Legal Services

prepared for

Fairfield Mountains Property Owners Association, Inc.



Trust. Knowledge. Confidence.

submitted by:

Bill Hamel, Attorney at Law

Offit Kurman

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Attorneys At Law

Legal Services

Fairfield Mountains Property Owners Association, Inc.

Response to RFP

Offit Kurman Community Association Practice Group Capabilities

- General Counsel to Community Associations
- Collection of Delinquent Dues
- Our Approach

Our Fairfield Mountains Property Owners Association, Inc. Team

- Billing & Services
- Hourly Rates

Our Legal Team: Bench Strength for Efficient & Responsive Service

• Representative Clients

About Offit Kurman

• Legal Team Biographies

Community Associations Practice Group

Associations turn to Offit Kurman for guidance on every aspect in uptown Charlotte, we represent more than 700 communities across North Carolina and South Carolina, helping to facilitate claims of lien, foreclosure actions and the timely collection of community associations and providing general support for community associations.

We work with property management firms and associations that are self-managed. Our services include the entire spectrum of community association law.

General Counsel to Community Associations

As general counsel to community associations, we cover the complete range of legal services including:

- Assisting associations with board governance issues
- Creating and organizing homeowners' associations for developers
- Drafting, interpreting, enforcing, and amending declarations, restrictive covenants, by-laws, and other governing documents
- Attending community association board and annual meetings to advise and train boards on governance. compliance, best practices and other related issues
- Real estate transactions, easements, title disputes, and condemnation/eminent domain proceedings by local and state governments
- General litigation and dispute resolution

of condominium and community association law. From our office delinquent dues, offering guidance on effective management of

SERVICES

draft legal opinions community association formation documents easements access agreements deeds

forbearance and settlement agreements liens and foreclosure related court documents

attend and preside over annual, special membership meetings, board of director and committee meetings

oversee homeowner's association collection practice

review and execution of liens, complaints, notices of hearing and sale, final reports, notices to vacate and writs of possession

attend foreclosure hearings and conduct foreclosure sales

Collection of Delinquent Dues

Although there are various methods that can be used for the collection of delinquent dues, experience has taught us that the claim of lien/foreclosure process is the most efficient and cost effective. We have systemized much of this process, and as a result of these efficiencies, we are able to render some of these services on a flat-fee basis.

Our practice represents associations in bankruptcy court if a homeowner files for bankruptcy. Our collection attorneys file a claim on behalf of the association, monitor the progress of the case, and take action when necessary to protect the association's interests in the event of a bankruptcy filing. Fees can often be recovered from the homeowner's bankruptcy plan.



Our Approach

In addition to services we provide that are not unique to an age restricted community (such as collections, document drafting and legal advice), Offit Kurman also provides legal assistance regarding the documentation of:

- Review of existing governing documents.
- Analysis and options related to existing governing documents.
- Recommendations for changes, revisions and amendments to governing documents.
- Guidance in the association's survey of residents in order to properly calculate whether the association meets the 80% threshold under HOPA.
- Review and possible revision of published rules demonstrating the intent to provide housing for persons 55 and older.
- Provide legal opinions on how best to obtain age verification and provide options in the event verification cannot be obtained.
- Representation on additional unique issues such as, rentals to under 55 persons.
- Dealing with non-complaint owners, HUD inquiries and audits.
- Defense of Fair Housing complaints.

Our Team

With the goal of providing Fairfield **Mountains** Property Owners Association, Inc. the maximum quality of legal service,Offit Kurman will utilize a team-based approach to provide efficient, top-quality and cost-effective representation for which the firm is widely known.



Billing & Services

In our community associations practice, the hourly rates for lawyers and paralegals range from \$100.00 to \$375.00 per hour. Our typical range of services include consultations, discussions with opposing counsel or opposing party, investigation of facts, discussions with professionals, drafting opinion letters, review of documents, negotiations, legal research and drafting documents.

Offit Kurman issues statements to our clients on a monthly basis. These statements show the billable time expended by lawyers and legal assistants, expenses incurred, applications of deposits, and the balance owed, if any.

2019 Hourly Rates

Keith Nichols

Amy Hunt

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Team Member	2019 Rate	Role	Practice
Bill Hamel Mike Hunter Cynthia Jones Ben Karb	\$375.00 \$375.00 \$350.00 \$300.00	Lawyer Lawyer Lawyer Lawyer	Community Association Community Association Community Association Community Association
Resources (as needed)		Role	Practice
Rob McNeill Louise Harmon	\$400.00 \$350.00	Lawyer Lawyer	Real Estate (litigation) Real Estate

\$350.00

\$325.00



Lawyer Real Estate (litigation)

Lawyer Real Estate (litigation)

Our Legal Team: Bench Strength for Efficient & Responsive Service

Your legal services team leader, Bill Hamel, will be responsible for the day—to—day management and communications as the single point of contact. A veteran community associations lawyer, Cynthia Jones, will work closely with Bill and the designated legal team to assure quality work flow and scheduling.



Offit Kurman | Team Leader
Bill Hamel

Offit Kurman | Legal Team

Community Associations







community association lawyers

Mike Hunter Cynthia Jones Ben Karb

paralegalsMargo RumseyTonya Helms

Offit Kurman | Legal Team
Additional Resources

real estate lawyer
Louise Harmon

real estate litigation lawyers

Rob McNeill Keith Nichols Amy Hunt



Representative Clients

- Massey Master
 Fort Mill, South Carolina
- The Point Homeowner's Association Mooresville, North Carolina
- Springfield Property Owners Association Fort Mill, South Carolina
- The Sanctuary at Lake Wylie a Crescent community Mecklenburg County, North Carolina
- Ballantyne Residential Property Owners Association (Ballantyne Country Club)
 Charlotte, North Carolina
- Southpointe Property Owners Association a Crescent community Lake James, Burke County, North Carolina
- The Sterling Condominium
 2400 Roswell and St. Serrant (high-end condos in Myers Park)
 Charlotte, North Carolina
- The Polo Club at Weddington Weddington, North Carolina
- The Polo Club at Mountain Island Lake Charlotte, North Carolina
- Providence Country Club Charlotte, North Carolina
- Longview Property Owners Association Marvin, North Carolina
- Perrin Place Charlotte, North Carolina
- Grandfather Golf & Country Club Linville, North Carolina
- Biltmore Lake Association Asheville, North Carolina

We represent more than 700 communities across both North Carolina and South Carolina

Our services include the entire spectrum of community association law to include facilitating claim of liens, foreclosure actions and/or the timely collection of delinquent dues, and support strong community association management. We work with property management fi rms and associations that are self-managed.



SERVING CLIENTS IN CHARLOTTE SINCE 1932

Since our first client in 1932, our attention has been focused on providing the best value, the highest level of personal service and the sharpest legal advice to our clients.

About Offit Kurman

Located in Uptown Charlotte, Offit Kurman

We value our traditions, developed over the past 85 years, of personal service to our clients, community involvement and the conscious choice to uphold the firm's history of quality rather than pursue unrestrained growth.

Offit Kurman Charlotte office currently employs 51 legal professionals and staff. Our firm consists of 29 attorneys. The firm's attorneys are supported by paralegals and a secretarial/support staff. Offit Kurman attorneys in the Charlotte office operate in six general practice areas:

- Community Associations
- Commercial Real Estate
- Corporate & Business Law
- Litigation
- Personal Wealth Services
- Family Law

Creation of Condos & Planned Unit Developments

Offit Kurman lawyers are skilled at assisting home builders and developers in creating planned unit developments or "PUDs." We have created both single—family PUDs and townhome PUDs for our clients. After advising our clients on every aspect of creating a PUD, we then prepare the required documents, including the declaration of covenants, conditions and restrictions, articles of incorporation and bylaws for new development.

We also have extensive experience in the creation of residential and commercial condominiums for developers. We have created condominiums of all sizes and types including air-rights condominiums.

Real Estate Title Disputes

Offit Kurman is recognized as the preeminent law firm in North Carolina for real estate title disputes and all aspects of title insurance law. Members of our team are also admitted to practice law in South Carolina, which has allowed us to regularly represent all of the major title insurance companies doing business across the Carolinas. We also represent property owners and commercial and residential lenders in real estate title matters.



Our lawyers have extensive experience in real estate law, litigation, bankruptcy law, complex foreclosures and construction law — areas of law which can and do intersect in community association law. We understand the laws and use our collective experience to construct comprehensive solutions for associations.

Commercial Lease Review & Analysis

Clients turn to us for our extensive commercial real estate experience including negotiating, drafting and finalizing lease agreements, amendments and modifications to governing documents and commercial closings. Landlord/tenant law is one of our niche practices, and we serve clients who have industrial, office, retail and multifamily properties.

Over the years, we have negotiated ground, gross and triple net stand—alone retail, office and large industrial leases from 1,000 square feet to 300,000 square feet. We believe each negotiation deserves focused attention to the specific details, business points and legal issues that are presented by landlord and tenant.

We have also negotiated leases involving franchisees and other third parties. In connection with these activities, we have drafted and finalized easements, rights—of—way, co—tenancy

agreements and other related legal documents to deal with the issues related to multi-tenant office buildings, office parks and shopping centers.







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William Hamel Principal, Charlotte Office

PRACTICE AREAS

- · Community Association Law
- Creditors Rights, Reorganization and Bankruptcy
- · Landlord Representation

EDUCATION & ADMISSIONS

- J.D., Campbell University School of Law,
- B.A., History, Wake Forest University, 1987
- North Carolina, 1990
- U.S. District Court for the Western District of North Carolina
- U.S. Court of Appeals for the 4th Circuit

ACTIVITIES

- North Carolina Bar Association
- Mecklenburg County Bar: Litigation Section, Naming Rights Cabinet (2014), Lawyer Referral Service Committee (1998-2001), Fee Dispute Committee (2009-2011)
- Community Associations Institute
- Commercial Real Estate Development Association (NAIOP)
- National Association of Residential Property Managers

PRACTICE FOCUS

Bill Hamel primarily represents commercial and residential landlords, and homeowners and business owners associations. He offers more than 29 years of experience helping to protect assets and collect debts for his clients. Bill also represents many small businesses as primary outside counsel.

Bill works primarily with commercial and residential development, brokerage and management firms with properties in the Charlotte region, which include Griffin Brothers Companies, Henderson Properties, JLL, CIM Group, Childress Klein Properties, Cushman & Wakefield, CIP, Lat Purser & Associates, AmCap, Inc., Selwyn Property Group, Access Property Management, AMS, NAI Southern Real Estate and Providence Commercial Real Estate Advisors.

SPEAKING ENGAGEMENTS

• "Hot Topics in Community Association Law" – 9th Annual HOA Legal Seminar, Henderson Properties, Charlotte, NC (May 2016)





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Michael Hunter
Principal, Charlotte Office

PRACTICE AREAS

· Community Association Law

EDUCATION & ADMISSIONS

- J.D., Wake Forest University School of Law, 1987
- B.S., Business Administration, University of North Carolina at Chapel Hill, 1984
- · North Carolina
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Eastern District of North Carolina
- U.S. Court of Appeals for the 4th Circuit

ACTIVITIES

- North Carolina Bar Association
- Mecklenburg County Bar
- Community Associations Institute (CAI)

PRACTICE FOCUS

Mike Hunter's practice focuses on community and condominium association law. He represents more than 700 associations across North Carolina.

Mike's background includes real estate and litigation, with a concentration in the area of creditors' rights, including debt collection, bankruptcy, foreclosure, lien enforcement, and collateral recovery.

From 1995 to 2006, Mike served as an assistant attorney for the Mecklenburg County Sheriff's Office, primarily in the areas of civil process and judgment enforcement.

SPEAKING ENGAGEMENTS

• 9th Annual HOA Legal Seminar "Hot Topics in Community Association Law" Henderson Properties, Charlotte, NC (May 2016)

PUBLICATIONS

- "Credit Reporting," Common Grounds, November/December 2015
- In addition to his HOA-themed blog, Carolina Common Elements, Mike writes a semi-weekly column for The Charlotte Observer and Raleigh News & Observer, answering reader questions on HOA-related topics. He is frequently quoted by reporters locally and nationally, including in HOAleader.com, a leading publication for community associations nationwide.
- Mike is the co-author of "How to Get Results in the Collection of Delinquent Debts in North Carolina" (National Business Institute, Inc., 1996), and has written numerous manuscripts for various presentations and seminars on community association law.





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Cynthia Jones Principal, Charlotte Office

PRACTICE AREAS

- · Community Association Law
- Real Estate Law and Transactions

EDUCATION & ADMISSIONS

- J.D., University of South Carolina School of Law, 2004
- B.A., History, Clemson University, 2000
- · South Carolina, 2005
- North Carolina, 2004
- U.S. District Court for the Western District of North Carolina

ACTIVITIES

- North Carolina Bar Association
- South Carolina Bar, Community Association Law Committee, 2012 to present
- · Mecklenburg County Bar
- Mecklenburg County Real Property Council, 2008 to present
- Community Association Institute: Business Partners Council (2019-2021)
- Community Association Institute: Educated Business Partner (2018)
- Community Association Institute, North Carolina Chapter: Board of Directors (2019-2022)
- Community Association Institute, North Carolina Chapter: Membership Development Committee

PRACTICE FOCUS

Cynthia Jones's practice encompasses community associations and real estate law.

In her community associations practice, Cynthia addresses the development, creation, and organization of condominium and homeowners' associations, as well as the interpretation, enforcement, and amendments of governing documents. She assists clients with the collection of unpaid assessments, including liens, foreclosures, and bankruptcies.

Cynthia also offers services as general counsel to associations. These services may include matters such as researching and rendering legal opinions on interpretation of the declarations and bylaws, association and board governance issues, dealing with violations of restrictive covenants or rules and regulations, attending board and association meetings, and amending declarations and bylaws.

In her real estate work, Cynthia represents residential real estate developers and project finance organizations. She handles legal issues surrounding the acquisition, disposition, construction, management, and development of residential communities.

SPEAKING ENGAGEMENTS

- The ABC's of HOA Management Cedar Management Group Seminar (June 2019)
- Board Ethics Community Association Institute, North Carolina Chapter Law Day with co-presenter Andrew Bateman (March 2019)
- Board Ethics Community Association Institute, North Carolina Chapter Law Day with co-presenter Andrew Bateman (October 2018)
- Board Basics Bootcamp Cedar Management Group Seminar (October 2018)
- Doubleheader Legal Workshop Community Association Institute, North Carolina Chapter (April 2018)
- Hot Topics: Community Association Law; FirstService Residential Seminar (April 2018)
- Board Boundaries Community Association Institute, North Carolina Chapter (March 2018)
- · Voting and Record Retention Community Association Institute, North Carolina Chapter, Law Day (September 2017)
- Hot Topics in Community Association Law –HOA Legal Seminar, Henderson Properties (May 2016)







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Ben Karb Attorney, Charlotte Office

PRACTICE AREAS

- · Community Association Law
- Real Estate Law and Transactions

EDUCATION & ADMISSIONS

- L.L.M., Master of Laws in Real Property Development, University of Miami School of Law, 2010
- J.D., West Virginia University College of Law, 2009
- B.A., Political Science, North Carolina State University, 2005
- · North Carolina
- South Carolina

ACTIVITIES

- · North Carolina Bar Association
- Mecklenburg County Bar Association
- Legal Aid of North Carolina, Volunteer attorney (2012-present
- North Carolina Community Associations Institute
- Kannapolis Business Alliance, former Vice President and Director (2014-2015)
- South Carolina State Bar Association, Community Association Law Committee (2014-present)

PRACTICE FOCUS

Ben Karb's law practice is dedicated to commercial real estate transactions and advising HOAs and condominium associations in both North and South Carolina.

In his HOA and condominium practice, Ben regularly advises HOAs and condominium associations across a broad spectrum of issues, including the interpretation of covenants, contractual matters, and collection of assessments. He routinely attends membership meetings and assists communities with the ever-difficult process of amending their governing documents. He has formed numerous HOAs and condominium associations, and regularly drafts and amends Declarations and corporate documents for his clients.

Ben advises commercial real estate clients in a variety of transactions, including many transactions throughout the Charlotte metropolitan area. He represents clients in all phases of the acquisition of commercial properties, including preparation of purchase agreements, coordination of title searches, the preparation of title opinions, resolution of title matters, and closing commercial loans. Ben also has significant experience drafting commercial leases, easements, and restrictive covenants.





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Robert McNeill Principal, Charlotte Office

PRACTICE AREAS

- Business Litigation
- Commercial Litigation
- · Construction Law
- Real Estate Litigation And Title Claims Litigation

EDUCATION & ADMISSIONS

- J.D., University of North Carolina School of Law, 1985
- B.S., Business Administration, University of North Carolina at Chapel Hill, 1982
- North Carolina
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Eastern District of North Carolina
- U.S. Court of Appeals for the 4th Circuit

ACTIVITIES

- American Bar Association: Tort, Trial and Insurance Practice Section, Title Insurance Litigation Committee
- North Carolina Bar Association: Real Property Section, Litigation Section, Construction Law Section
- North Carolina Land Title Association
- Mecklenburg County Bar: Litigation Section

PRACTICE FOCUS

Rob is an experienced and senior litigator. With an AV rating by Martindale Hubble, Rob is consistently nominated by peers in the legal community to the Best Lawyers in America and North Carolina Super Lawyers legal surveys.

"Don't let his calm demeanor and polite manner fool you, Rob is very well prepared and a tough advocate in the courtroom."

Rob is best known for his state-wide real estate litigation practice in which he represents title insurance companies, lenders, owners, lawyers, developers, and contractors. He has appeared in court in over 75 North Carolina counties. He also regularly appears in Federal Court as well as Bankruptcy Court.

"Always takes a solutions-oriented approach."

Rob's reputation as a trusted advisor to entrepreneurs and small businesses is well known. He represents clients in business disputes, including business divorces, fiduciary litigation, contract disputes, and many other business issues.

Rob represents contractors, owners, and design professionals in construction cases ranging from large commercial and industrial projects to major renovations of upscale homes. He is also a LEED Accredited Professional (LEED-AP), a distinction he earned through the Green Building Certification Institute. As a LEED-AP, he has demonstrated a thorough understanding of green building practices and principles, as well as working knowledge of the LEED Rating System.

"A patient but persistent negotiator."

Rob has a strong appellate practice handling over 25 appeals to the North Carolina Court of Appeals, the North Carolina Supreme Court and the Fourth Circuit Court of Appeals. He represented the City of Charlotte in two appellate cases of first impression and obtained favorable results. Rob is certified by the N.C. Dispute Resolution Committee as a superior court mediator and has an active mediation practice. He is also regularly chosen by his peers to be an arbitrator in various business disputes.







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Keith Nichols
Principal, Charlotte Office

PRACTICE AREAS

- Commercial Litigation
- · Community Association Law
- · Landlord Representation
- Real Estate Law and Transactions

EDUCATION & ADMISSIONS

- J.D., University of Miami School of Law, 2000
- B.A., Psychology and Sociology, Vanderbilt University, 1997
- North Carolina
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Eastern District of North Carolina
- U.S. Court of Appeals for the 4th Circuit

PRACTICE FOCUS

Keith Nichols is a litigator focused on business, commercial, and real estate matters. His clients include a variety of business entities including financial institutions, developers, commercial brokers and property managers, homeowners' associations, retailers, municipalities, and schools.

Keith has litigated hundreds of matters and has served as lead counsel in numerous jury trials in district and superior courts. He has also argued before the North Carolina Court of Appeals and the North Carolina Supreme Court.

In 2014, Keith was certified by the N.C. Dispute Resolution Commission as a superior court mediator. He has been a LEED Accredited Professional since 2008.

ACTIVITIES

- · North Carolina Bar Association
- Mecklenburg County Bar: Fee Dispute Resolution Committee (2011-2016), Chair (2013-2016), Grievance Committee (2008-2011)
- 26th Judicial District's Bar Candidate Committee, 2008 to present; co-chair, 2011 to present
- Institute of Real Estate Management (IREM)
- International Council of Shopping Centers (ICSC)
- Charlotte Mecklenburg Library Foundation
- Friends Council, 2015 to 2017
- Mecklenburg County Teen Court, Judge
- Vanderbilt Alumni Association: President, 2008-2012;
- Alumni interviewer, 2009 to present







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Louise Harmon Principal, Charlotte Office

PRACTICE AREAS

• Real Estate Law and Transactions

EDUCATION & ADMISSIONS

- J.D., Wake Forest University School of Law, J.D., Wake Forest University School of Law, 1996
- B.A., Economics, Clemson University, 1993
- · South Carolina
- · North Carolina

ACTIVITIES

- American Bar Association
- North Carolina Bar Association
- · Mecklenburg County Bar

PRACTICE FOCUS

Louise Harmon focuses her practice on commercial and residential real estate development and real estate finance. She represents clients through all facets of commercial real estate transactions and is able to assist them in the acquisition, financing, development, and disposition of all types of real estate. This work includes the negotiation and drafting of purchase and sale agreements, the negotiation of acquisition and development financing documents, the drafting of reciprocal easement agreements, restrictive covenants and other related documents for commercial developments and residential planned communities.

Louise has particular experience working with local, regional, and national lenders in the negotiation and documentation of acquisition, refinance and construction financing, asset-based lending transactions and other forms of secured lending.

Louise's clients include numerous lenders, local developers and builders, and national builders in North Carolina and South Carolina.





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Amy Hunt Counsel, Charlotte Office

PRACTICE AREAS

- Commercial Litigation
- · Construction Law
- Real Estate Law and Transactions
- Real Estate Litigation And Title Claims Litigation

EDUCATION & ADMISSIONS

- J.D., The Ohio State University Moritz College of Law, 2005
- B.A., Communication, Hanover College, 2002, cum laude
- South Carolina, 2006
- · North Carolina, 2005
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Eastern District of North Carolina
- U.S. District Court, District of South Carolina

PRACTICE FOCUS

Amy Hunt's litigation practice focuses on resolving real property disputes, concentrating in: analysis of coverage and exclusions in insurance policies, defense counsel for insureds, defalcation and fraud recovery, resolution of access, easement and boundary issues, subrogation litigation, and title curative measures.

Amy also handles the defense of attorneys in malpractice actions and resolution of business disputes.

With a central location in Charlotte, Amy is strategically located to practice in all state and federal courts in both North Carolina and South Carolina. She has experience in real estate law, creditors' rights, foreclosures, litigation, construction law, and bankruptcy (including on both the creditor side and the Chapter 11 debtor side), along with the judgment to use these skills to the best benefit of her clients. As part of a team of real estate and title resolution lawyers, she is able to leverage Offit Kurman's diverse practice areas to craft comprehensive and creative solutions to real estate problems efficiently and effectively.

HONORS AND AWARDS

- · AV Rated Preeminent rated, Martindale-Hubbell
- Best Lawyers in America, Commercial Litigation, Litigation-Real Estate, 2016-2019
- Super Lawyers, North Carolina "Rising Stars," 2010-2013, 2015

SPEAKING ENGAGEMENTS

- Ethics (North Carolina Association of Defense Attorneys), Greensboro, North Carolina (October 2019)
- North Carolina Real Property Case Law Update (Mecklenburg County Bar Association), Charlotte, North Carolina (February 2019)
- North Carolina Real Property Case Law Update (North Carolina Bar Association), Cary, North Carolina (October 2018)
- North Carolina Real Property Case Law Update (Mecklenburg County Bar Association), Charlotte, North Carolina (February 2018)
- North Carolina Real Property Case Law Update (North Carolina Bar Association), Cary, North Carolina (October 2017)
- "Ethical Violations and Claims Making (Or How to Be a Double Threat!)" (North Carolina Land Title Association Annual Convention), Asheville, NC (September 2015)
- "Recent Trends in Title Insurance Claims" (A Southern Land Title Agency Summer Update), Southern Pines, NC (July 2015)

ACTIVITIES

- American Bar Association: Tort Trial and Insurance Practice Section, Title Insurance Litigation Committee
- North Carolina State Bar: Ethics Committee, Advisory Member (2017-present), Continuing Legal Education Committee (2010 to 2016); Chair (2013-2016)
- · North Carolina Bar Association
- · North Carolina Land Title Association
- · Palmetto Land Title Association
- Justice William Bobbitt Inn of Court, 2013 to 2016
- Mecklenburg County Bar: Board of Directors, (2010-2013), Bar Leadership Institute (2009), Young Lawyers Division, Academic Internship Program, Co-Chair (2006-2010)