



**Pine Mountain Estates
Property Owners Assoc., Inc.**

Definition Booklet

Words used in any guideline, handbook, policy,
amendments, supplements,
references, procedures, etc.

Approved
By
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PMPOA Definition Booklet

When used herein and in any guideline, handbook, policy, amendments, supplements, references, procedures, etc. hereto, the following words shall have these respective meanings:

Assessment(s): The annual assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of owners in the PML Properties and, in particular, for the construction, improvement and maintenance of properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Properties and the improvements situated upon the PML Properties, including, but not limited to, construction of extensions to the water system and sewer system; the payment of taxes and insurance on the Common Properties, and repair, replacement, operation, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof. The limitations shall not preclude the use of assessments levied hereunder for maintenance of ways of access for vehicles and roads and streets within the PML Properties, even if subsequently dedicated to the public.

Associate Commons Member: Those persons or entities who are Associate Members of the Commons.

Associate Members: Every person or entity who has entered into a contract of purchase with the developer covering a Unit of PML Property which is subject by Declaration of record to being assessed by the Corporation and who has not paid the developer in full for the purchase price of said Unit of PML Property shall be an Associate Member of the Corporation. An Associate Member shall be entitled to all the privileges of a Member except the right to vote. Rescission of a contract of purchase by the developer shall terminate the Association Membership.

Association: Pine Mountain Lakes Property Owners Association, Inc., a non-profit corporation organized and existent under the laws of the State of North Carolina.

Certificate of Ownership: A written document, in recordable form, running from the Developer, as Grantor, to a purchaser, as Grantee, wherein it is duly evidenced and recited that the purchaser is the lawful owner of the fee title in and to a Country House Unit Site not yet partitioned to him, which document shall be delivered to the purchaser of a Country House Unit Site after he satisfies payment of the purchase price thereof and prior to delivery of a deed conveying a designated Country House Unit Site to him. **{Amended per 1st Amendment, 1973}**

Clapboard: Clapboard or clabbard, also called bevel siding, lap siding, and weatherboard, with regional variation in the definition of these terms, is wooden siding of a building in the form of horizontal boards, often overlapping. External Exterior.

Cluster: A group of not less than three (3) nor more than six (6) adjoining or connected Country House Unit Sites.

Commercial Lot: Any lot so designated by the Declaration or any Supplement thereto or by a recorded subdivision plat of the PML Properties, the same to have those rights and privileges as to the common properties including, but not being limited to, those set forth in Part Six of the Declaration.

Committee: The Association Environmental Control Committee

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Common Area, Common Properties, Greenways: Those areas so designated upon any recorded subdivision Map or Plat of the PML Properties, the same to be devoted to the common use and enjoyment of Owners of the PML Properties together with any improvement designated by the Developer as Common Properties and intended to be devoted to the common use and enjoyment of Owners of the PML Properties, all of which Developer may hereafter transfer and convey to the Association, specifically including, but not to the exclusion of other improvements which may hereinafter be designated as Common Properties by the Developer, the following:

- Community Lodge
- Swimming Pool
- Tennis Courts and Paddle Tennis Courts
- Roads, Streets, Trails, and Pathways
- Golf Course
- Greenways
- Water System serving Tree Top Village and Sec. 11
- Sewer System serving Tree Top Village

Common Properties shall include properties owned by the Association

Common Unit Wall: That part of the wall of a Country House constructed on a Country House Unit Site adjacent to, contiguous with, or forming a common wall of a Country House constructed on an adjacent Country House Unit Site. The side walls of a Country House shall extend to and be situate at or upon the side lines of the Country House Unit Site upon which the same shall be constructed and, to the extent that any such side wall shall be adjacent to or contiguous with one or more other Country Houses, or shall form a common structural wall with one or more other adjacent and contiguous Country Houses, said side wall or side walls, which ever shall be applicable, shall constitute a Common Unit Wall.

Commons: Village Commons Association, Inc., a non-profit corporation organized and existent under the laws of the State of North Carolina.

Commons Committee: The Commons Environmental Control Committee

Commons Member: Those persons or entities who are Members of the Commons.

Contractors: Independent contractor that does not work regular working hours for PMPOA but only works when required.

Country House: A residential dwelling located upon a Country House Unit Site and attached to one or more like structures. See Townhouse.

Country House Inside Unit Site: A Country House Unit Site having more than one boundary, wholly or partly adjacent to or contiguous with the boundary of one or more other Country House Unit Sites and having less than two (2) connected boundary lines that are not wholly or partly adjacent to or contiguous with another Country House Unit Site.

Country House Outside Unit Site: A Country House Unit Site either having not more than one boundary, wholly or partly adjacent to or contiguous with the boundary of another Country House Unit Site or having at least two (2) connected boundary lines that are not wholly or partly adjacent to or contiguous with a boundary of another Country House Unit Site. See Townhouse.

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Country House Unit Site: A numbered parcel of land consisting of not less than 2,000 nor more than 2,500 square feet, more or less, of horizontally measured ground space within a closed boundary and lying within the boundaries of a Village, said parcels to be grouped in Clusters of not less than three (3) nor more than six (6) parcels and upon which no structure other than one Country House shall be constructed.

Declarants: South Mountain Properties, Inc., Pine Mountain Lakes Property Owners Association, Inc., and Village Commons Association, Inc., collectively.

Declaration: The Pine Mountain Declaration of the Covenants and Restrictions filed by South Mountain Properties, Inc., Pine Mountain Property Owners Association, Inc., and Village Commons Association, Inc., in the Office of the Register of Deeds of Burke County, North Carolina, on the 26th Day of April 1973, and there recorded in Book 430, page 278. "Declaration" shall further refer to (a) all future modifications and amendments to the same which shall be duly filed of record in the county in which the affected real property shall be located, and (b) to the same Pine Mountain Declaration of Covenants and Restrictions, together with duly recorded future modifications and amendments thereto, if duly filed and recorded in the office of the Register of Deeds of another county or counties of North Carolina adjoining Burke County.

Delinquent: If assessments are not paid on the date when due, then such assessment shall become delinquent. The Association, through its Board of Directors and/or legal counsel, will pursue the collection of delinquent POA accounts from an owner. Should the recovery of delinquent accounts require legal proceedings, those proceedings will be conducted under the direction of the Board of Directors in accordance with the provisions of Pine Mountain Property Owners Association, Inc. governing documents through pursuant to the Declaration of Covenants and Restrictions and all applicable North Carolina law.

Developer: *South Mountain Properties, Inc., a North Carolina Corporation. As of the date of adoption of these Amendments, as constitutionally permitted, Section 11 shall be deleted. Said adoption officially was executed on Thursday, April 7, 1994, and said section is officially deleted. Any other reference, herein, to "developer" is no longer recognized, except for the sake of "reference." – Pine Mountain By-Laws dated 1996.*

Development Period: The period of time extending (1) for ten (10) years from the date of the sale of the first Unit of PM Property or, (2) to the date of completion of construction of all Common Properties to be provided by developer which shall serve the PM Properties and all properties added thereto pursuant to the Declaration, or (3) until developer is paid in full for all PM Properties which it shall sell, whichever shall later occur; provided, however, that the developer may, in its sole discretion, shorten the Development Period.

Effective July 1991 the Pine Mountain Property Owners Association Board of Directors, by resolution, went on record as declaring Section 17 and any other Articles or Sections pertaining to "Developer" and/or "Development Period" appearing herein, or elsewhere in official Pine Mountain Property Owners Association documents as no longer valid subject to any laws and/or legal decisions to the contrary. For further reference, as to later resolution – Note Section 11 of Article I.

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Employees: Are classified as Exempt or Non-Exempt in accordance with federal and state law and regulations. Each employee is notified at the time of hire of their specific compensation category and exempt or non-exempt status.

Employer: Pine Mountain Property Owners Association, Inc. is the employer of all full-time, part-time and temporary employees. An employee is hired, provided compensation and applicable benefits, and has their work directed and evaluated by PMPOA.

Full-time Employee: A full-time employee regularly works at least 40-hours per week.

Exempt Employee: An exempt employee is an employee who is paid on a salary basis and meets the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act (FLSA).

Floor Plan: a scale diagram of a room, suite of rooms viewed from above and used especially for planning effective use and arrangement of walls, windows, doors and details of the design.

Improvements: Anything of any kind of nature whatsoever built, constructed or placed upon the PML Properties and subject to this Declaration, including, but not being limited to, Single-Family Detached Dwellings, Country Houses, fences, walls, driveways, parking areas, retaining walls, permitted out-buildings, and every and singular structure, material, or device of every kind and nature, whether or not herein defined and specified.

Lot: A numbered, lettered, or combination of numbered and lettered parcel of land lying within the boundary of a subdivided area of PMPOA Properties as shown on any recorded subdivision map of PMPOA Properties identified as a numbered or named PMPOA Properties "Section," provided, however, that this definition shall not, in any event, apply to a "Country House Unit Site" or any area within a "Village" or hereinafter defined, or to a parcel subject to a supplemental Declaration.

Map or Plat: A duly recorded map descriptive of any of the PML Properties, portions thereof, or additions thereto.

Modular Buildings: Modular buildings and modular homes are prefabricated buildings or houses that consist of repeated sections called modules. ... Modular homes are not doublewides or mobile homes. First, modular homes do not have axles or a metal frame, meaning that they are typically transported on flat-bed trucks.

Manufactured Home: A manufactured home is better known by names like mobile home, double-wide, or trailer. It is built in a factory and trucked to a homesite, just like a modular home, but that's where the similarity ends. ... The tongue and wheels are typically removed when the home is installed in place.

Manufactured/Modular Hybrid Homes: Manufactured/Modular Hybrid homes are also known as "on-frame" modular homes. These are typically built by manufactured home companies' when they build to the minimum local and state codes so that they can market their homes as modular.

Member: Every person or entity who is the record owner of a fee, or undivided fee, interest in any Unit of PM Property which is subject, by Declaration of Record, to being assessed by the Association, and who shall have paid the property owner in full for the purchase price of the Unit of PM Property shall be

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a Member of the corporation; provided that any such person or entity who holds such interest only as security for the performance of an obligation shall not be a Member.

Member - Evidence of Membership/Ownership: Any person or entity shall not be entitled to exercise the rights of a Member until official (certified) documentation has been provided from Burke County Courthouse to the Association's Secretary in writing that he or she is qualified to be a Member. Qualifications will be in the form of a certified copy of a recorded grant deed or currently effective policy of title insurance. Exercise of membership rights shall be further subject to the rules regarding record dates for notice, voting and actions by written ballot and eligibility for voting.

Member in Good Standing: Any person or entity who is obligated to the association, whose membership rights are not in suspension as a consequence of delinquency and/or any other disciplinary proceedings or by operation of a specific provision in the Articles of Incorporation, By-Laws, and/or Declaration. Any Pine Mountain Member who becomes delinquent will not be considered a "Member in Good Standing." A business/corporation/LLC, etc. in good standing must be current (active) with their registered state. If any entity is not current (active) with their registered state, they will not be considered a "Member in Good Standing." Good Standing shall also be a prerequisite for being a candidate for election to the Board of Directors and for continued service on the Board once elected to office.

Member – Associate Member: Every person or entity who has entered into a contract of purchase covering a Unit of PM Property which is subject by Declaration of Record to being assessed by the Corporation and who has not paid the property owner in full for the purchase price of said Unit of PM Property shall be an Associate Member of the Corporation. An Associate Member shall be entitled to all the privileges of a Member except the right to vote. Rescission of a contract of purchase by the property owner shall terminate the Associate Member status.

Membership – Delegation: Any Member or Associate Member may delegate his/her right of enjoyment to the common properties and facilities; however, that right will be subject to Pine Mountain's Declaration, Article IV, Section 3 and published policies, rules and regulations of the Association.

Mobile and Manufactured homes (difference between): When people take offense to the term 'mobile home' (when the structure is actually a manufactured home), it is often because of perception. Mobile homes are perceived as low quality, old, and linked to poverty. When the term 'mobile home' is used, it is not giving the manufactured home the credit it is due. Today's manufactured homes are built according to very stringent building standards. They are beautiful, functional and sometimes even indistinguishable from site-built homes.

Mobile Home: Mobile homes come in two major sizes, single-wide and double-wide. Single-wide are 18 feet (5.5 m) or less in width and 90 feet (27 m) or less in length and can be towed to their site as a single unit.

Modular Construction: Modular construction is a process in which a building is constructed off-site, under controlled plant conditions, using the same materials and designing to the same codes and standards as conventionally built facilities – but in about half the time.

Modular Home: A modular home is not a mobile home; it is simply a home that is built off-site, as opposed to on-site. These homes are often called factory-built, system-built or prefab (short for

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prefabricated) homes. Modular and manufactured homes are not the same. Manufactured homes are not placed on permanent foundations.

New Construction: Site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures whether or not the site was previously occupied.

Non-exempt Employee: A non-exempt employee is an employee who is paid an hourly rate and does not meet the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act (FLSA). For non-exempt employees, an accurate record of hours worked must be maintained. Pine Mountain will compensate non-exempt employees in accordance with applicable federal and state law and regulations.

Owner: Any person or entity, including the Developer, owning fee simple title to any Unit of PML Property, whether under and by virtue of a Deed of Conveyance or a Certificate of Ownership, this term shall also include any person or entity who has contracted to purchase the fee title of such a Unit of PML Property under and pursuant to a lawful written agreement with Developer.

Panel Construction: Frame and panel construction, also called rail and stile, is a woodworking technique often used in the making of doors, wainscoting, and other decorative features for cabinets, furniture, and homes. Exterior.

Part-time Employee: A part-time employee regularly works approximately 20-hours per week but not less than 17.5 hours per week.

Perk (Perc) Test: A percolation test (colloquially called a perc test) is a test to determine the water absorption rate of soil (that is, its capacity for percolation) in preparation for the building of a septic drain field (leach field) or infiltration basin.

Plot Plan: A plot plan is an architecture, engineering, and/or landscape architecture plan drawing—diagram which shows the buildings, utility runs, and equipment layout, the position of roads, and other constructions of an existing or proposed project site at a defined scale. Plot plans are also known more commonly as site plans.

PM Properties: The real estate described in the Declaration and such additions thereto as may hereafter be brought within the jurisdiction of the Association as provided in the Declaration.

Private Ways, Private Roads, Private Streets, Private Lanes: Every way of access for vehicles. The fact that the same shall be known by the name of street, road, avenue, place or other name shall in no wise cause the particular way, road or lane to be public in nature despite the fact that streets under general definitions are not private in nature.

Private Pathways and Private Trails: Those ways of access not available to vehicular traffic. These terms shall include equestrian ways.

Property Improvement: A permanent addition to or betterment of real property that enhances its capital value and that involves the expenditure of labor or money and is designed to make the property more useful or valuable as distinguished from ordinary repairs.

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Remodeling includes changes or expansions that have a major impact: Change the functions of an existing facility. Change to the capacity or size without expanding. Expansion that create a different form significantly greater than originally intended.

Reserved Properties: Those areas of land designated on any recorded subdivision Plat of the PML Properties as “Reserved Properties.”

Rights and Privileges: Rights and privileges include but not limited to: serving as a Board of Director’s member, Committee member, voting, purchase of any PM property, play golf as a member, access to common area, but not being limited to water and sewer systems. Any member, entity and/or owner of any PM property that fails to pay and/or abide by any of the Pine Mountain Property Owner’s Association, Inc. governing documents may lose some or all their rights and privileges at the Board of Director’s discretion.

Seasonal Employee: An employee who works 120 days a year or less. These days need not be consecutive. For example, if an employee only works during the busy months at the golf course.

Single Family Detached Dwelling: A residential dwelling, not attached to any other building, for use and occupancy by one or more persons each related to the other by blood, marriage, or legal adoption or by not more than three (3) persons not so related, together with domestic employees, and such persons maintain a common and singular household in such dwelling.

Single Family Residential Lot: Any Lot (as defined by (8) (above designated upon any recorded subdivision Plat of the PML Properties (or as may be so designated by this Declaration or any supplement hereto) unless identified to the contrary upon the Plat or by supplement hereto.

Stick Built: A wooden house constructed entirely or largely on-site; that is, built on the site which it is intended to occupy upon its completion rather than in a factory or similar facility. Stick-built homes are also those homes which are built using a more traditional method of home building rather than a modular type. The "sticks" mentioned usually refer specifically to the superstructure of the walls and roof.

Temporary Employee: An individual employed, either on a full-time or part-time basis, for a specific period of time less than 6-months. Temporary employees are entitled only to those benefits required by statute or as otherwise stated in the Pine Mountain POA, Inc. Employee Handbook.

Tiny houses: A tiny house is a description for the architectural and social movement that advocates living simply in small homes. There is currently no set definition as to what constitutes as a tiny house; however, a residential structure under 500 square feet is generally accepted to be a tiny home

Townhouse/townhome: A single family home that shares one or more walls (roof) with other independently owned units. They are often rows of uniform homes, two stories or taller. Residents own their interior and exterior walls, lawn and roof, as well as the insurance for both their home and property.

Trailer: A mobile home (also trailer, trailer home, house trailer, static caravan, residential caravan) is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site (either by being towed or on a trailer).

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Unit of PM Property: One Lot, one Village Interest, or one of any other categories of subdivided PM Property restricted to residential use.

Utility Easement, Service Easement: Those areas of land designated on any recorded subdivision or Village Plat of the PML Properties as “Utility Easements,” or as “Service Easements” or as may be provided by this Declaration or any supplement hereto.

Village: A tract lying within the boundaries of the PML Properties and denominated upon a descriptive recorded map as a named Village within the boundaries of which Country House Unit Sites shall be platted and described.

Village Commons: All of the real property located within the boundaries of the Village and not encompassed within the boundaries of Country House Unit Sites situated therein, the same being dedicated to Village Commons Association, Inc., for the use, benefit, and enjoyment of owners of Country House Unit Sites within the Village and being inclusive of any Country House Unit Sites within the Village which developer might dedicate as a part of the Village Commons.

Village Division: Unincorporated administrative division of the Commons having jurisdiction only in the singular Village for which it is established.

Village Interest: A Country House Unit Site with a right of use and enjoyment in the Village Commons.

Voting Memberships: Members shall be all those persons or entities as defined in Pine Mountain’s By-Laws. Members shall be entitled to one vote per PMPOA unit of PM property. When more than one person holds such interest(s) in any Unit of PM Property, the vote for such Unit of PM Property shall be exercised as they shall determine; provided, however, that in no event shall more than one vote be cast with respect to any such Unit of PMPOA Property.