

Guidelines for Merging SMEPOA Member Lots in Sassafras Mountain Estates

Adjoining Member lots within Sassafras Mountain Estates may be merged if specific guidelines are followed. Section 10 (i) of the Additional Covenants states the following:

“An Owner who owns two (2) adjoining Member Lots may, upon prior written approval of the Board, have such Lots merged and treated as a single Member Lot for all purposes including, but not limited to, assessments and voting. Plats necessary to show the altered boundaries between the affected Member Lots shall be prepared and certified as to accuracy by a registered land surveyor approved by the Association and shall be executed on behalf of the Association to evidence its approval thereof. The requested owner shall be responsible for payment of all charges for preparation, execution and recordation thereof. The merger shall be effective upon recordation of approved plats and receipt by the Association of a copy thereof. Any Member Lot created by the merger of two (2) Member Lots may be subdivided to restore the original boundaries pursuant to the same procedure as that for merger. Once a merged Member Lot is subdivided, each Member Lot shown on the revised plat after subdividing shall be considered a separate Member Lot for all purposes, including, but not limited to, assessments and voting.”

Any SMEPOA member wishing to merge adjoining lots should do the following:

Seek written approval from the SMEPOA Board, through the president, to merge lots.

Secure Board- and County-approved registered land surveyor to survey and combine lots.

Take new plat of merged property, provided and signed by surveyor (4 copies), to County Planning and Development office for approval (\$50 fee in Dawson Co.).

Upon receipt of approval by Planning and Zoning office, owner should take paperwork to County Clerk of Court to be recorded (\$8 recording fee in Dawson Co.).

Property owner will receive a plat copy. Provide two copies of this recorded new plat to the SMEPOA Board as evidence that the work has been completed.

Unless and until all of the above is completed, multiple member lots cannot be considered merged for dues assessment purposes. Property owners will be responsible for paying dues on each member lot at the assessed rate each year.

The Declaration of Covenants, the original set of covenants for Sassafras Mountain Estates, in Article II, 2.03, states the following:

“Resubdivision of Property. No Lot may be split, divided, or subdivided for sale, resale, gift, transfer, or otherwise, provided that Lots of 10 acres or more may be divided with the prior written approval of the Declarant* of the plans and specifications for such split, division, or subdivision. In no event shall any Lot contain less than five (5) acres. Notwithstanding the foregoing, nothing herein shall prevent Declarant or the Owners of any Lots from combining two or more Lots into one Lot for construction of a single Residence thereon; provided, however, that such combined Lot may not be subdivided thereafter.”

It should be emphasized that the above would indicate that those property owners who are not members of SMEPOA cannot later subdivide lots that they have combined. This is because non-SMEPOA members are governed by the Declaration of Covenants but not by the Additional Covenants.

Addendum:

For the Fiscal Year beginning July 1 all assessments will be based on the number of lots accessed from SMEPOA roads of record as of May 1. Any SMEPOA property owner intending to merge lots must pay the total assessment as invoiced for the fiscal year. Upon completion of the merger of lots and having satisfied all county requirements, and providing two copies of the recorded plat to the Secretary of SMEPOA by September 30 of the current year, SMEPOA will refund to the property owner the appropriate amount. If all conditions are not met by September 30, then the property owner will have waived any rights to a refund for the current year.

*By definition in the document, Declarant at this point is the SMEPOA Board of Directors.