



High Gables HOA

October 19, 2005

Dear High Gables Resident:

As President of the High Gables Home Owners Association for 2005-2006, I am writing to inform you that a lawsuit has been filed and served against the property Owner at 4250 High Gables East Drive in the Superior Court of Forsyth County for noncompliance with our HOA Protective Covenants and Restrictions. To this end, we have retained Jay Pontrelli of Stites & Harbison, PLLC to represent us. The Board of Directors tried diligently to find resolution with the Owner through conversations and written letters without remedy.

As you know, it is vital that everyone adhere to the Protective Covenants and Restrictions. We all know about the Covenants and Restrictions and noncompliance cannot be overlooked. Even if you, as a homeowner, are not directly affected by a specific violation, such violation, if allowed to remain, can set precedent for future noncompliance issues which could have a direct effect on you.

4250 High Gables East Drive is in noncompliance with the following Covenants and the corresponding Standard Building and Design Specification:

1. No poured concrete driveway;
2. No poured concrete sidewalk along the frontage of the property;
3. No approved mailbox and mailbox post assembly; and
4. No finished entrance landscaping.

Your Board of Directors gave the Owner every opportunity to bring his home in compliance. Despite his verbal promises to do so, no work has been done. Demand letters have been written to and received by the Owner. There has never been any written response. The Board even sought help from Forsyth County Engineering and Permits Departments. With regrets, Forsyth County informed the Board that they do not have jurisdiction over or remedy in the enforcement of Association Covenants. For example, in their scope of responsibility, issuing a Certificate of Occupancy does not require a finished driveway.

As we proceed with litigation, it is the sincere hope of your Board of Directors that the Owner will begin necessary construction immediately. In the pursuit for Covenant compliance and the future value of our individual property equity, rest assured we will do whatever it takes to resolve this situation as promptly and cost effectively as possible. An additional assessment fee to the community is not likely but is possible if this goes to a jury trial. The lawsuit seeks prompt compliance with the HOA Covenants, a \$25.00 per day penalty for noncompliance (which began to run on or about September 3, 2005), and attorneys' fees.

Best regards,

Bob Clark
President
High Gables Home Owners Association