

# Sunrise Bay Watch



A Newsletter for the Property Owners of Sunrise Bay

February 2007

## Directors' Digest

### A Summary from Board President Steven Reed



I apologize in advance for the length of this first digest. Much has happened prior to publishing our first newsletter. We appreciate the understanding and cooperation of most property owners. Thank you for supplying updated contact information, for submitting requests for architectural review, and for keeping your property maintained.

We need volunteers for the common area committees, for an audit committee, for a nomination committee, and for hospitality at meetings. We are open to your ideas and suggestions; however, we are struggling with left-over issues from Timberline and we are volunteers with limited time to devote to these tasks.

An initial meeting with property owners was conducted in May 2006 at a hotel in Fredericksburg, VA by VA Timberline, LLC (Timberline), developer of Sunrise Bay. At that meeting, the Board of Directors (BOD) was elected from among volunteers. After the general meeting, the BOD met briefly for the purpose of setting a date for a continuation of the meeting. We needed time to obtain certain information from Timberline.

Timberline was not forthcoming with information required by Virginia law, even though it was requested in writing. Further, we soon learned that records that should have been kept by Timber-

line were either non-existent (for example, architectural reviews) or were inaccurate or incomplete (annual assessments that were or should have been collected at closings). What should have been a first year under the control of the property owners and of getting organized was becoming a time of discovery for the BOD.

To paraphrase former Secretary Rumsfeld, there were things that we knew we did not know (and Timberline wasn't talking), there were things we thought we knew that turned out to be wrong (and Timberline wasn't much help), and there were things we didn't know that we didn't know.

To make matters worse, Timberline refused to turn over the bank account to the BOD and we refused to accept the account until the property owners were insured and the treasurer and assistant treasurer bonded. Without access to our money, it was difficult to contract for insurance coverage.

By July 2006, that "Catch-22" was resolved, assisted greatly by our insurance broker and agency. They paid our insurance premium and waited for reimbursement. We then obtained control of the property owners' funds that had been paid in as annual assessments.

On 15 July 2006, the BOD continued the meeting begun in May.

Membership on the BOD and on the Architectural Review Committee (ARC) was determined and terms of office were set.

Two post office boxes were opened, one in Woodbridge for financial matters (the treasurer and assistant treasurer live in No. VA) and one in Mineral for all other matters (the BOD president, that's me, and the ARC chairman live in and near Sunrise Bay, respectively).

There was very brief discussion of hiring a professional property manager, but we decided to do it ourselves to save money and not risk raising the annual assessment. Therefore, we have no office as BOD and ARC members work from their homes.

Future meetings of the BOD were set for 14 October 2006, 13 January 2007 (there will be a discussion/Q&A period for owners at the start of the meeting), 14 April 2007 (to be followed by a general membership meeting), and 14 July 2007. All meetings are to be held at the Belmont Community Center, adjacent to the fire station less than a mile from Sunrise Bay.

Issues have been discussed and acted on related to identifying property owners (Timberline records were out of date), unpaid annual assessments (exacerbated by poor Timberline record-keeping), acceptance of the roads by VDOT, the common areas, the

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## Directors' Digest (cont'd from front page)

common area docks, architectural review (which should have been fully conducted by Timberline), and grass cutting.

An initial letter to all property owners was published on 18 August 2006. We have renewed our registration with the State Corporation Commission (previously filed by Timberline in the name of the Property Owners Association) and made an initial filing with the State Real Estate Board (which should have been done by Timberline). We have retained counsel and are in the market for an accountant.

We have learned that Timberline, for reasons that we have not yet discovered, contracted in our name to install street lights. We

have placed a moratorium on any additional lights and are investigating. In the meantime, we have a utility bill of more than \$200 per month that was unexpected.

In October, our secretary resigned on account of additional duties at his Coast Guard Reserve unit. We need a volunteer.

We have learned that Timberline has moved its "local" operation from Ashland, VA to Greensboro, NC. Contacts with Dan Girouard, Timberline Regional Manager, have produced some positive results. A concrete walkway to the docks was installed at Common Area A to alleviate erosion and slipping hazards. More rock was placed on the path to Common Area A and rip-rap was

installed on the upper slope. We will continue to demand that Timberline fulfill all its responsibilities.

Based on the recommendations of the Common Area Committee, we awarded a contract for grass-cutting in the common areas and along the roadsides. One full mowing and clearing has been accomplished followed by one partial mowing.

We are in good shape financially. A 2007 budget has been formulated as well as a sinking fund for future maintenance and replacement of common property. The 2007 annual assessment (\$200) will be billed on 1 March 2007 and be due on 31 March 2007.



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## Sunrise Bay Community News

### News You Can Use

No Man's Land! In some respects, Sunrise Bay is in the Twilight Zone. For those who live here or have built a second home and for those who wish to move here, there have been or will be some surprises.

The physical location of Sunrise Bay is Spotsylvania County, VA. Check those property tax bills. However, the mailing address is Mineral, Virginia 23117, a Louisa County, VA address, and the telephone exchange is Unionville, VA, located in Orange County, VA.

So what!? The most important impact of this is insurance for your home or other improvements (boat shelter, common area boat slip, shed). Your fire insurance rate is based on, among other things, the distance to the nearest

fire station and hydrant. Having a Mineral address tells your insurance company, erroneously, that you are in Louisa County. The fire station in Mineral is about 12 miles away and not as well-equipped as the Spotsylvania fire service, resulting in higher insurance rates.

It is very important that you tell your insurance company that Sunrise Bay is in Spotsylvania County, despite the address. The fire station is only about one mile north on Belmont Road (Spotsylvania Station No. 9).

You and your insurance also should know that a dry hydrant is located at each of the two waterfront common areas. These hydrants allow a fire tank truck to pump water directly from Lake

Anna to be transported to fires. The closer you are, the better your insurance likes it and your rates reflect that.

Spotsylvania County is in the Washington, DC television market. However, satellite service (there is no cable) operates on zip codes. Therefore, satellite service at Sunrise Bay will show Richmond local stations, not DC. By the way, there also is no DSL – satellite internet or dial-up are the only options presently.

To stay connected with local stuff, consider subscribing to the Lake Anna Observer (894-8626) and joining the Lake Anna Civic Association (LACA). Send an e-mail to Bill Hayden, President, at: bhayden37@yahoo.com.

*"It is very important that you tell your insurance company that Sunrise Bay is in Spotsylvania County, despite the address."*

# Covenants Update

## High Standards for an Outstanding Lake Anna Community

The covenants were in draft form when the original owners first bought Sunrise Bay property in 2003. They were finalized by Timberline in August 2003 and filed with Spotsylvania County land records. Accordingly, they are a matter of public record and bind all Sunrise Bay property owners to a common set of standards.

Covenants are agreements among all of us to maintain the high standards of Sunrise Bay, and to make it an outstanding lake community. It is already being marketed by local realtors as a premier lake community. In part, this is a product of the covenants and our adherence to them.

As with other matters, Timberline has not been helpful in all respects. Until May 2006, Timberline functioned not only as the developer, but also as a form of the Sunrise Bay Property Owners Association (the POA). Based on public documents filed with the State Corporation Commission, the directors were Dan Girouard,

Timberline Regional Manager, and Andrew "Drew" Hill, previously the Timberline Project Manager for Sunrise Bay. As we all know, they did not consistently and diligently operate the POA.

An important covenant feature is architectural standards. This protects the high property values of all within our community by requiring structures that conform to standards higher than the county would require. On the other hand, the standards are not as stringent as some other local subdivisions.

Early on, Drew Hill accepted and reviewed architectural submissions by the owners and builders of some of the first houses in Sunrise Bay. After Drew was no longer employed by Timberline, the review system fell into disuse. The Board of Directors and the Architectural Review Committee were reinvigorated when property owners took over the POA in 2006. We have been playing catch-up ever since.

If taken literally, the covenants would require all manner of submissions showing features of structures, including such things as a construction schedule and landscaping plans. This seems a bit much to impose on well-meaning property owners who have a vested interest in building community and friendship.

The BOD and ARC are not architectural review storm troopers. To the contrary, we have summarized the covenant requirements into a checklist that, when signed and submitted, shows your good faith to build what is required. The checklist is also a good tool for your builder to be informed about your expectations and those of your neighbors. Simply add a set of plans to the signed checklist to complete your architectural review package.

Most have submitted the paperwork. We continue to need to hear from a few of you. Thanks for your cooperation. We are all in this together for the betterment of Sunrise Bay.

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## Volunteers Needed

We need volunteers for various Sunrise Bay property owners Association, Inc. functions. Please call Steven Reed, 540-854-4790, if you can assist with any of the following:

- Secretary, Board of Directors
- Nominating Committee
- Common Areas Committee
- Shoreline Committee (common docks, boat ramp, etc.)
- Signs – Entrances Committee
- Annual Meeting Committee
- Web site Maintenance
- Audit Committee

## Board of Directors

- Steven Reed, President
- Sean O'Neill, Vice President
- Deb Connell, Treasurer
- Thom Aubin, Assistant Treasurer
- VACANT, Secretary
- Chuck Murphy

## Architectural Review Committee

- Lloyd Moore, ARC Chairman
- Steve Fortner, ARC Secretary
- Fred Jones
- Bill Metzler

## Illegally Parked Boat Trailer

There is an 'abandoned' boat trailer parked at Common Area A that has not been moved in several months. Shoreland'r, white in color, two-wheel. Ohio license plates, RJ94FY. If you have any information, or wish to claim by presenting your vehicle registration documents, please call Steve Reed at 540-854-4790.

## 2007 Annual Assessments

The fiscal year for the Sunrise Bay Property Owners Association is the same as the calendar year. However, the BOD decided that asking lot owners to pay the annual assessment on 1 January 2007, soon after the gift-giving holidays was – well – humbug! Therefore, the invoice for the annual assessment (\$200 for 2007) will be mailed on or about 1 March 2007. Payment to the POA is due 31 March 2007.

## Sunrise Bay Property Owners, Inc. 2007 Budget

(TJA)		Yearly
Total Estimated Income – 2007		\$17,900.00
Necessary Expenses – 2007		\$15,930.00
Discretionary Spending – 2007		\$970.00
<b>Monies OUT</b>		<b>\$16,900.00</b>
<b>Reserve</b>		<b>\$1,000.00</b>
<b>Income:</b>	<b>Monthly</b>	<b>Annual</b>
Primary Income (POA Dues)	\$0.00	\$17,600.00
Arch. Review Committee		\$0.00
Other Income		\$0.00
Interest (checking, savings) est.	\$25.00	\$300.00
<b>Estimated Total Income:</b>	<b>\$25.00</b>	<b>\$17,900.00</b>
<b>Necessary Expenses:</b>	<b>Monthly</b>	<b>Yearly</b>
Insurance	\$167.67	\$2,012.04
Legal Expenses	\$104.17	\$1,250.04
Accounting	\$50.00	\$600.00
PO Box – Woodbridge	\$11.23	\$134.75
PO Box – Mineral	\$3.33	\$40.00
Taxes (county / State / other)	\$20.83	\$250.00
Real Estate Board	\$2.08	\$25.00
Virginia Corp. Comm.	\$6.25	\$75.00
Electric	\$248.08	\$2,976.96
Office supplies	\$25.00	\$300.00
Postage	\$28.85	\$346.21
Common Area maintenance	\$541.67	\$6,500.00
Dock Maintenance	\$20.00	\$240.00
Improvements	\$40.00	\$480.00
Web Site	\$25.00	\$300.00
Newsletter	\$100.00	\$400.00
<b>Total Necessary Expenses:</b>	<b>\$1,394.17</b>	<b>\$15,930.00</b>
<b>Discretionary Spending:</b>	<b>Monthly</b>	<b>Yearly</b>
POA (all owners) Meeting	\$50.00	\$600.00
Maintenance	\$10.00	\$120.00
Garden Supplies	\$12.50	\$150.00
Sign Maintenance	\$8.33	\$100.00
<b>Total Discretionary Spending:</b>	<b>\$80.83</b>	<b>\$970.00</b>



## Common Dock and Boat Slip Concerns

After the Sunrise Bay Property Owners Association, Inc. (POA) was taken over by the property owners in May 2006, the new Board of Directors received two types of complaints concerning the docks at Common Area A.

The first concern is that some of the docks are wobbly. The second relates to numbering and assignment of slips. Our investigation has revealed the following.

First, we were told by the dock builder, Docks and Seawalls LLC (D&S), under contract with the Sunrise Bay developer, VA Timberline LLC (Timberline), that cross-bracing for the finger piers was recommended prior to construction. Timberline did not include that in the design and construction contract with D&S.

When Timberline became aware of our construction concerns, a Timberline representative (Mike Patey) met with the D&S General Manager (Harvey Bland) to discuss cross-bracing again. D&S provided an estimated price of \$300 per finger pier to cross-brace the first two sets of pilings at each pier. Mr. Patey told Mr. Bland that he would have to check with Timberline but doubted that they would authorize the work. Mr. Bland stated that he never heard anything further from Timberline on the subject.

The BOD has determined that 15 finger piers need cross-bracing. D&S has offered to do the work for the same price quoted to Timberline last summer. The BOD intends to pursue this matter with Timberline and, if Timberline declines to do the work, to obtain other bids.

Second, the docks were not built in accordance with the permit obtained from Dominion Resources (Virginia Power), the lake owner. Instead of building 58 slips, as authorized, only 57 were built. The BOD intends to request that Timberline complete the docks by building the docks as permitted. If Timberline declines, the BOD intends to obtain bids to complete the work.

In addition, the slips are not numbered as indicated on the approved permit. It has been reported that Timberline changed the numbering at least once after the docks were built and numbered.

At an earlier BOD meeting, a lot owner provided a document that purported to show dock numbers with lot numbers. No one could explain where the document came from or how it was compiled. The document is undated, unsigned, and does not appear on the letterhead of the POA or Timberline. It is on plain paper. Examination of the document indicates that it is unreliable. It omits two non-waterfront lot numbers (Lots 6 and 8) that should have an assigned slip number. Further, the slip numbers and lot numbers do not progress in an orderly, numerically sequential manner. Slip numbers on the document do not match the numbering scheme indicated by Timberline on the permit application that was approved by Dominion Resources.

When Sunrise Bay lots were first offered for sale in April 2003, each prospective buyer was given a "Vital Information Statement" by Timberline. On that document, at paragraph 1, among other things, appeared "slip #," followed by a

blank space. Each non-waterfront lot buyer should have had a slip number entered on the form. Of course, the boat docks did not exist at that time; therefore, no one knew the exact meaning of the entry except that a slip was promised.

To assist with resolving this matter, each lot owner is requested to submit to the BOD a copy of the "Vital Information Statement" provided by Timberline, if available. Please send the copies to P.O. Box 6700, Woodbridge, VA 22195. To resolve this matter promptly, the "Vital Information Statement" must be received not later than 31 March 2007.

The BOD has also been told that the slips are "deeded." If so, the deed (or other authenticated document) for each lot should include a reference to the slip and may include a slip number. Lot owners may submit a copy of their deed (or other documents) along with the "Vital Information Statement."

Slips will be renumbered to match the approved permit. If feasible and as indicated by documents provided by lot owners, slips will be assigned based on the permit and documents provided to owners, which is the best evidence of the original intent. If slip numbers are duplicated within the documentation provided to buyers (for example, if two lot buyers were given the same slip number) or if no documentation is produced by a lot owner, those lot owners will be placed in a lottery for the remaining slip numbers.

Of course, two lotteries may be necessary since lot owners east of Belmont Road will be assigned slips at Common Area D and lot owners west of Belmont Road will be assigned slips at Common Area A.



*"the new Board of Directors received two types of complaints concerning the docks..."*





Sunrise Bay Property Owners Assoc., Inc.  
P.O. Box 116  
Mineral, VA 23117

## **First-Annual Sunrise Bay Property Owners Meeting**

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Hear Ye! Hear Ye! The first-annual Sunrise Bay Property Owners Meeting will commence at 2 p.m., Saturday, April 14, 2007.

The meeting will be held at the Belmont Community Center, 7124 Belmont Road (Route 652), Spotsylvania County, VA, — adjacent to the fire station, about one mile north of Sunrise Bay. Please plan to attend.

If you can assist with refreshments, set up, or planning for the meeting, please call Steven Reed at 540-854-4790.