



Burnt Mountain Estates Association, Inc.

PROCEDURE FOR COMBINING LOTS IN BURNT MOUNTAIN ESTATES

There must be a request by the property owner (to the board or the Secretary/Treasurer) and the request must comply with the newly adopted and revised Declaration and Bylaws for the development (Quoted below).

- Property owners desiring to combine lots must notify the Secretary / Treasurer of the intent to combine two or more lots.
- “An Owner of contiguous Lots shall cause to be prepared and recorded in the Land Records of the county a plat of survey prepared and certified to be by a registered land surveyor showing the combined Lots.”
- Lots being combined within our Association must be adjoining (contiguous).
- The lots being combined must be titled the same.
- The new plat must indicate the title as indicated on the most recent transfer document(s).
- The new lot designation should describe the property as “ X-11, formerly known as Lots X-11 and X-12”
- The new lot designation should take the lower of the two lot numbers (example: combining lot X-11 and X-12 the new designation would be X-11). If there are questions about the new designation, contact the Secretary/Treasurer for approval.
- The new plat must indicate, in addition to the certification and other notes, the following:
 - “The property shown on this plat cannot be subdivided without prior expressed written permission of the Board of Directors of the Burnt Mountain Estates Association, Inc.”
- The new plat must be suitable for filing at the county clerk’s office
 - For Lots in Pickens County:**
 1. Take your request to the Land Development office for approval
(After the plats have been reviewed and stamped go to the next step)
 2. Clerk of the Superior Court’s Office to record the change
 - For Lots in Dawson County:**
 1. Take your request first to Planning and Development Services for approval
(After the plats have been reviewed and stamped go to the next step)
 2. Clerk of the Superior Court’s Office to record the change
- The new plat has to be sent or taken to the Clerk of the Superior Court’s office for recording. When the original plat is returned it will show the recording stamp and indicate the plat book and page.

1688 Doncaster Drive, N.E. Atlanta, GA 30309-2640

**Telephone 404-874-1234, email sectreas@burntmountainstates.com
www.burntmountainstates.com**

- **Mail or email a copy of the new plat to the Secretary / Treasurer.**
- **Upon receipt of the new plat, the Secretary/Treasurer will adjust the billing and payments to reflect one assessment for the combined lot, and any credits as a result of the prorated assessment will be applied to the account for the new lot.**
- **Until such time as the new plat is received by the Secretary/Treasurer, the owner is responsible for all payments due on the separate lots, including late fees and interest. Late fees and interest will not be waived just for the “intent” to combine lots. When the new plat is received assessments will be prorated for being billed as one lot, but any late fees and interest will NOT be refunded.**

Wording directly from the Declaration (below)

**AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND EASEMENTS FOR BURNT MOUNTAIN ESTATES**

Article 5, Assessments, Section 2, page 3.

“The Owners of contiguous Lots on which there is no dwelling or no more than one primary residence (Guest houses owned by the same owner(s) are permitted if approved by the ACC) located thereon, may combine the Lots in accordance with the following procedure; after which time, the Owner shall be assessed for one (1) Lot and have one vote.

An Owner of contiguous Lots shall cause to be prepared and recorded in the Land Records of the county a plat of survey prepared and certified to be by a registered land surveyor showing the combined Lots. The plat shall include the following notice: “The property shown on the plat cannot be subdivided without the prior expressed written permission of the Board of Directors of the Burnt Mountain Estates Association, Inc.” The designation of the combined lot (i.e., Lot A-01 and or XXX Burnt Mtn Ridge Rd) shall be specified and approved by the board of directors of the association or their designee, such as the ACC or the Secretary/Treasurer.

From the date the recorded survey is presented to the Board, the Owner shall be assessed for one (1) Lot. [sic] After the effective date of this Declaration, if an Owner subsequently either subdivides a Lot in accordance with Article VI, Section 25 or un-combines a previously combined Lot, the Owner shall be responsible for the payment of assessments on the Lot created by the subdivision from the date the Owner acquired title to the Lot and in the case of a previously combined Lot, from the effective date of the combination. [Example: Owner acquires title to Lot on 1/1/00 and subdivides the Lot effective 1/1/03 – the newly created Lot will owe the assessments that accrued for 1/1/00 to 1/1/03; Owners combines Lot on 1/1/00 and un-combines Lot effective 1/1/03 – the uncombined Lot owes the assessments that accrued from 1/1/00 to 1/1/03] This would include any “special” assessments for the property in question. A penalty equal to the late charge specified for late payment of assessments will also be applied.”

March 29, 2012