

Four Seasons at Charlottesville Community Association Long Range Planning Group



Mission Statement

- Strive for a factual understanding of the current rights, responsibilities, and requirements for both the homeowners and the Four Seasons Association.
- Plan for the financial future of the Association under divergent paths of future development.
- Prepare for any potential negotiations or dealings with new builders and/or developers.

Group Profile

We have 10 volunteers to be in the group

- 3 are former Directors, 6 are current members of committees
- 3 are original buyers in the active adult community before foreclosure
- 3 are buyers while the DCCR was being disputed in court
- 4 are buyers after the DCCR was amended and the homeowners took charge of Association

Board Profile

- 2 are original buyers in the active adult community before foreclosure
- 2 are buyers while the DCCR was being disputed in court
- 1 is a buyer after the DCCR was amended and the homeowners took charge of Association

Rules for Discussion and Consensus within the Group

- There may well be certain areas of the legal documents that apply to the property and some interpretations that will require a more detailed discussion and understanding within the group.
- Any misunderstandings or differences of opinion deserve a thorough attempt to resolve the facts.
- It is of primary importance that members of the group use these discussions in an attempt to reach a consensus, if possible.

Group Coordination and Focus

- The Board will coordinate initially with reviewing the current status of the community and with clarifying and understanding all related facts.
- Thereafter, the group will collectively determine the direction of focus, unless the Board has requested a specific focus.

Syllabus for Long Range Planning Group Focus

- ✓ Review the Current Rights, Responsibilities, and Requirements for the Homeowners

Review the Current Extent of Responsibilities and Requirements for the Association

- ✓ Plan for the Financial Future of the Association
- ✓ Prepare for any Potential Negotiations or Dealings with new Builders and/or Developers

Review of Current Rights, Responsibilities, and Requirements

- The Homeowners in Phase One
Titles to property, ownership, CID property rights and restrictions, maps, legal property documents and CID governing documents
- The Four Seasons at Charlottesville Community Association
Current and future status of the Association with regard to the entire property no matter how the Additional Land may or not be developed
- The Master Association
Impact of the Association becoming just one member of the Master Association

Planning for the Financial Future of the Association

- Future Expenses

Status quo, managing the Clubhouse, working with a Master Association and with other homeowner associations

- Sources of Revenue with new development

Current and future scenarios and options with regard to the property and the level of management

- Sources of Revenue with no new development

Increasingly high assessments, usage of the Clubhouse to generate income, or austerity measures

Planning for Potential Negotiations with new Builders and/or Developers

- Home construction on CLIG lots
Easements and Special Declarant Rights
- Development in the Additional Land
 - 1) Dealing with Declarant Control by CLDG/Developer
 - 2) Impact of the new declarations for the Master Association
 - 3) Effect of multiple declarations within the property
 - 4) Working with any additional new associations
 - 5) Any possible merger talks with other associations
 - 6) Easements and obligations for Phase One

Additional Topics for the Group

- Replacement Reserves with and without any further development of Property
- Considerations for whether the Association should seek additional counsel when and if further development begins (including a search for local counsel)
- Developing policies for working with other homeowner associations

Where are we now?
What do we have?



Developments and Characteristics of Property Affecting Where We are Now

- Property definition and maps
- Original Subdivision Plan
- Proffers
- Zoning of Property
- Purchase Agreements
- Deeds and Titles to Property

Developments and Characteristics of Property Affecting Where We are Now

- Purchase of Dwelling Units
- Ownership of Common Areas
- Declaration of Covenants, Conditions, and Restrictions (DCCR)
- Exhibits A and B of the current DCCR
- Establishment of the homeowner association

Developments and Characteristics of Property Affecting Where We are Now

- Foreclosure of Unsold Property and the Dispute over the DCCR
- Amending the DCCR in order to Settle the Dispute
- Jurisdiction of the Master Association over the Association
- Recording of New Easement and Special Declarant Rights Documents

Developments and Characteristics of Property Affecting Where We are Now

- The new status for Phase One and its homeowners
- Management of the Clubhouse
- Homeowner Control of the Association for Phase One
- End of the Declarant Control Period in Phase One and its Association
- Effect of stagnant economic development

As Yogi Berra once said:

“You’ve got to be very careful if you don’t know where you’re going, because you might not get there.”

“The future ain’t what it used to be”

“When you come to a fork in the road, take it.”

Resources for the LRPG

- Go to the Resident's Information page of our4seasons.org and click on the Governing Documents icon
- <http://our4seasons.org/LRPG>
- Greene County Clerk of the Court

Four Seasons at Charlottesville Phase I Governing Documents

- **DCCR** (Jan 11, 2007 and as amended in 2010, 2011, 2014, 2017)
- **Articles of Incorporation of Association**
(Jan 29, 2007)
- **Bylaws** (Mar 31, 2016)
- **Rules and Regulations** (Apr 18, 2017)
- **Design Guidelines** (May 5, 2017)

Other Legal Documents Relating to this CID Property (Phase I and Additional Land)

- Senior Residential Zoning of Property
- Subdivision Plan
- Proffers
- Titles and Recorded Deeds
- Operating and Development Agreements
- Easements
- Declarant Rights Still in Effect
- Lis Pendes and Agreement to Settle DCCR Dispute

Next Couple of Meeting Topics

Zoning of the Mountain Vu and the Ruckersville Village properties

An overview of the status of the Mountain Vu property and how it affects Phase I homeowners and the Association.

Title versus Deed

- Title is the legal way of saying you own a right to something. For real estate purposes, title refers to ownership of the property, meaning that you have the rights to use that property. It may be a partial interest in the property or it may be the full. However, because you have title, you can access the land and potentially modify it as you see fit. Title also means that you can transfer that interest or portion that you own to others. However, you can never legally transfer more than you own.
- Deeds, on the other hand, are actually the legal documents that transfer title from one person to another. It must be a written document. Sometimes the Deed is referred to as the vehicle of the property interest transfer. The transfers can be less than the title that you actually have. Deeds must be recorded in the courthouse.