

**Lake Eddins Owners Association
Board of Directors
Regular Meeting June 2, 2014**

Public Meeting

The Public Meeting was convened @ 5 :00 PM by President Larry Nobles

Public Comments

- Debra Harnish
- Ron Herrington

Reading of Minutes for May 2014 BOD meetings - Charlie Smith

- Minutes from May 5, 2014 Regular Meeting were read.
- Motion was made and properly seconded to accept May 5, 2014 meeting minutes with minor word changes. Motion Carried

Financial Status Review - Charlie Smith

- Checking Account Balance - \$69,159.01 (as of 5/31/2014)
- Savings Account Balance - \$51,009.96 (as of 5/31/2014)

Committee Reports:

Architectural Review Committee - Jerry Perkins

Lake Improvement Committee - Greg Gaines

Lake Improvement Committee - Ronnie Walters

Lake Supervisor's Report - Charlie Smith

Security Committee - Tommy Godwin

The Business meeting was called to order at 5:44 PM by President Larry Nobles.

Board members present were, Jerry Perkins, Charlie Smith, Lee Dennis, Terry Owen, Lynne Gaines, and Tommy Godwin.

Motion was made and properly seconded to enter Executive Session. Motion carried.

Entered Executive Session @ 5:48 PM

Motion was made and properly seconded to adjourn Executive Session. Motion carried.

Adjourned Executive Session @ 6:46 PM

- Roger McDonald Update: Roger has increased storage capacity for gate security cameras and is still working on cameras to get better clarity

- LEOA Boat at Maintenance Barn: Board decided to keep boat and get estimate to repair and use for patrol boat.
- Lake Supervisor Job Posting Process Update: Four resumes received so far.
- Sign Criteria - ARC Rules - Tabled until July Meeting.
- Andy West's Request to Thin woods between his lot and water well road: No action taken because LEOA does not own the property.
- Upgrade roads 163810 163810A : Motion was made and properly seconded to approve funding, \$1500.00 for clay gravel and rocks for road repair. Motion carried
- Motion was made and properly seconded to accept the Title Project Timeline. Motion Carried. **See Attachment I**
- Speed Bumps: Motion was made and properly seconded to sell the remaining speed bumps to the highest offer. Motion Carried
- Lake Level Control Procedure - Motion was made and properly seconded to approve Lake Level Control Procedure . Motion Carried. **See attachment II**
- Lake Information Fridge Magnets - Will ask the Policies and Procedures Committee to develop.
- Fish Limits / Lake Maps: SPM recommends we keep limits for Bass and Bream limits as is. Jimmy Lowery & LIC are developing channel maps.
- Bank Account for Lake Improvement Committee - Motion was made and properly seconded to open a Lake Improvement Committee Checking account with the following names on the signature card: Greg Gaines, Charles P. Smith, James R. Walters & Jimmy R. Lowery on the signature card. Motion Carried.

Next Regular Meeting Scheduled for July 7, 2014

Motion was made and properly seconded to adjourn Business Meeting. Motion carried.

Adjourned Business Meeting @ 9:25 PM

Minutes Prepared By:
 Charlie Smith
 Sec. / Treas.

ATTACHMENT I

MEMO

FROM: TERRY OWEN, BOD MEMBER 2013 AND 2014

TO: THE 2014 BOD

RE: TITLE PROJECT – MY TIMELINE

At my first BOD meeting in May, 2013 I recall the Title Project was on the agenda. I had no idea what the Title Project was. President Larry Nobles said it was ongoing and tabled it for next month. I do recall overhearing Charlie Chatham and Ben Shirley at the March, 2013 owners meeting saying that Wallace Eddins thinks he owns the roads and could give C-Spire a ROW to install their tower. Up until then I, like most property owners around the lake, thought the association owned the roads.

During the next few monthly meeting of the BOD, I began to understand what the Title Project was. At one meeting, the Lake Manager showed the board members the attached e-mails from Andrew Caldwell and Ron Bean (The BOD President during 2012 – 2013) confirming an agreement with Lake Eddins, LLC (Wallace Eddins, Franklin Eddins, and Linda Fuller) dated Feb., 6, 2013. The offer was that Lake Eddins, LLC would sell the 17 acres behind the dam to the association for \$3500/acre, to be paid for with assessment credits. A plat was attached. Additionally, the Eddins family would continue to receive free water and sewer at up to 4 locations at Lake Eddins with the past and present verbal agreement "memorialized". Apparently, Ron Bean had hired attorney Andrew Caldwell to negotiate the Title Project with the Eddins for the association. However, the Project continued to be tabled.

During September, 2013 the board members asked me if I would research all of the properties owned by the association and work with Wallace Eddins and Lake Eddins, LLC to finalize the Title Project. After many extensive trips to the courthouse, I collected all of the deeds for property owned by the association. Some of the deeds were questionable as to who actually owned them. So, the BOD asked me to take them to Ricky Ruffin in Bay Springs to get legal opinions on all of the deeds. Mr. Ruffin reviewed the deeds and said some were invalid because they were made out to a non-entity. He also told me that the BOD had the authority and duty to purchase common areas used by the Association members. I reported this to the BOD at the September meeting and they voted to have the old titles corrected and get Lake Eddins, LLC to deed the new properties (the dam area, a dumpster area, and the roads) to the association.

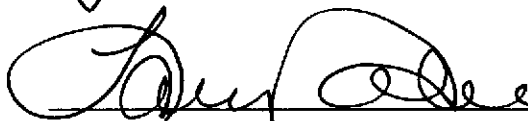
While finalizing the deeds with Wallace Eddins, I realized that the 3 boat ramps and the area between the dam and the lake were not included, so I got the BOD to approve surveying these areas and including them in the agreement with Lake Eddins, LLC. I took the survey descriptions and plats to Ricky Ruffin and he had the deeds finalized by Nov. 6, 2013. I picked the deeds up and reviewed them with Wallace Eddins. Linda Fuller signed them and had them notarized. Wallace Eddins and I met with Ruffin on Nov. 11,

3013. We all decided that we needed to execute a financial agreement and have it filed at the courthouse. The BOD approved the financial agreement at the December 2013 meeting. The agreement was ready on Dec. 17, 2013 and Wallace Eddins, Linda Fuller, Larry Nobles, Charlie Smith, and I met with Ruffin and signed the agreement. Ruffin filed the deeds and the agreement at that time.

The final agreement with Lake Eddins, LLC was exactly the same as originally negotiated by Andrew Caldwell for Ron Bean. The financial agreement for the purchase of the properties was two-fold. First, the roads were paid for with up to four (4) locations at the lake owned by the Eddins family that would not be billed for monthly water, sewer, and garbage. Currently, there are two (2) such properties and the cost to the association is approximately \$80/month. The roads consist of approximately 14 miles equating to about 68 acres valued at \$3500/acre or \$238,000. The Eddins family not being billed for water, etc. is not a new policy. When the LEOA took over control of the lake from Wallace Eddins, the BOD needed the Eddins tractor/back hoe and PVC pipe and fittings for the water & sewer lines. Since the LEOA had no money to purchase these things, a verbal agreement was made to pay for them with credit for water and sewer bills. The present agreement extends and puts this agreement in writing. Second, the other properties purchased were also valued at \$3500/acre or about \$68,000. They will be paid for with Eddins family assessment credits until cancelled out, approximately 6 years at which time the Eddins family will resume paying normal assessments. This follows a precedent set by past boards using the same process and value, namely the water well site and the trailer and camper storage site. Therefore, this agreement uses the same policy of previous boards except that a properly executed written agreement was filed at the courthouse and made public for all property owners to see.

All of the above is, to the best of my knowledge and that of the other board members during 2013 and 2014, the accurate timeline of the Title Project from inception to finalization.


Terry Owen, Member, LEOA BOD MAY 8, 2014


Larry Nobles, President, LEOA BOD MAY 8, 2014


Charlie Smith, Secretary, LEOA BOD MAY 8, 2014

Terry Owen

From: "Judy LEOA Office" <leoa@bayspringstel.net>
To: "Davis, Keith" <kandh225@gmail.com>; "Godwin, Tommy" <gpaw5397@aol.com>; "McCracken, Rex" <c3stingray@bellsouth.net>; "Nobles, Larry" <PSCC108@bellsouth.net>; "Owen, Terry" <towenpe@bayspringstel.net>; "Sage, David" <davidsage67@gmail.com>; "Smith, Charlie" <seecat1@aol.com>
Sent: Thursday, September 12, 2013 8:59 AM
Subject: FW: Title Project

From: andrewscardwellattorney@gmail.com [mailto:andrewscardwellattorney@gmail.com] **On Behalf Of** Andrew Cardwell
Sent: Tuesday, September 10, 2013 9:34 PM
To: Judy LEOA Office
Subject: Re: Title Project

Mac,

I apologize for my delayed response. I have actually accepted a position in Jackson, and we are in the process of closing our office. The last conversation I had regarding this matter was with Franklin Eddins. He told me at the time that they were happy to deed the roads to the LEOA, but had a couple of demands in return. First, he wanted to ensure they continued to receive water at no charge. He also asked that the Association pay the previously-negotiated price for the land below the dam.

I apologize I have not notified the Board sooner about my departure. I am happy to try to continue to help in any way I can, but I will no longer be in the area on a regular basis, and the Board may be better served by finding another attorney. I think at this point, Franklin has already agreed to cooperate, but the instruments must be drawn up.

Please let me know how you would like to proceed. Thanks.

On Wed, Sep 4, 2013 at 3:53 PM, Judy LEOA Office <leoa@bayspringstel.net> wrote:
From: Mac McClintchen, Lake Manager Lake Eddins Owners Association
To: Andrew Cardwell

Andrew,

Ron Bean suggested that I set up an appointment with you, so that I can be brought up to date on where we stand with Title Project. It has been turned over to me and Board Secretary, Charlie Smith, by Board President, Larry Nobles. Please advise when I could get in to see you. I can be reached at leoa@bayspringstel.net or my email address at home which is jmcclinthen@gmail.com or 601-604-1412.

Thanks,
 Mac

9/16/2013

Andrew S. Cardwell
Attorney at Law
110 S. Oak Avenue
P.O. Box 967
Heidelberg, Mississippi 39439
(601) 787-3005
MSB: 103529
TXB: 24066564

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9/16/2013

Judy LEOA Office

From: Judy LEOA Office <leoa@bayspringstel.net>
Sent: Wednesday, February 06, 2013 9:22 AM
To: Ted Raley ; Ron Bean ; Dr. Eddie Stames ; Larry Nobles ; Jerry Perkins, Jr. ; David Sage
Subject: Title project

From: James R Bean [mailto:rbean@bayspringstel.net]
Sent: Wednesday, February 06, 2013 8:45 AM
To: Judy LEOA Office
Subject: Title project

I received this from Andrew Cardwell yesterday afternoon. Looks like good news overall but when we get the "applicable roads" we need to take a good look. And in my opinion "to memorialize that verbal agreement" on water/sewer hookups never needs to be put in writing, that is something the BOD really needs to look at. There are all kinds of pitfalls with doing something like that.

All,

I spoke with Franklin this morning and his father is in agreement regarding deeding the roads to the LEOA. Franklin's sister is determining all applicable roads, which of course, we will have to review and approve. The offer remains the same regarding the dam property and the dumpster parcel. The offer is a sales price of \$3500/acre to be paid in Assessment credits, which in looking at the surveys comes out to about 17 acres or approximately \$59,500 in assessments.

Franklin also mentioned something about a previous agreement with the LEOA about them not being charged for four (4) water/sewer hookups. Ron, maybe you have some knowledge of this. But he would like to memorialize that verbal agreement as part of getting everything finalized and settled.

Please let me know if you have any questions.

AC

Ron Bean

Judy LEOA Office

From: James R Bean <rlbean@bayspringstel.net>
Sent: Thursday, August 15, 2013 11:11 AM
To: Judy LEOA Office

Dates approximate,

March or April 2012 C-Spire came to us and about an easement to use the roads to get to the new tower was to be build and for maintenance afterwards. We told them we couldn't see any problem because it was for the betterment of the Lake. They said they would be contacting us.

Last fall they started construction and heavy equipment and trucks and the trucks were pretty rough on the roads hauling dirt from Shane's place to the site. I called C-Spire to ask about why they hadn't ask for an easement and was told they had an easement from W. Eddins. After a conversation about how Eddins could give an easement, we always assumed the roads belonged to LEOA. I was given a number to call their attorney that handled easements and was told in no uncertain terms they had a legal easement from W. Eddins and Mississippi Title Co. had researched the property and that W. Eddins still owned the land the roads are on. We then contacted Hortman and he suggested we use Andrew Cardwell to research title for us(Oct 9,12 minutes). Cardwell reported back to us(report should be in legal file) that it appeared Mississippi Title Co. was correct but it was even more complicated than that because he couldn't determine the status of Timber Realization Co. Ted and I meant with him at his office(all BOD members were invited to attend just like all meetings with attorneys) and gave him the ok to contact the Eddins. He contacted Franklin Eddins(Jan 7, 2013 minutes) and the Eddins agreed to transfer title to LEOA and Linda Snowden would make a list of applicable roads. Cardwell told us he thought all this could be done through a Quitclaim deed from the Eddins. Just before the election I asked Mac if Linda had sent a list(Mac and Perkins were the contact people for the Eddins because I prefer not to be directly involved with Wallace. Mac said that Linda wanted to keep the list until after the election???? She gave Mac the list after the election but it looks to be insufficient so I was working with Mac to get a better description of the roads and to make sure the list is complete and accurate.

The roads are platted and recorded but that doesn't change ownership, just like platted and recorded lots. According to Hortman and Cardwell a developer usually transfers "roads" over to a local government or an association after a certain percentage of lots are sold, this can vary. But in this case it appears it was never done.

Not sure where things stand now with all this but liability concerns are still there and not to mention we were already sued for spending money on the spillway(private property) owned by W. Eddins

Andrew Cardwell is the attorney that was handling this and is the one that first talked to Franklin to get things started

You could ask him what he needs for a quitclaim deed for the roads from the Eddins.

I'm sure he will need some sort of description of the property to be deeded.

This is the way I would think about doing it.

Write down each platted unit and the name of the road(s) on the Unit. Some units may have several roads, some 1, some 0.

Every road on every Unit even if they seem to repeat from another Unit.

CONCERNS:

Road from Cottano to Baylis' first lot. Nothing back there appears that there are no recorded Units so there needs to be another way to describe the property. Need to make sure the road all the way around the lake is covered in the quitclaim deed so that it can't be blocked off.

Property from CR 16 to the beginning of Pine tree Road (both gates), I couldn't find on a recorded unit. The out gate may be on the deed with the mail box pavilion.

From an old plat book I have, may not be correct.

Example

UNIT (on plat book)

ROAD Name

Unit 1

Pine Tree Road

Magnolia Road

Unit 2

Pine Tree Road

Unit 3

Pine Tree Road

Dogwood Road

Poplar Road

LAKE EDDINS LLC
ROADS

<u>911#</u>	<u>NAME</u>
West side of lake:	
1638	Pine Tree Road(east side)& Twistwood(west side)
16381	Chestnut
	Sycamore
	Maple
	Willow
16382	Magnolia
16383	Birch
16383A	White Oak
16384	Spruce Drive
	Long Leaf Drive
	Burning Tree
16385	Dogwood
16386	Dogwood & Poplar
16387	Hemlock/Cottonwood/Lock Raven
16388	Blackthorn
16388A	Brushwood
16388B	Evergreen
163810A	Falling Oak
163810	Water Oak
163812	Mulberry
163813	Cypress
163813A	Red Oak
163814	
163815	Ash
East side of lake:	
163820	Hickory
163821	FROM 163821 SIGN LOCATED ON 1638 TO U8L1
ONLY!!	
163822	Paul Davis Road
	Laken Road
	Addie Road
	Parker Road

Attachment II



Lake Improvement Committee
Lake Eddins
Pachuta, MS 39347

From: The Lake Improvement Committee

To: The LEOA Board of Directors

Re: Recommendation for Water Level Control

The objective of this recommendation is to establish a policy with procedures and the necessary criteria to maintain the water in the lake at a level that will minimize flooding of boat houses, allow all boats continuous access to the lake, minimize water flow across the emergency spillway, and minimize the need to open the lower gate on the main overflow spillway. The Lake Improvement Committee has used all the information available to them at this time to determine the design and the water handling capability of the main overflow spillway.

The committee recognizes that the lake level control is primarily determined by seasonal level requirements and the best possible predictions of interval rainfall. Therefore, we recommend that decisions to control the level be made after detailed and up-to-date weather predictions from the National Weather Service and other reputable sources. Also, decisions should involve more than one person. For these reasons, we offer the following recommendations:

1. Form a committee of three (3) people consisting of a current BOD member, the Lake Supervisor, and the Chairman (or his designate) of the Lake Improvement Committee. These committee members, along with certain other designated employees, will be the only people with access to the breaker box that controls the gates at the main overflow spillway. However, only the committee members are authorized to determine when and which valves will be opened or closed. The President of the Association with a majority vote of the BOD can over rule any decisions of the committee.
2. The Lake Improvement Committee will provide the Lake Level Committee with the most up to date weather prediction via e-mails, etc.
3. The lake level should be kept at the top of the concrete overflow if at all possible and no lower than 4" below the top of the concrete overflow.
4. Water level control should be attempted first by using the upper gate (south side). Experience tells us that the lake level can be lowered by 4" in a 24 hour period with no excessive water influx. Therefore, the upper gate should be opened 24 to 48 hours prior to a

predicted substantial rainfall. Early detection is the key here. If a predicted rain event does not occur, a 4" or 8" lower lake level is not fatal.

5. If the upper gate cannot satisfactorily control the lake level, the emergency spillway should be the next step utilized for level control. The emergency spillway is designed and can be easily maintained to handle a large amount of water. The flow across the emergency spillway should be kept at less than 4" if at all possible.
6. The lower gate (north side) on the main overflow spillway should be utilized as a last resort. This gate should only be opened when it becomes obvious that the upper gate and the emergency spillway with 4" water depth cannot handle the water influx into the lake. Approval from the president and the BOD should be obtained prior to utilizing the lower gate.
7. When water is predicted to go out the emergency spillway, the east gate should be opened so property owners can have the option of using the east gate road or treading water across the emergency spillway. If water across the emergency spillway is predicted to exceed 10 inches, the dam should be blocked off on each side for safety.

The Lake Improvement Committee can only offer general guidelines to control the lake level. Every rain event could offer different situations that must be managed separately. Therefore, no specific procedure can be written to apply to all situations.

If additional information is obtained that could change our opinions or recommendations, we will submit an amended report to the BOD.

Sincerely,



Greg Gaines

Chairman, Lake Improvement Committee