



August 24, 2020

Dear POA Member,

This letter contains an important message from your POA Board outlining a **PROPOSED AMENDMENT** to The Point's CCRs (Covenants, Conditions and Restrictions). Your VOTE is needed. Please read the following information, cast your vote on the ballot enclosed, then follow the instructions under "How it Works" (beginning on Page 2) to submit your vote.

**SUBJECT: OPEN BURNING**

**OBJECTIVE:**

- Prevent fires which can become life threatening, damage real or personal property, and/or endanger wildlife and other natural habitat
- Preserve and protect the health, safety and welfare of residents in The Point

**BACKGROUND:**

- In response to residents burning various forms of yard debris on or near their property that has resulted in numerous "close calls" over the years, the POA Board recommends an amendment to the existing CCRs (Covenants, Conditions & Restrictions) restricting open burning in The Point.
- The above mentioned "close calls" specifically refers to open burning of debris which got out of control, resulting in 9-1-1 calls for the Fire Department to put out fires posing extreme danger to real and personal property (both for the resident initiating the open burning, as well as their neighbors).

**EXAMPLE OF ACTUAL INCIDENT IN THE POINT LAST YEAR:**

- April 23, 2019: Resident ignited an open fire (to burn yard debris) too close to combustible material

- The situation got out of control, and the Fire Department was called. Firefighters extinguished the blaze which destroyed an area approximately 100 FT x 100 FT.

**PROPOSED AMENDMENT PERMITS:**



**PROPOSED AMENDMENT DOES NOT PERMIT:**



**WHY AN AMENDMENT?**

The CCRs are a legally binding document outlining the rules and regulations of The Point and have been recorded with Iredell County. All residents in The Point signed this document when they purchased their home requiring adherence to these rules and regulations. Per state law, the POA Board of Directors are required to enforce the CCRs; therefore, only the rules and regulations set forth in the CCRs can be enforced.

**HOW IT WORKS:**

- Since the CCRs are a legally binding document, they can only be changed with a majority vote of not less than 51% of the POA members who are eligible to vote and with approval of the current Declarant (Shaw Tate).

- **To vote**, please complete the enclosed ballot **no later than December 4, 2020** and submit via one of the below 3 options:
  - E-mail it to [admin@hawthornemgmt.com](mailto:admin@hawthornemgmt.com)
  - Submit by mail to: Hawthorne Management, PO Box 11906, Charlotte, NC 28220
  - Fax the form to 704-347-4475

**WHERE CAN YOU FIND THE CURRENT CCRs?** The CCRs are published on our community website at <http://thepointatlkn.com/documents/>

**SAFE OPTIONS FOR DISPOSING OF YARD DEBRIS:**

- Taking it directly to the Iredell County Transfer Station located at 158 Macleod Drive, Mooresville, NC 28117. The station is open Monday - Saturday from 7AM to 6:30PM and Sundays from 2 - 6:30PM.
- Call 1-800-GOTJUNK. The company will come out to your house and remove the debris for you. GOTJUNK also offers a free quote on site. There is no charge for coming out to your home and if you accept the quote, they will remove the debris at that time. Prices start at \$139 for 50 cubic feet, then go up based on space requirements for removal.
- Reach out to a local landscape company to remove and dispose of the debris.

If you have additional questions, please contact Hawthorne Management Company at [admin@hawthornemgmt.com](mailto:admin@hawthornemgmt.com) or call 704-377-0114.

Sincerely,  
Your POA Board

Heather Ballard  
Mike Barton  
Linda Bundens  
Jennifer Byrd  
Donette Dewar-Black  
Charlie Farrar  
Jerry Kaufman

**The Point Owners Association, Inc.**  
(“Association”)

**Action by Written Ballot to Amend Declaration**

N.C.G.S. § 55A-7-08

Pursuant to N.C.G.S. § 47F-2-117 and Article XIII, Section 3 of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE POINT originally recorded September 1, 1998 in Book 1095 at Page 1206 of the Iredell County public registry (as amended and supplemented from time to time, “the Declaration”), the Board of Directors recommends that the Owners approve the following amendment to the Declaration:

**(1) Article VII shall be amended to add the following as a new Section 33 (“Burning and Fires”) immediately following existing Section 32 (“Docks and Piers for Water View Lots”):**

Section 33. Burning and Fires. There shall be no outdoor fires or burning of materials outdoors except in compliance with this Section. No outdoor fires are permitted except: within contained grills and barbecues while cooking; within exterior fireplaces; within in-ground fire pits with a surrounding structure of non-flammable material (e.g., masonry, stone or metal) designed to prevent the spread of the fire or dispersal of debris and embers; within chimineas; or, within above-ground, wood-burning fire pits constructed of metal. No Owner shall burn any material other than (i) untreated wood, (ii) charcoal or other combustible material which is specifically designed and intended to fuel a grill or other outdoor cooking apparatus or equipment, or (iii) combustible gas (e.g., natural gas or propane), provided that such gas is delivered through the use of professionally installed underground gas lines or a professionally manufactured above-ground tank and regulator. The following is a non-exhaustive list of materials that shall not be burned at any time: leaves; garbage; grass clippings; yard waste (e.g., branches, twigs or mulch); chemically- or pressure-treated lumber; pallets or crates; cardboard; construction waste; plastics; non-wood-based materials. Fires within barrels, fires built upon the ground and campfires are not permitted. Owners are strictly responsible for controlling the size of any fire and for ensuring that appropriate safety measures are followed.

**REGARDING THE ABOVE-PROPOSED ACTION TO AMEND THE DECLARATION,  
THE UNDERSIGNED OWNER(S) VOTE AS FOLLOWS:**

\_\_\_\_\_ FOR  
\_\_\_\_\_ AGAINST

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**In order to be counted, this Action by Written Ballot must be received by the Association at or before 5:00pm on the 4<sup>th</sup> day of December 2020.**

Property Address: \_\_\_\_\_ Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_ Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_