

the Deerfield Resort

CONNECTION

April 5, 2020 Issue 2020-5

UPDATE on Pursuing a Legal Remedy to Allow for a Deerfield Property Owners Association(s).

On April 1, 2020 there was a telephone conference call hearing before Chancery Judge Asbury for our request to compel the Fields to turn over any and all documentation that is related to the Deerfield Resort HOA, Inc. Our attorney, Vic Pryor, Judge Asbury, and Preston Hawkins (attorney representing the Fields) were on the call. Below is an important excerpt from the response for application for court ordered inspection by Mr. Hawkins. If you would like to receive a copy of his full response, please send your request to secretary@tnpoa.com. All expenses for this legal effort are being paid for by donations from interested Deerfield Property Owners. Instructions on how to donate can be found on the website; www.deerfieldtnpoa.org.

"In April 1986, after Deerfield was launched and the original Restrictions were placed on Deerfield, Paul R. Fields, the President of Fields Development, incorporated Deerfield Resort Homeowners Association, Inc. ("HOA") as a not-for-profit corporation, which would act as a vehicle for Deerfield property owners to eventually control Deerfield when the development was complete. The development has never been completed. Accordingly, there has never been a need or a use for the HOA, which has taken no substantive action since its inception in 1986. Importantly, the HOA has never been organized or adopted any Bylaws. Moreover, there have never been any official meetings, including annual meetings. The HOA has no employees, no bank accounts, no adopted resolutions, no votes, and no dues. A yearly report is filed by Ms. Fields, President and Registered Agent of the HOA, to the Tennessee Secretary of State to keep the HOA administratively viable in the event that control of Deerfield is eventually conveyed to the HOA. However, other than the annual report to the Secretary of State, no records are maintained by the HOA because it is non-functioning and powerless. Rather, the control of Deerfield lies entirely with Fields Development, a for-profit corporation. Deerfield itself is still under development to this day, with hundreds of acres of prospective property yet to be developed."

*According to the Charter filed with the State of Tennessee for Deerfield Resort Homeowners Association, Inc on April 15, 1986, Article IV, (d): "To maintain all roadways in the Deerfield Resort Area, The same roadways, To be maintained by the developer until 12/31/88 or until 75% of the lots have been sold at which time developer will convey title to the roadway to the association and the association shall assume the responsibility of the maintenance of said roadways."

Chancery Asbury ordered Atty Preston to release any and all records and documents pertaining to the Deerfield Resort Homeowners Association, Inc for inspection. We will keep you updated as more information becomes available.

Regarding Covid-19 Travel Restrictions in Tennessee

On April 2, 2020 Tennessee Governor Lee ordered all state residents to stay at home. The order is effective immediately and will last through at least April 14th. One model predicts up to 3,200 Tennessee residents could die if more stringent restrictions were not put in place since the current guidance has not been effective in restricting travel by residents and out of state personnel. This order falls in line with the same type of travel restrictions as in many other states. There have been reports that police are conducting roving traffic inspections in all of the states checking people who are traveling, especially those with out of state license plates.

While it is very inconvenient and a major disruption to all of our lives, out of respect for each other, Please stay at home – save a life - the life you may save may be yours or a family member!!!

Resort Updates

Weather has finally permitted an excavating contractor to begin removing dirt and debris from the mudslide that caused the failure of the retaining wall in the vicinity of the Deerlake Condos. Unfortunately, the rain has continued and the

removal process has been slow. The excavator has indicated they hope to have the majority of the dirt from the mud slide removed by Memorial Day if work is not interrupted by weather or restricted by the pandemic.

Deerfield Marina has completed the construction of the new boat slips, removal and demolition of the old damaged slips and are now completing the electrical installations and hook ups.

We hope that this edition of the Connection finds you and your family healthy. Hopefully the travel restrictions that have been ordered will be relaxed within the next 15 to 30 days. Allowing for travel to Deerfield. In the meantime, please follow the guidance instructions issued by your local or state government, practice social distancing, and wash your hands frequently. Cooperation by everyone can help prevent the spread of Covid-19 virus, reduce the number of people becoming ill and help us all return to a new normal life.

Important: We will continue with the May 24th annual meeting as planned but concerned we might have to cancel. Stayed tuned as we get closer and review other options.

Reminder: The volunteer committee has made significant progress on the first draft of operating rules. We'd really like input from the property owners. If you would like to volunteer to review/comment, please let us know.

We would like to hear your feedback; your comments can be submitted through our website: www.deerfieldtnpoa.org

With all that has been going on, we have not yet looked over the survey questions to enable us to provide you with the results. We will try hard to get them in the next Connection along with some new survey questions. Be safe!

Good, effective, polite and timely communication is the key to understanding and the elimination of confusion and questions over unknowns or misconceptions. This is what we want the Deerfield Property Owners Association to be known for.

Your Volunteer Committee

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