All lot owners are expected to repair any damage from the action of contractors, which they employ."

- Upon Board initiative... per HOA approval Spring 1999, effective starting in year 2000, under Article XIII, section 2 of the MCHOA Restrictive Covenants, the annual Maintenance Fund assessment fee was increased, and the HOA Board authorized to set the due date:
 - HOA Annual Fee (dues) changed from \$100 to \$200.
 - This also included edits of section 2B of Article XI with respect to filing liens for non-payment of such fees:

From * -Lien against any lot for which the annual maintenance assessment has not been paid by February of any year..."

To * -Lien against any lot for which the annual maintenance assessment has not been paid within 30 days of the annual due date. "

- The Board approved, then sought HOA consensus with a vote at Annual Meeting October 2000, establishing a new due date for the Maintenance Fund annual assessment:

The HOA assessment remains on an annual calendar basis, but the payment due date changed from January 1 to July 1.

- With Board initiative... per HOA approval at Annual Meeting November 2001, existing Covenant Articles VI and X edited for immediate use and enforcement {additions shown in bold text}:

Editing paragraph 2 of Article VI:

**No structure of temporary character, mobile home, manufactured home, re-locatable home, tent, shack, garage, barn, structure supported by chassis or steel frame, structure not subject to state, regional, county and/or local building codes or other outbuildings shall be used on any lot or 10B at any time as a residence either temporary or permanently. Modular construction, as long as it is subject to state, regional, county and/or local building codes shall be permitted providing that is full floor joist system is not supported by chassis or steel frames. No metal building may be used as a residence on any lot or lots. "*

Additions to Article X:

"The owner agrees to keep a well-maintained lot All construction activity will remain confined within the owner lot boundaries. All land clearing debris from lot development, dwelling, driveway or further development will be removed within 90 days of receipt of a certificate of occupancy."

- With Board initiative... per HOA approval at the November 2005 Annual meeting, under Article XIII, section 2 of the MCHOA Restrictive Covenants, the annual Maintenance Fund assessment fee was increased from \$200 to \$350 annually starting in year 2006.
- Per HOA Majority, dues were reduced from \$350 to \$200 and the Annual Meeting has moved to January of each year in June 2013. This voids the 2013 Annual Meeting.
- ~~Per HOA Majority approval at the January 26, 2019 Annual Meeting, under Article XIII, Section 2 of the MCHOA Restrictive Covenants, the annual Maintenance Fund assessment fee was increased from \$200 to \$400 starting in year 2019. The annual fees can be revisited at the January 2020 Annual Meeting.~~ This vote was found to be invalid. The Board Members agreed to this and the treasurer, Betty Eschenbauch, drafted a letter to notify the members. The treasurer also refunded any overpayments to those who had already paid. New invoices were also mailed. The Annual Assessment was restored to \$200.
- Per HOA Majority vote, 36 Lots voting YES, 7 voting NO, and 11 abstaining, under Article XIII, section 2 of the MCHOA Restrictive Covenants, the annual Maintenance Fund assessment fee was increased from \$200 to \$500 annually starting in year 2023.