

**THE HISTORY OF THE WOLF LAUREL ROAD MAINTENANCE
AND SECURITY HOMEOWNER’S ASSOCIATION, INC.
“WL RMS ASSOCIATION”**

Through the nearly five decades of history on our Mountain, there has evolved a patchwork of various groups, each of them trying to maintain their own separate identities. Here is what has happened and complicated life on the seemingly simple 4,815 original acres.

Bald Mountain Development Corporation (“BMDC”), through its various owners over time, developed the 4,815 acres in the Wolf Laurel area in a loose, piecemeal fashion. Some portions of the property were sold to other developers; others were carved out into related geographical areas and self-developed. Entities such as Blue Mountain, the Ridges, the Preserve, the Village, the Ski Slopes, the motel, the Country Club, Deer Run, Schlitt Mountain Properties, and the Preserve came into being. The major part of the property referred to in the founding documents is the **Wolf Laurel Resort** that comprises the area that most residents commonly refer to as Wolf Laurel. **It does not include Blue Mountain, the Ridges, Deer Run, the Preserve, Schlitt Mountain Properties, or Ski the Wolf.** The owners of properties in Wolf Laurel Resort are the primary constituency of the Wolf Laurel Road Maintenance and Security Homeowner’s Association, Inc. (“WL RMS Association”).

Unlike the modern gated community developments of which most persons are familiar, **Bald Mountain Development Corporation made no provision for the transfer of community property, roads, recreational areas, buildings, and control to the property owners.** Rules, policies, and treatment of individual property owners and residents’ associations varied greatly depending upon the interests of the developer.

BMDC established the original declarations for the development with the 1966 Declaration of Protective Covenants, Restrictions, and Reservations that it subsequently amended in 1991 and 2002 (“the Covenants”).

Eventually **in 2002, a Roads and Security Board** comprised of appointees by the developer and the Wolf Laurel Property Owners

Association (“WLPOA”) **was fashioned which became the Wolf Laurel Road Maintenance and Security Homeowner’s Association, Inc.** (“WL RMS Association”). Nevertheless, all ultimate power and control remained in the developer. Distrust and frustrations existed between the developer and the WLPOA.

In 2011, Willis Williams, at that time the owner of BMDC, recognized that a transition plan from developer to property owners was necessary and gathered a small group of persons to formulate a plan and to continue the evolving process after BMDC was removed from the community. Working with the reconstituted WL RMS Association Board, initially **BMDC deeded the roads and security gate to the WL RMS Association.**

Thereafter in December 2012, for a rather modest sum, **BMDC transferred the following into the ownership of the WL RMS Association and its subsidiary limited liability corporations:**

- (a) **The office building** adjacent to the Community Center;
- (b) thirteen **undeveloped lots**;
- (c) a 4.59 acre **multi-family development site** adjacent to the Preserve;
- (d) all the **developer’s reserved powers in the “Declaration of Protective Covenants, Restriction, and Reservations”** and amendments;
- (e) all BMDC’s **contract rights and powers contained in the BMDC/WLPOA purchase and sales agreement involving the Amenities Program** including but not limited to the Ridges membership issue;
- (f) the **access rights to Big Bald** contained in the indenture between the United States and BMDC and all easement and reservation agreements;
- (g) the **U.S. service mark for Wolf Laurel and intellectual property assets**;
- (h) the **right of way easement over the roads and gate of the Preserve**;
- (i) **contractual rights** with Country Cablevision and Carolina Water;
- (k) **relinquishment of BMDC’s power to appoint the directors** for the WL RMS Association board.

Thus the **WL RMS Association and its subsidiary limited liability corporations are the successors to BMDC.** WL RMS Association is separate from the WLPOA, and seemingly from the

Ridges, Deer Run, the Schlitt Mountain Properties and the Blue Mountain Owner's Association that includes the Lodges, the Eagles Nest Villas, Overlook Village, the Cottages, and Chestnut Village although various deeds and covenants make things, typically "Wolf Laurel-like", i.e. somewhat uncertain. Mountainside is part of the Wolf Laurel Resort and Schlitt Mountain Properties is not but its property owners pay full RMS assessments.

The **WL RMS Association is a non-profit corporation** organized under the laws of the State of North Carolina **with its own Board, by-laws, and articles of incorporation.** It has a nine person board phasing into a fully elected board in 2016.

Although the properties contained in the Wolf Laurel Resort are the primary focus of the WL RMS Association, **the Wolf Laurel Resort covenants and the covenants of several other homeowners associations in the Wolf Laurel community set forth relationships** with the WL RMS Association. These relationships primarily recognize that access to these other developments is through the Wolf Laurel Resort security gate and over Wolf Laurel Resort roadways.

In short, the present WL RMS: (1) **Supervises security;** (2) **Either owns or maintains the 70 plus miles of road** in the community; (3) **Has jurisdiction over the governing covenants,** including the Architectural Review Board, that affect the vast majority of actions in the Resort; (4) **Legally owns the trademark rights** to the name "Wolf Laurel"; and (5) **Owns the access rights to the Big Bald Mountain** summit. These are the rights and powers derived from the purchase of BMDC and belong exclusively to your Wolf Laurel Road Maintenance and Security Homeowner's Association.

The **WL RMS Association determines, assesses, and collects the road and security charges as authorized by the Covenants** and also has other income sources.

The **WL RMS Association employs** approximately fifteen persons including a director of security, a financial secretary, a superintendent of road maintenance and projects, gate guards, a roving security officer, and road and right of way maintenance workers. The great majority of the Wolf Laurel community applauds

the performance of these dedicated persons.

The Board of the WL RMS Association has broad duties. Examples of its activities and issues include:

Enforcing the Architectural Review Board architectural guidelines and process which provides consistency, equity, and compliance in the implementation of plans and policies protecting the natural setting of Wolf Laurel including monitoring non-permitted tree cutting.

Maintaining the roadways and right of way within the Association's jurisdiction. In addition, the Association has contracted with the Preserve to provide snow plowing and oversight in maintaining and improving its road system.

Monitoring the security gate, controlling access, and providing limited security and assistance in the community within the confines of law. The WL RMS Association is not a police force and crimes are within the jurisdiction of either the Madison or Yancey County Sheriffs' Departments. The Association cooperates with these county agencies in seeking to remedy disruptive activities that may occur. Also, our security department has been involved in assisting infirm residents and providing aid to winter residents.

Monitoring the varied legal matters involving the WL RMS Association. Many matters are sent to legal counsel for advice, litigation support, corporate revisions, or collection efforts. Included among those matters were providing legal support for the Governmental Study Commission; multiple delinquent assessment collection actions in Madison and Yancey Counties; three law suits involving a property owner (defense of alleged damage to personal property in a storage container, collection of unpaid assessments, and destruction of Association property); the Jones Motel/school issues; Ski Wolf Ridge access and road issues; the bridge design and replacement claim; the Ridges roads issues; discussions with Yancey County legal officers; refinement of the Wolf Laurel required right of first refusal and deed provisions; responding to a proposed hostel in Wolf Laurel; trademark questions; and seeking compensation

for damages to Wolf Laurel Resort roads caused by commercial vehicles.

Collecting delinquent assessments. The Board actively encourages and enforces payment of overdue assessments and collects judgments against property and persons. The culture of paying one's fair share is growing with an increased tendency of property owners to pay assessments in a timely manner. If payment terms cannot be arranged and collection litigation is required, the WL RMS Association recovers not only the main debt, but also finance charges, interest, and its attorney's fees and costs and, on occasion, collects deficiency judgments when assets can be found in other jurisdictions.

Re-establishing an understanding with the United States Forestry Service concerning vehicular access to the Top of Big Bald consistent with the prior access rights of BMDC, upgrading the parking lot, and eventually making the road to Big Bald passable for vehicles, all with the approval and oversight of the Forestry Service.

Planning for future road improvements and maintenance needs and seeking equitable payments for roads by all in the Wolf Laurel community.

Conducting the election for the WL RMS Association Board of Directors.

Reviewing, amending, and establishing policies, rules, and regulations, and covenant modifications for Wolf Laurel Resort.

Remaining alert and responding when appropriate to proposals, plans, and events that might impact the living environment in Wolf Laurel including such things as introduction of cell towers, the plans of The Southeastern Trust for Parks and Lands in the area formerly owned by The Preserve, and the possible changes in ownership in the Wolf Ridges, the ski area, and the motel.

On its website, the WL RMS Association has a listing of lots for sale which it acquired from BMDC or during collections efforts

that may be of interest to present property owners seeking adjacent land or further investment. Just make an offer to the WL RMS Association for consideration.

Now that the developer is no longer involved, there are issues that this WL RMS Association Board and residents of Wolf Laurel Resort must identify, analyze, decide, and implement as **we move more towards a more traditional planned community under North Carolina law.**

This Board is comprised of volunteers who are property owners of Wolf Laurel Resort. It recognizes that it cannot force or expect unanimity of views and support from all in our community. This fact is amply demonstrated by reviewing the report and supplements to the recently completed governmental study commission. The report provides insight into the areas of both accord and concern and teaches that clearly there is significant divergence of interests and viewpoints, some of which are basic and diametrically opposed. However, the study suggests there are areas of mutual interest that can be built upon.

Hopefully the great majority of property owners will be supportive of the Board's actions; surely some won't, but that is to be expected.

Although **separate from the WLPOA in scope, organization, responsibility, and function**, (with the WL POA being primarily involved in owning and operating the Village Club and Community Center, the TOB, and a web site), the **WL RMS Association** recognizes the importance of the WLPOA's programs in promoting recreational and fellowship activities in the community and **will assist and support that program whenever possible.**

Since there is confusion as to the workings in this wonderful place, the Association Board wanted to clarify what can be a very imposing study. In all these activities, we will endeavor to share ideas with you and appreciate your suggestions and assistance.

Please visit our web site <http://wolflaurelroadsandsecurity.com> and be alert to our email distributions for news about the

Association's actions, ARB rules and regulations, and other interesting information and contacts.