

IN THE CHANCERY COURT FOR CLAIBORNE COUNTY, TENNESSE

MARY JOSEPH BECK; JANICE E.)
BENNAFIELD REVOCABLE TRUST)
DATED SEPTEMBER 16, 2003; TEN)
MOUNTAIN, LLC; 835 JACKSBLUFF,)
LLC; 836 JACKSBLUFF, LLC;)
NATHAN CHERRY AND MARY)
CHERRY; JULIE DILLARD; DAVID)
DILLARD; RUSSELL EVANS AND)
LAURIE EVANS; BRANDEN)
FRANTZ AND AIMEE FRANTZ;)
BELLA NOMBERG GOLDEN;)
PHILIP HAMILTON AND)
KATHLEEN HAMILTON; JAMES)
HAWS AND DENISE HAWS; LAKE)
FRONT RENDEZVOUS, LLC;)
BRADLEY D. HAYS LIVING TRUST;)
JASON JORDAN; MARGARET)
KANIECKI; M&G EAGLES NEST)
LLC; EDWARD LUND; EDWARD)
LUND AND MICHELLE LUND;)
FREDERICK MAESS AND KRISTY)
WAMBOLD MAESS; LUKE)
MAXWELL AND DORINDA)
MAXWELL; MICHELLE NORCROSS)
AND DAVID NORCROSS; DAVID)
JAMES AND GAIL ROBINSON;)
DAVID SCHELL AND ANNETTE)
SCHELL; PAUL SCHMUTZLER AND)
RUTHANN GEIB; PETER F.)
SCHWEIKLE, NICOLE)
SCHWEIKLE, AND PLB REAL)
ESTATE INVESTMENTS, LLC)
JAMON SELLMAN; MICHAEL)
SISLOW AND BRANDY SISLOW;)
MICHAEL THEYE AND TANNI)
THEYE; MICHAEL THEYE; GWL)
PROPERTIES, LLC; BILLY BELT,)
JR.; ELIZABETH R. WARTHMAN)
AND VIC S. WARTHMAN,)
TRUSTEES OF THE VIC AND)
ELIZABETH WARTHMAN JOINT)
REVOCABLE TRUST, DATED APRIL)
22, 2011,)

No: _____

)
Plaintiffs,)
)
vs.)
)
LONE MOUNTAIN SHORES)
OWNERS ASSOCIATION, INC.,)
)
)
Defendant.)

**VERIFIED PETITION FOR (1) INSPECTION OF CORPORATE RECORDS AND
SHOW CAUSE HEARING PURSUANT TO T.C.A. § 48-66-104, (2) DECLARATORY
JUDGMENT, AND (3) EMERGENCY INJUNCTIVE RELIEF**

Come now the Plaintiffs, by and through undersigned counsel, and file this complaint against the Defendant to (1) compel the production of corporate records pursuant to T.C.A. § 48-66-104, (2) obtain declaratory relief, and (3) obtain related and necessary emergency injunctive relief. In support thereof, Plaintiffs would show as follows:

1. Each and every named Plaintiff in this action is a current member in good standing of Lone Mountain Shores Owners Association, Inc. ("Association") and has been a member in good standing at all material times with respect to the matters set forth below. Plaintiffs collectively hold greater than five percent (5%) of the voting power in LMSOA.

2. Defendant Lone Mountain Shores Owner's Association Inc. ("Association" or "Defendant") is a Tennessee non-profit corporation with its principal place of business in Claiborne County, Tennessee. Defendant can be served with process via its registered agent, Sandra E. Cosby, at 920 Patterson Rd, Harrogate, TN 37752.

3. Defendant is the non-profit corporation charged with the duties of managing the affairs of the lake-front residential subdivision known as Lone Mountain Shores in Claiborne County, Tennessee.

4. Venue and subject matter jurisdiction lie in this Court pursuant to Tennessee Code Annotated section 48-66-104, 48-56-401, 29-14-103, and Tennessee Rule of Civil Procedure 65, as this is a petition to enforce a records request against a non-profit with a principal place of business in Claiborne County, Tennessee, a derivative action for declaratory relief, and a petition for injunctive relief.

**COUNT I: PRODUCTION OF LMSOA CORPORATE RECORDS PURSUANT TO
TENNESSEE CODE ANNOTATED SECTION 48-66-101, ET SEQ.**

5. Plaintiffs re-allege paragraphs 1-4 of this Petition as if fully set forth herein.

6. On May 22, 2024, Plaintiff Branden Frantz made the supplemental records request pursuant to Tennessee Code Annotated section 48-66-101, et seq. attached hereto as **Exhibit A** (Bates-stamp Pages 1-41) after receipt and review of redacted ballots from LMSOA's fall 2023 board member elections and related records following entry of this Court's March 26, 2024 Opinion of the Court in the matter *Frantz v. Lone Mountain Shores Owner's Association, Inc.*, Claiborne Chancery No. 20170 (the "Branden Frantz Records Lawsuit"). Plaintiffs request the Court to take judicial notice of the Branden Frantz Records Lawsuit.

7. As set forth in the supplemental records request attached as **Exhibit A** (Bates-stamp Pages 1-41), based on a review of the materials that the Association produced in response to the Opinion of the Court in the Branden Frantz Records Lawsuit, Branden Frantz identified numerous irregularities and, at the very least, knowing vote allotment manipulation by certain past and present board members in the fall 2023 election. These irregularities collectively place the fall 2023 election of President Claudio Biltoc¹ in doubt. In the fall election, Claudio Biltoc defeated Plaintiff Frederick Maess by a total of only ten (10) votes (193 to 183).

¹ Mr. Biltoc subsequently resigned, and the Association board replaced him with current acting President David Izbrand.

8. Among the specific irregularities discovered by Plaintiff Branden Frantz in the fall 2023 board member election are as follows:

a. The Association By-Laws (Article II, Section 7) specifically state that each owner is allowed only one vote per lot. (See Bylaws attached as Exhibit H, Bates-stamped page 75). Article II, Section 9(c)(1) provides that “[i]f lots are combined (per the Claiborne County Assessor’s Office) owners will be provided only one ballot. If lots are uncombined during the course of the year the Owner shall receive ballots equaling the number of lots for which separate annual dues were paid for that calendar year.” (Exhibit H, Bates-stamped page 76) (emphasis added).

b. However, past Association Secretary Sabrina Izbrand and her husband, current Association President David Izbrand, cast 4 votes in the fall 2023 election despite having their lots combined into only two lots for 2023 per the Claiborne County Assessor’s Office. Additionally, owners James and Kristen McKenna cast 4 votes despite owning only one combined lot per the Claiborne County Assessor’s Office. Upon information and belief, Ms. Izbrand knew these extra votes violated the bylaws and should not have been permitted for fall 2023 election. Nonetheless, upon information and belief, Ms. Izbrand knowingly allowed these illegal votes because Ms. Izbrand knew these illegal votes would almost certainly go to her preferred candidate, Mr. Biltoc.

c. Plaintiffs have evidence of Ms. Izbrand and Ms. McKenna’s malfeasance. In the email reproduced below, in which Ms. McKenna (aka Kristen Puckett) attempts to communicate with Ms. Izbrand², Ms. McKenna states that Ms. McKenna has already combined

² Upon information and belief, Ms. McKenna intended to send this message to Ms. Izbrand but mistakenly sent it to the wrong email address.

her 4 current lots into 1 lot in 2022. However, Ms. McKenna still asks if she can “get a total of 4 votes” because it “seems a shame” that Ms. McKenna’s combined lots “are working to a disadvantage to the count of owners.” This email shows an attempted coordinated effort among board members and interested persons to illegally increase vote allotment and accordingly increase voting power for those owners opposed to short term rentals. Below is a full reproduction of this email:

From: **Kristen Puckett** <kristen_puckett@yahoo.com>
Date: Mon, Aug 29, 2022 at 11:08 AM
Subject: 5 lots Kristen McKenna
To: Secretary LMSOA <secretary.lmsoa@gmail.com>, McKenna
<kristen_puckett@yahoo.com>

Hello Sabrina, I'm a neighbor of Jenny Leighty and like-minded on the owner-rental issue.

We bought our house on Chimney Rock last January and 4 additional adjacent lots since. We were able to get the original lot and adjacent combined on taxes in time for the HOA dues for 2022. The next two lots closed in 2022, and I put in the paperwork to combine them for taxes after each sale, but the HOA fees were paid and we are just letting them run out. The fifth lot is Lot 583 previously owned by the Crabtrees and we close on Sept 1. All the paperwork is in for that, let me know if I should push that up a day for technical reasons on the vote.

My first request is to get the vote for Lot 583 into my envelope.

The other question is technically I will have 4 paid HOAs fees for 2022, mine plus the 3 newest lots balance to their payments. **Can I get a total of 4 votes? Seems a shame that the lots I bought are working to a disadvantage to the count of owners.** On the books it shows 4 HOA fees, and only paid HOA fees get to vote, right?

Kristen McKenna
[redacted] (but no mail to this address)
[redacted]
614-[redacted] you can call or text me.

(See **Exhibit A**) (Bates-stamp Pages 28) (**emphasis** added).

d. Additionally, Ms. Izbrand and the Association board of directors permitted multiple other owners to cast illegal votes in the fall 2023 election. Ms. Izbrand allowed owners Charles and Branda Carroll to cast 3 votes despite Mr. and Ms. Carroll owning only 1 lot. Ms. Izbrand allowed Eugene and Connie Chalfin³ to cast 3 votes despite owning only 1 lot. Ms. Izbrand allowed Donald and Bonnie Conklin to cast 3 votes despite owning only 2 lots. (See Exhibit A, Bates-stamp Pages 1-3; 6-31). These illegal votes alone resulted in a total of ten (10) votes that should not have been counted in the original election results. The Association recently retabulated the election results in response to Plaintiff Branden Frantz's May 22, 2024 supplemental records request by correctly reducing the vote allotments for Donald and Bonnie Conklin and Ms. McKenna. This reduced the 10-vote difference for president to an 8-vote difference. However, the Association still refuses to correctly reduce the vote allotment for the Carroll's, Chalfin's and Izbrand's.

e. Ms. Izbrand failed to timely deliver ballots to at least two owners during the fall 2023 election, which resulted in those owners being unable to cast their ballots by the September 28, 2023 deadline.

i. More specifically, Ms. Izbrand and the board did not deliver owner Matthew Anderson's ballot until October 1, 2023, three days after the deadline to return the ballot. (See Exhibit A, Bates-stamp Pages 32-35). When Mr. Anderson contacted Ms. Izbrand about this problem, Ms. Izbrand instructed Mr. Anderson that he should return his late-delivered ballot for tabulation, and Ms. Izbrand would inform the vote tabulators to expect the ballot. (See Exhibit A, Bates-stamp Pages 32-35). Mr. Anderson then timely filled out and returned his ballot. (See Exhibit A, Bates-stamp Pages 32-35). However, the ballots that the board produced to Mr. Frantz

³ Eugene Chalfin is now a current member of the Association board.

did not include Mr. Anderson's ballot. Thus, the board and Ms. Izbrand caused Mr. Anderson's vote to be withheld from the final vote count.

ii. Additionally, Ms. Izbrand and the board did not deliver a ballot to Association member Robert Sherman until September 25, 2023, only three days before the deadline. This is despite Mr. Sherman making multiple prior requests that Ms. Izbrand and the board timely provide his ballot. (See Exhibit A, Bates-stamp Pages 36). Ms. Izbrand acknowledged her failure and informed Mr. Sherman on September 29, 2023 (after the September 28, 2023 return deadline) that the board would "make accommodations" for Mr. Sherman to vote "if the vote comes back close enough for your vote to change an outcome." A copy of Ms. Izbrand's message to Mr. Sherman is attached hereto (without the referenced attachment) as Exhibit B (Bates-stamp Page 44), and was produced by the Association board in response to Plaintiff Branden Frantz's May 22, 2024 supplemental records request. It is also reproduced immediately below (without the referenced attachment):

Sabrina Izbrand <sizbrand@gmail.com>
To: Bob Sherman <rhsherm@comcast.net>


Fri, Sep 29, 2023 at 12:25 PM

Mr. Sherman

I assure you that if the vote comes back close enough for your vote to change an outcome, we would make accommodations. I am attaching the USPS tracking information that shows that the package was delivered and signed for on Tuesday. I will look into the inaccuracy of that delivery status from the USPS, but wanted you to see where I got my information from for the delivery date that I stated.

Sabrina

[Quoted text hidden]

 EI417336441US.pdf
18K

(Exhibit B: Bates-stamp Pages 44).

f. Moreover, and even more alarming, four (4) ballots were counted even though those ballots were postmarked over 30 days after the September 28, 2023 deadline to return

ballots. These 4 ballots were postmarked November 11, 2023, 44 days after the deadline. A copy of these redacted ballots is attached as Collective Exhibit C (Bates-stamp Pages 45-52).

g. Plaintiffs Branden Frantz and Aimee Frantz contacted three separate USPS locations; Springboro, Ohio, Lebanon, Ohio and ultimately the Dalton Street distribution center in the Cincinnati area between June 1-12, 2024. In each instance, all three offices had the exact statements regarding the inquiry of the postmark date in question. The person (Dawn Blake and postmaster Heather Grimes at the Springboro, Ohio location and employee Tessa Hatfield at the Lebanon, Ohio office) confirmed that:

- i. USPS records show these letters/ballots were collectively mailed from three different geographic areas in the Cincinnati, Ohio and Northern Kentucky area, but were all routed to the Dalton Street distribution center and processed there for mailing on November 11, 2023;
- ii. the Dalton Street distribution center ran these envelopes through two different machines on November 11, 2023, which is when the November 11, 2023 date stamp was placed on the envelopes; and
- iii. it would be impossible for the above-referenced machines to date stamp a date other than the date upon which an envelope is run through the machines—the date stamp is done automatically to reflect the actual date an envelope is run through a machine without any way to manually change it. If a machine would have malfunctioned, there would be a fault record, which the USPS was not able to produce for September 2023.

h. The four (4) ballots detailed above should not have been counted because

they were postmarked over a month after the deadline to submit ballots.

i. The board initially instructed outside accounting firm “CTJ” to act as the election’s tabulator. Upon information and belief, per a June 2, 2024, 10:31 a.m. email from acting President David Izbrand to Plaintiff Branden Frantz, CTJ has been replaced as the board’s designated election tabulator “in light of how poorly [the elections] were handled in the past considering the import[ance] of these recent elections.” A copy of this email is attached as Exhibit D (Bates-stamp Pages 54-55).

j. Furthermore, Ms. Izbrand and the board deemed Association members Angela Jowers (Lot 546), Timothy Foreman (Lot 712), Brian Geiger and Paula Osborne (Lot 503), and Matt Montgomery/College Men LLC (Lot 340) ineligible to vote in the fall 2023 election.

The Association represented to this Court at the March 5, 2024 hearing in the Branden Frantz Records Lawsuit that the payment of assessments is the crux of whether a lot is in good standing for voting purposes. (See Exhibit A, Bates-stamp Pages 37-41). However, upon information and belief, none of these aforementioned members had recorded liens for unpaid assessments as of the fall 2023 election. The Association board has failed to demonstrate to Plaintiff Branden Frantz why they unilaterally deemed these four owners ineligible to vote.

k. Moreover, the Association board admitted in the Branden Frantz Records Lawsuit that CTJ did not authenticate ballot signatures for the fall 2023 election. As a result, Article II, Section 9(c)(6) of Bylaws require that the Association board convene a “voting tabulation committee” to verify signatures. (Exhibit H, Bates-stamped page 77). When this committee is convened, “[b]allots will be opened, verified, and tabulated at an Owners only meeting to which all Owners in good standing shall be invited.” (*Id.*). Instead, the board allowed

board member Pat Armstong, himself a candidate in the fall 2023 election, to verify signatures despite being unqualified to do so under Tennessee Code Annotated section 48-57-209(c), which prohibits a candidate from overseeing any aspect of vote verification and tabulation.

1. In total, the above-described irregularities well exceed the originally tabulated 10-vote difference in the fall 2023 election.

9. The Association responded to the supplemental records request on or about June 6, 2024. The board admitted that some, but not all, of the voting irregularities set forth in Paragraph 8 resulted in more votes being tabulated than should have been. The board retabulated the results, reducing the vote difference for the President vote from ten (10) to eight (8) votes. However, the board failed to fully correct the vote tabulation or otherwise fully address all discrepancies described in the May 22, 2024 supplemental records request attached as Exhibit A. As a result, the election's reported outcome is in doubt.

10. Plaintiff Branden Frantz subsequently requested the full, unredacted ballots of the fall 2023 board member election to verify once and for all that no irregularities actually resulted in an incorrect final tabulation. Plaintiff Branden Frantz delivered this request on June 7, 2024, by way of the communications attached as Exhibit E (Bates-stamp Page 60), the body of which is reproduced below:

Please find this formal demand for production of all unredacted returned ballots, envelopes, and related documents for the fall 2023 election under the Tennessee Nonprofit Corporation Act. Please produce these records within six (6) business days of the date of this request.

The purpose of this request is to verify the results of the fall 2023 board member election. The board's response to my May 22, 2024 supplemental records request acknowledges in part that the fall 2023 election results were not accurately tabulated based on lot combination status at the time of such election. However, the re-tabulated results still fail to account for all the irregularities arising from lot combination status based on the assessor's office forms (which state that recent combinations would not be effective until 2024) as well as fail to account for the

fact that four votes were untimely among other deficiencies in the board's response to my May 22, 2024 supplemental records request. Moreover, the board's recent attempt to re-tabulate the results without convening the tabulation committee as set forth in the bylaws is a further procedural irregularity for the fall 2023 election. For this and other reasons, the actual correct result of the fall 2023 board member election remains in limbo.

Moreover, the apparently imminent vote to amend the covenants provides further justification for this request of unredacted documents to timely verify if the election result was accurately tabulated. Indeed, any proposed covenant amendment has to be approved by the board unanimously. That cannot validly occur unless the board makeup reflects the correct results of the fall 2023 election. Thus, prompt production of the full unredacted files requested above is essential to ensure that not only the fall 2023 election was accurate, but that any covenant amendment vote can proceed now. Thus, I request these records be produced within six (6) business days of the date of this request.

Branden Frantz
Owner

11. Other Plaintiffs identified herein, including Frederick Maess, made similar requests for the unredacted ballots in order to verify the true outcome of the fall 2023 election.

12. The Association impermissibly denied this request on June 13, 2024 by way of the communication attached as **Exhibit F** (Bates-stamp Pages 61-63).

13. The Association has failed to comply with the records requests made by the Plaintiffs.

14. The Association has a legal and fiduciary obligation, under its own bylaws and Tennessee statutes, to allow its members to examine the requested records.

15. Plaintiffs have complied with the Act, yet the Association has refused to produce the requested documents.

16. Plaintiffs request this Court to summarily order inspection and copying of the requested records at the corporation's expense, and that the Court order LMSOA to pay Plaintiff's

costs (including reasonable counsel fees), and that the court dispose of this application on an expedited basis, all in accordance with T.C.A. § 48-66-104.

17. Time is of the essence in this case. The current board, led by acting President David Izbrand, has purported to approve an amendment to the Amended and Restated Declaration of Covenants, Conditions, Restrictions, and Easements for Lone Mountain Shores, dated September 19, 2023, of record in Book 1641, Page 649 in the Register's Office for Claiborne County, Tennessee, (the "Covenants"), and has submitted the proposed amendments to the Association members via written ballot for a vote with a return deadline of July 1, 2024. Plaintiffs hereby request that the Court take notice of the recorded Covenants. As set forth below, this procedure is illegal unless the current board make-up correctly reflects the results of the fall 2023 board member election.

COUNT II – DECLARATORY RELIEF CONCERNING THE VALIDITY OF THE PENDING PROPOSED COVENANT AMENDMENT BALLOT AND PROCEDURE

18. Plaintiffs re-allege and incorporate herein their prior contentions.

19. On or about June 10, 2024, the Association board sent a written ballot solicitation for proposed Covenant amendments to the Association members for a member vote for approval. A copy of the ballot solicitation form is attached hereto as Exhibit G (Bates-stamp Pages 64-70).

20. The substance of the proposed Covenant amendment would prohibit short-term rentals in Lone Mountain Shores, subject to certain limited grandfather protections set forth in the proposed Covenant amendment.

21. Section 11.02 of the Covenants addresses Covenant amendments. That section provides that "[t]hese Covenants may be materially amended by only a unanimous vote of the Board and the affirmative vote of fifty-five percent (55%) of the Owners voting by absentee ballot."

22. The procedure and ballot solicitation form employed by the Association board for the proposed Covenant vote is deficient in numerous respects.

23. First, as set forth above, there is substantial uncertainty whether then-Secretary Ms. Izbrand and the other board members legally conducted and tabulated the fall 2023 election. If it was not accurately tabulated, then (1) the current board make-up is not valid, and (2) Frederick Maess is the lawful President. The current acting board members cannot validly carry out any “unanimous” vote on a proposed Covenant amendment as required by Section 11.02 of the Covenants. As a result, there is substantial uncertainty and dispute as to whether the pending Covenant amendment vote is valid for that reason alone. Plaintiffs are entitled to declaratory relief as to whether the fall 2023 board member election was accurately tabulated and whether the current board makeup validly and “unanimously” approved the pending Covenant amendment.

24. Second, the ballot solicitation form fails to comply with the Tennessee Nonprofit Corporation Act (the “Act”) in numerous respects.

a. Section 48-57-108(b)(4) of the Act requires written ballots such as the ballot form to “provide an opportunity to vote for or against *or abstain from each proposed action.*” (*emphasis added*). The proposed ballot form violates this in two separate ways:

i. The LMSOA ballot form requires owners to vote either to “approve” or “disapprove” the proposed amendments. (Exhibit G, Bates-stamped page 67). The ballot does not allow owners to “abstain” on the proposed covenant vote. (Exhibit G, Bates-stamped page 67.). This violates Tennessee Code Annotated section 48-57-108(b)(4), which requires the ballot to allow members to “vote for or against *or abstain from each proposed action.*” (*emphasis added*). This failure would affect the return vote percentages for “approve” and “disapprove” votes as a percentage of the total ballots returned.

ii. The ballot form presents four proposed amendments to sections 6.04, 6.07, 6.23, and 11.02 of the Covenants. (Exhibit G, Bates-stamped page 65-67). However, the ballot form does not allow voting on these items individually. (*Id.*). Thus, the form does not allow members to vote on “each proposed action” as required by Tennessee Code Annotated section 48-57-108(b)(4).

b. Moreover, Section 48-57-108(d)(2) requires ballot solicitations to adequately “state the percentage of approvals necessary to approve each matter.” The ballot solicitation form fails to adequately state the percentage of necessary approval for the proposed amendments to become effective. The solicitation form states that the proposed Covenant amendments will fail “if the Amendment does not reach the required minimum approval of the Members entitled to cast fifty-five percent (55%) of the number of votes entitled to be cast by all Members of the Lone Mountain Shores Owners Association, Inc.” (Exhibit G, Bates-stamped page 67). This is unclear and ambiguous. It is unclear whether the Association board suggests that:

- i. the number of “approve” votes must be 55% of the returned ballots;
- ii. the number of “approve” votes must meet some unstated percentage “of the Members entitled to cast fifty-five percent (55%) of the number of votes entitled to be cast by all Members of the Lone Mountain Shores Owners Association, Inc.”⁴; or
- iii. the number of approve votes must be fifty-five percent (55%) of all Association members, whether voting or not.

⁴ For example, under this meaning, the return of “approve” votes equaling a majority of 55% percent of the Association Members could mean that the amendments vote could pass with 28% (a majority of 55%) of the Members voting “approve” despite 72% of the Members voting “disapprove.”

25. Multiple Plaintiffs have lodged objections to the ballot solicitation form based on the issues discussed in the prior paragraph with the return of their ballots. Any of the above-described deficiencies in the ballot solicitation form alone will render the outcome of the pending Covenant amendment vote invalid for failure to comply with the Act.

26. Plaintiffs are entitled to declaratory relief declaring that the ballot solicitation form (and resulting vote count) is invalid for failure to satisfy the requirements of the Act described above.

27. There is further a question as to the voting approval threshold for the proposed Covenant amendment to pass. The ballot solicitation form could be construed as stating that the proposed amendment must be approved by 55% of the Owners *responding with completed ballots*. However, the Covenants as a whole provide that Covenant amendment votes must pass by 55% of the Association members overall, regardless of the amount of members actually responding with completed ballots. Indeed, the Covenants in some places (Sections 4.02(b) and 4.06(e), for example) explicitly provide that member approval for certain actions requires an affirmative vote of “[55%] of *responding* Owners,” but Section 11.02 addressing Covenant amendments does not similarly limit the 55% member approval threshold to those actually “responding.” As a result, Covenant amendments require approval of 55% of the Association members overall.

28. Plaintiffs are entitled to declaratory relief that the voting approval threshold for any valid amendment to the Covenants is 55% of the Association members overall, regardless of the amount of members responding with completed ballots.

29. Plaintiffs bring these requests for declaratory relief (and related injunctive relief set forth in Count III below) in a derivative capacity because they cannot cure the above stated deficiencies because the Association board’s timing of the proposed Covenant vote (sent out on

June 10 with a return deadline of July 1) create exigent circumstances that make any prior demand for remedial action to the Association's board unrealistic to accomplish before seeking judicial redress. Moreover, any such demand would be futile, as the Association's board is highly unlikely to voluntarily withdraw or postpone the proposed Covenant vote without this Court ordering the Association to do so.

30. The Plaintiffs request their reasonable attorney's fees incurred for these declaratory claims pursuant to Tennessee Code Annotated section 48-56-401(f).

COUNT III: INJUNCTIVE RELIEF

31. Plaintiffs incorporate herein their prior references as though set forth herein verbatim.

32. As set forth above in Paragraphs 5-17, there is a material dispute as to whether the outcome of the prior fall 2023 board member election was accurately tabulated, whether the pending Covenant amendment ballot solicitation form is valid, and the level of member voting threshold needed to for any proposed Covenant amendment vote to validly pass.

33. Execution of the pending Covenant amendment vote threatens to irreparably harm Plaintiffs and the Association, inasmuch as any amendment vote result may well need to be overturned depending on the outcome of Plaintiffs' claims for declaratory relief set forth herein.

34. For these reasons, Plaintiffs request the Court enter a temporary restraining order and injunction restraining Defendant, or anyone acting on its behalf, from tabulating the pending Covenant amendment ballots, recording or enforcing any purported amendment to the Covenants, or presenting other potential Covenant votes to Association members, prior to this Court's ruling on the Plaintiffs' declaratory relief sought herein and Plaintiffs' records request for the unredacted fall 2023 board member election ballots.

35. The Plaintiffs request their reasonable attorney's fees incurred for pursuing this injunctive relief pursuant to Tennessee Code Annotated section 48-56-401(f).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray as follows:

- A. That proper process issue, requiring Defendant to answer or otherwise defend in response hereto;
- B. That the Court hold an expedited emergency hearing on this matter on or before June 28, 2024;
- C. As to Count I:
 - (i) That the Court summarily order on an expedited basis pursuant to Tennessee Code Annotated section 48-66-108(b) the Association to produce the unredacted fall 2023 board member election records.
 - (ii) Alternatively that this Court enter a show cause order compelling Defendant to appear before the Court and show cause as to why Defendant should not be compelled to compile and produce the requested records by order of this Court.
 - (iii) That the court order Defendant to pay Plaintiff's costs (including reasonable counsel fees) in making their inspection demands and bringing this action under T.C.A. § 48-66-104.
- D. As to Count II:
 - (i) That the Court declare whether the fall 2023 board member election was accurately tabulated and whether the current board makeup validly "unanimously" approved the pending Covenant amendment.
 - (ii) That the Court declare that the ballot solicitation form (and proposed Covenant amendment) are invalid for failure to satisfy the requirements of the Act described above.
 - (iii) That the Court declare the voting approval threshold for valid Covenant amendments to be and affirmative vote of 55% of the Association members, regardless of the amount of members responding to any such vote.
 - (iv) That the Court award Plaintiffs their reasonable attorney's fees incurred for these declaratory claims pursuant to Tennessee Code Annotated section 48-56-401(f).

E. As to Count III:

- (i) That the Court enter a temporary restraining order and injunction restraining Defendant, or anyone acting on its behalf, from tabulating the pending Covenant amendment ballots, recording or enforcing any purported amendment to the Covenants, or presenting other potential Covenant votes to Association members, prior to this Court's ruling on the Plaintiffs' declaratory relief sought herein and Plaintiffs' records requests for the unredacted fall 2023 board member election ballots.
- (ii) That the Court award Plaintiffs their reasonable attorney's fees incurred for this injunctive relief pursuant to Tennessee Code Annotated section 48-56-401(f).

F. That the Court provide any additional injunctive relief, whether mandatory, prohibitory or both, that may be necessary or appropriate to fully effectuate adherence to its findings and conclusions on the issues in this cause; and

G. That Plaintiffs have such other, further and general relief, both at law and in equity, as the proof shall show to be necessary, just and proper.


THIS PLEADING CONSTITUTES THE PLAINTIFFS' FIRST REQUEST FOR INJUNCTIVE RELIEF WITH RESPECT TO THE SUBJECT MATTER SET FORTH HEREIN. NO COURT HAS PREVIOUSLY REFUSED TO GRANT PLAINTIFFS SUCH INJUNCTIVE RELIEF.

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

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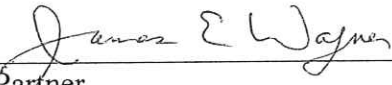
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(865) 637-5249 (fax)

COST BOND

We hereby acknowledge ourselves as surety for Plaintiffs in this cause for the payment of all the Clerk and Master's costs, which may be awarded against Plaintiffs pursuant to Tennessee Code Annotated § 20-12-120 but having no further liability.

This 18th day of June, 2024.

FRANTZ, MCCONNELL & SEYMOUR, LLP


By: 
Partner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served on the following counsel by delivering the same or by placing the same in the United States Mail, postage prepaid, and email:

Kevin C. Stevens
Kennerly, Montgomery & Finley, P.C.
550 Main Street, Fourth Floor
Knoxville, TN 37902
Phone: (865) 546-7311
Fax: (865) 524-1773
kstevens@kmfpc.com

This 18th day of June, 2024.


Richard E. Graves
FRANTZ, MCCONNELL & SEYMOUR, LLP

DECLARATION OF BRANDEN FRANTZ

Comes Declarant, Branden Frantz, and declares as follows:

1. I am over the age of eighteen (18) and competent to give the testimony that I declare below.

2. I have reviewed the Verified Petition for (1) Inspection of Corporate Records and Show Cause Hearing Pursuant to T.C.A. § 48-66-104, (2) Declaratory Judgment, and (3) Emergency Injunctive Relief.

3. The factual allegations therein are true based upon my personal knowledge except to the extent any such allegation cites a declaration or affidavit of another person or is otherwise made upon information and belief.

4. I declare under penalty of perjury that the foregoing is true and correct upon my personal knowledge.



Branden Frantz

6.17.24

Date

DECLARATION OF AIMEE FRANTZ

Comes Declarant, Aimee Frantz, and declares as follows:

1. I am over the age of eighteen (18) and competent to give the testimony that I declare below.
2. I have reviewed the Verified Petition for (1) Inspection of Corporate Records and Show Cause Hearing Pursuant to T.C.A. § 48-66-104, (2) Declaratory Judgment, and (3) Emergency Injunctive Relief.
3. The factual allegations therein in paragraph 8(g) are true based upon my personal knowledge.
4. I declare under penalty of perjury that the foregoing is true and correct upon my personal knowledge.


Aimee Frantz

6/17/24
Date

ROBERT L. KAHN
REGGIE E. KEATON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
KEVIN A. DEAN
SHARON H. KIM
RICHARD E. GRAVES
REBEKAH P. HARBIN
MICHAEL A. C. LEE
NIKOL D. PLUESS



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37902

phone 865.546.9321
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web fmsllp.com

Email: rgraves@fmsllp.com
Direct Fax: 865-541-4646

May 22, 2024

Via E-mail

Lone Mountain Shores Owners Association, Inc.
c/o Preston Hawkins, Esq.
Email: PHawkins@LewisThomason.com

Re: Supplemental Fall Election Records Request of Branden and Frantz

Lone Mountain Shores Owners Association, Inc.:

I make the following records request on behalf of Lone Mountain Shores Owners Association, Inc. (the "Association") member Branden Frantz. As you know, the Association recently delivered to Mr. Frantz various records of the fall 2023 annual election of board members, including redacted returned ballots in response to a prior records request.

Mr. Frantz has identified from his review of the produced records numerous voting irregularities that may have affected the outcome of the fall 2023 annual election. As a result, Mr. Frantz requests the additional documentation described below to verify whether the irregularities discussed below indeed could have adversely affected the outcome of the fall election. Given the irregularities described below, Mr. Frantz has ample good faith to make this request, and his reason for doing so is the epitome of a proper purpose.

I will now detail the irregularities that Mr. Frantz has uncovered.

Vote allotment irregularities

The Association's bylaws address the effect of combining multiple subdivision lots into a single tax parcel. Article II, Section (e)(2) provides that, "Lots that are combined per the Claiborne County Assessor's Office will have one vote and all combined lots will be listed on the same ballot." Moreover, Article II, Section (c)(1) provides that, "If lots are uncombined during the

COPY

Exhibit A

course of the year the Owner shall receive ballots equaling the number of lots for which separate annual dues were paid for that calendar year.”

The fall election records indicate that the following lot owners received multiple votes despite having lots that were combined during the fall election or at some time during 2023:

- Charles and Brenda Carroll owned three (3) lots as of the fall election. Mr. Frantz has confirmed with the tax assessor’s office that the Carroll’s filed an application on June 5, 2023 to uncombine these three (3) lots from a then-existing single tax parcel *for the 2024 tax year*. A copy of applicable tax assessor’s office materials is attached hereto as **Collective Exhibit 1**. The fall election records reflect they were allotted three (3) votes for the fall election. As a result, *Mr. Frantz hereby requests any Association records reflecting why Charles and Brenda Carroll were allotted three (3) votes in the fall election.*
- Eugene and Connie Chalfin owned three (3) lots as of the fall election. Mr. Frantz has confirmed with the tax assessor’s office that the Chalfin’s filed an application on June 12, 2023 to uncombine these three (3) lots from a then-existing single tax parcel *for the 2024 tax year*. A copy of applicable tax assessor’s office materials is attached hereto as **Collective Exhibit 2**. The fall election records reflect they were allotted three (3) votes for the fall election. As a result, *Mr. Frantz hereby requests any Association records reflecting why Eugene and Connie Chalfin were allotted three (3) votes in the fall election.*
- David and Sabrina Izbrand owned five (5) lots as of the fall election. Mr. Frantz has confirmed with the tax assessor’s office that their lots have been combined into two (2) tax parcels since 2021. A copy of applicable tax assessor’s office materials is attached hereto as **Collective Exhibit 3**.¹ As a result, they should have only been allotted two (2) votes. However, the fall election records reflect they were allotted four (4) votes in the fall election. *Mr. Frantz hereby requests any Association records reflecting why David and Sabrina Izbrand were allotted four (4) votes in the fall election.*
- James and Kristen McKenna owned six (6) lots as of the fall election. Mr. Frantz has confirmed with the tax assessor’s office that their lots have been combined into one (1) tax parcel since 2022. A copy of applicable tax assessor’s office materials is attached hereto as **Collective Exhibit 4**. As a result, they should have only been allotted one (1) vote. However, the fall election records reflect they were allotted four (4) votes in the fall

¹ The tax card for parcel 133H B 013.00 reflects that it includes Lots 128, 258, and 260. It also reflects that prior tax parcel 133-H-B-014.00 was added to parcel 133H B 013.00 in 2004. The Warranty Deed for Lots 260 and 261 dated May 29, 2003 (attached hereto as part of **Collective Exhibit 3**), reflects that as of May 29, 2003, tax parcels 133H B 013.00 and 133H B 014.00 consisted of Lots 260 and 261. Accordingly, Lot 261 has been a part of tax parcel 133H B 013.00 since 2004.

election. Mr. Frantz hereby requests any Association records reflecting why James and Kristen McKenna were allotted four (4) votes in the fall election.²

- Donald and Bonnie Conklin owned three (3) lots as of the fall election. Mr. Frantz has confirmed with the tax assessor's office that their lots have been combined into two (2) tax parcels since the 2023 tax year. A copy of applicable tax assessor's office materials is attached hereto as **Collective Exhibit 6**. As a result, they should have only been allotted two (2) votes. However, the fall election records reflect they were allotted three (3) votes in the fall election. Mr. Frantz hereby requests any Association records reflecting why Donald and Bonnie Conklin were allotted three (3) votes in the fall election.

Putting aside the fact that the Bylaws limit all owners discussed above to a total of ten (10) fewer votes than they were collectively allotted in the fall 2023 election, to the extent the Association attempts to justify such vote allotment in whole or part on the basis of dues amounts paid by the owners named above, the Association should produce records demonstrating whether and when the such owners paid separate and full Association dues for each individual vote for 2023. This includes, but is not limited to, a copy of each owner's year-end dues balance and documentation of the date, method of payment, and date of deposit for each dues payment.

Ballot delivery irregularities

Member Matthew Anderson did not receive his ballot until September 28, 2023, because the ballot was originally sent to an erroneous address. (See attached Declaration of Matthew Anderson, attached hereto as **Exhibit 7**). Sabrina Izbrand instructed Mr. Anderson on September 30, 2023, to fill out and return his ballot and that Ms. Izbrand would inform the accounting firm to expect arrival of Mr. Anderson's ballot. (*Id.*). Mr. Anderson received his ballot on October 1, 2023, and mailed it that same day as instructed. (*Id.*). However, the fall election records do not include Mr. Anderson's ballot. Accordingly, Mr. Frantz hereby requests any Association records reflecting why Mr. Anderson's ballot was not included in the fall election tabulation. Mr. Frantz also hereby requests any records evidencing communications by Ms. Izbrand to the accounting firm to the effect that Mr. Anderson's ballot was enroute or should otherwise be counted.

Member Robert Sherman only received his ballot on September 27, 2023, despite multiple prior requests to the Association's board for a ballot. (See attached Declaration of Robert Sherman, attached hereto as **Exhibit 8**). He is not listed on the ineligible list for the fall election. Moreover,

² Notably, Mr. Frantz possesses communications between Kristen McKenna and prior board members in which Ms. McKenna states, "I'm a neighbor of Jenny Leighty and like-minded on the owner-rental issue" before asking for a total of four (4) votes despite combining multiple lots into a single tax parcel. A copy of this communication is attached hereto as **Exhibit 5**. This suggests that there was an established understanding that Ms. McKenna, being "like-minded on the owner-rental issue," could receive multiple votes notwithstanding her combined lot status so long as she paid full association dues for each vote.

during the fall election, he spoke with a woman who stated she was filling in for Sabrina Izbrand in assisting with the fall election. (*Id.*). This unknown woman said she would overnight him a ballot for him to cast his vote. The board communications with the accounting firm do not list Mr. Sherman as being sent a duplicate ballot. Mr. Frantz hereby requests any Association records reflecting why Robert Sherman was not delivered a ballot until September 27, 2023. Mr. Frantz also hereby requests any Association records reflecting the identify of persons other than then-current board members who assisted Association board members in administering the fall election (such as the unnamed woman filling in for Sabrina Izbrand or other people who participated in the ballot preparation or mailing process).

Member Brian Sullivan was not listed on both the eligible voter and ineligible voter list. Regardless, Ms. Izbrand informed the accounting firm on September 23, 2023, that Mr. Sullivan's ballot should be included in the tabulation. Mr. Frantz hereby requests any Association records reflecting whether and how a ballot was delivered to Mr. Sullivan and whether his ballot is included in the accounting firm's calculation of 560 total eligible ballots.

Ballot return irregularities

The redacted ballots and return envelopes reflect that four (4) votes were returned *after* the September 28, 2023 ballot return deadline. Specifically, return envelope post stamp dates for the following lot owners reflect mailing dates after September 28, 2023:

- Ken and Erika Honroth (Lots 848 and 849)
- Wolfgang Kratzenberg (Lot 315)
- Mark and Susan Partusch (Lot 821)

Because the above votes were late without any indication of an exception to the September 28, 2023 return deadline, they should not have been counted as part of the election results. As a result, Mr. Frantz hereby requests any Association records reflecting why such ballots were treated as eligible ballots during the fall election.

Miscellaneous irregularities

The fall election records reflect that the accounting firm reported 376 tabulated votes and two (2) returned but nontabulated unsigned ballots. The records then contain another unsigned and undated document titled "Explanation of Ballots Received and Ballots Counted," which reveals that: (i) 380 ballots were received, (ii) two (2) returned ballots were duplicates, and (iii) two (2) ballots were not signed. Mr. Frantz cannot determine from the produced records whether the records contain the referenced "duplicate" ballots. Mr. Frantz hereby requests any Association records reflecting (i) who prepared the "Explanation of Ballots Received and Ballots Counted" document and the date of preparation, and (ii) whether the produced records contain the referenced "duplicate" ballots and the specific identity of the "duplicate" ballots.

Members Steven and Stephanie Rumbley were on the ineligible list, but cast a ballot. There is no produced Association communication to the accounting firm to the effect that the Rumbley ballot should have been counted. Mr. Frantz hereby requests any Association records reflecting why Steven and Stephanie Rumbley received and cast a ballot and whether their ballot is included in the accounting firm's calculation of 376 total returned eligible ballots.

Member Bradley Tharp was on the ineligible and eligible voting list. The fall election records do not reflect that he returned a ballot. Mr. Frantz hereby requests any Association records reflecting whether Bradley Tharp was eligible or ineligible to cast a vote and whether, how, and when a ballot was delivered to him.

The ineligible voter list listed Bradely Tharp (Lot 387), Angela Jowers (Lot 546), Timothy Foreman (Lot 712), Brian Geiger and Paula Osborne (Lot 503), and Matt Montgomery/College Men LLC (Lot 340). The Association represented to the Court at the March 5, 2024 hearing that the payment of assessments is the crux of whether a lot is in good standing for voting purposes. (See Transcript page 52:22-25, attached hereto as Exhibit 9). However, none of these properties had liens for unpaid assessments as of the fall election. Accordingly, Mr. Frantz hereby requests documents evidencing why such lots were on the ineligible list for the fall election.

Please produce copies of such requested records or make them available for inspection no later than May 31, 2024. I note that acting Association President David Izbrand has orally stated that Mr. Frantz may copy the signature verification notebook. Mr. Frantz reserves his right to do so.

Sincerely,

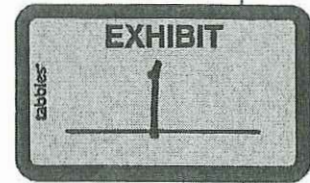


Richard E. Graves
FRANTZ, McCONNELL & SEYMOUR, LLP

REG:reg

cc: Branden Frantz

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO SEPARATE PARCEL(S)



I hereby request the parcel(s) which is/are owned by me or jointly with another in Claiborne County, Tennessee, be separated for tax purposes only. This request will be effective for the 2024 tax year.

Date/Tax Year Parcel was combined: 2022

Lot Numbers associated with the parcel(s): 418, 419, + 422

Parcel ID: Map 132E Group A Parcel 24.00 S/I

Map 132E Group A Parcel 20.00 S/I 132E-A-24.01 ^{NOW}

Map 132E Group A Parcel 21.00 S/I 132E-A-24.02 ^{NOW}

Carol Carl 6/5/2023
Property Owner's Name Date

ATBarnard
Assessor of Property / Deputy Assessor

6-5-23
DATE

132E-A-24.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: JUN 05 2023

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined together for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still **subject to any restrictions and/or H.O.A. fees** that may be attached to these properties. This request will be effective for the 2022 tax year.

Properties to be combined:

	Map	Group	Parcel	P/I	S/I
1.	132E	A	20.00		000
2.	132E	A	21.00		000
3.	132E	A	24.00		000
4.					
5.					

C. S. C. O.
Property Owner's Name

6/22/2021
Date

[Signature]
Assessor / Deputy Assessor

6/22/21	20	132E-A-24.00
DATE COMBINED	JUN 29 2021	ASSESSOR'S NEW PARCEL ID

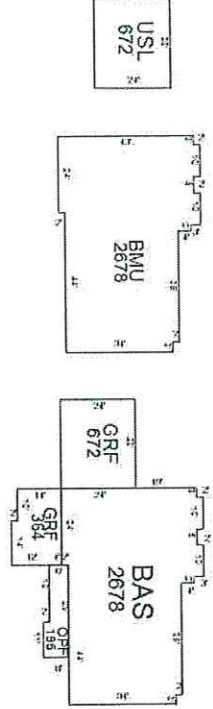
Property Type: 00 Residential

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

243 NIGHTINGALE RD		Property Address		Subdivision LONE MOUNTAIN SHORES 4A		TRACT		TAX YEAR 2024		013		132E		A		024.00		000	
CARROLL CHARLES STEVEN & BRENDA MARIE		Ownership and Mailing Address		BK 3		PG 236		BLOCK		LOT 422		TRACT		CLAIBORNE		JUR		CONTROL MAP GROUP PARCEL PI SI	
243 NIGHTINGALE LANE				BK		PG		BLOCK		LOT		TRACT		City		Map 132E		Updated 04/04/2024	
NEW TAZEWELL TN 37825				Additional Description		LOTS 418, 419 & 422								SSD1		Dist 03		Printed 05/07/2024	
				Dimensions										SSD2					
				Total Land Units		8.53								Total Acres		8.53			
				Deed Acres		8.53								Calculated Acres		0			

DWELLING DATA

Improv Type	03 Special_Res	Lower Level	4 Full Basement
Stories	2 Story Frame	Heating/Air	7 Heat And Cooling Split
Exterior Wall	11 Common Brick	Attic	
Heating Fuel			
Year Built	2009	Eff Yr Built	2009
Full Baths	0	Rooms	0
Wood FP Stacks	0	Addl Fixtures	12
Info Src 3	Occ 0	Addl Srv	Prefab
Foundation	02 Continuous Footing	Floor Finish	11 Carpet Combination
Floor System	04 Wood W/ Sub Floor	Interior Finish	07 Drywall
Party Wall	00 None	Paint/Decor	03 Average
Struct Frame	00 None	Bath Tile	00 None
Roof Cov/Deck	02 Gable/Hip	Electrical	03 Average
Cab/Millwork	03 Composition Shingle	Shape	01 Rectangular Design



Quality	1: Average	Condition	Average	Class:	Cost & Design 0
Porate	Date	Factor	% Comp	% Good 87	
Depc Physical	13	Other Phys	Functional	External	
GFLA	Area	Story	Const	Grade	SFLA
2,578	1,695	1	1.07	1	2,880
Base Dwelling		Addl Areas	Total	\$/SqFt	% Complete
RCN		305,500	139,730	445,230	154.85
RCNLD		255,790	121,580	387,370	134.50
AREAS: Lower Floor		First & Above	Area	% SFLA	Rate
BAS		2,578	0	31.89	6,250
OPF		196	0	53.16	19,350
GRF		364	0	53.17	33,730
BMU		2,678	0	21.27	55,960
USL		672	30	31.90	21,440

OUTBUILDINGS and YARD ITEMS

Code	Description	Yr Bld	Eff Yr	Area	Grade	Units	Addl Description	Class	Rate	Cnd	RCN	%Good	Prot	Adj Fact	Value	Total OBY
WDK	Wood Deck	2009	2009	334	C	1	IRR		16,8263	AV	5,620	61		1	3,430	6,860
WDK	Wood Deck	2009	2009	334	C	1	IRR		16,8263	AV	5,620	61		1	3,430	6,860

#	Type	Table	Code	Acc	Front	Depth	Units	Rate	Int	Fld	Topo	Loc	Size	Mkt	Dep	Adj Rate	Value	Class	#	Mkt Line	Use Type	Soil Type	Access	Acres	Rate	Use Value
1	U	28	01	0	0	0	8.53	7,709.26			60		100	4,625.56	39,450											
Totals: 8.53																										

SALES

Date	Book	Page	Price	Adj Price	V	WD	M	Owner
03/04/2021	1568	617	17,500	17,500				CARROLL CHARLES STEVEN & BRENDA
09/27/2018	1506	176	430,000	430,000				CBOE 2010 (BASEMENT UNFINISHED)
09/16/2016	1459	690	395,000	395,000				SAFFIN RICHARD C & CHRISTINE E WILS
07/08/2015	1434	205	240,000	240,000				SPEAKMAN STEVE

NOTES

GREAT VIEW MAP 132E-A-20 & 21 ADDED HERE FOR 2022
40% TOPO
HSE SQUARED FOR CODING
CBOE 2010 (BASEMENT UNFINISHED)
GATE LOCKED 12/6/2017
PARCEL SPLIT FOR 2024

APPAISED VALUES

LAND	39,500
IMPROVEMENTS	492,700
TOTAL APPRAISAL	532,200
GREENBELT APR	133,050
ASSESSMENT @	25%
COST VALUE	532,200

PARCEL DATA

MARKET	PARCEL DATA	R03
NBHD	Review Flag	Living Units
Water/Sewer	11 Individual / Individual	Electricity
Gas	00 None	Topo
Road Type	1 Rolling	Gravel
Delete Next Year	Greenbelt Review	N
Land Apr Date	01/01/2022	By 13
# Improvements	1	# Mobile Homes
NH Trend	0	STABLE
Other		
Land Use Code		
Zoning		
Year	Recorded	Book/Pg
App#		
Date	Code	ID
12/28/2016	00 Pci Review	73
Building Permits	Type	Status
	Last Visit	

Property Type: 00 Residential

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

CHIMNEY ROCK RD		Property Address		Subdivision BK 3 PG 236 BLOCK LOT 419 TRACT		TAX YEAR 2024		013 132E A 024.02 000	
Ownership and Mailing Address		CARROLL CHARLES S & BRENDA M		Ait Subdiv BK PG BLOCK LOT TRACT		City CLABORNE		JUR CONTROL MAP GROUP PARCEL PI S/I	
243 NIGHTINGALE LANE		NEW TAZEWELL TN 37825		Additional Description Dimensions		SSD1 SSD2		Map 132E Updated 06/06/2023 Printed 05/07/2024	
				Total Land Units 3.59		Deed Acres 3.59		Calculated Acres 0	
				Card: 1 of 1		Page: 1 of 1			

DWELLING DATA

Improv Type	Lower Level	Heating/Air
Storeroom	Attic	
Exterior Wall		
Heating Fuel		
Year Built	Eff Yr Built	Rooms
Full Baths	Half Baths	Add'l Fixtures
Wood FP Stacks	Openings	Add'l Sty Prefab
Info Src	Occ Rental Src	Year Amount
Foundation		
Floor System		Floor Finish
Party Wall		Interior Finish
Struct. Frame		Paint/Decor
Roof Framing		Bath Tile
Roof Cov/Deck		Electrical
Cab/Millwork		Shape

Quality	Date	Condition	Class:
Prostate		% Comp	Cost & Design 0
Depr: Physical	Other Phys	Functional	% Good 100
GFLA	Area	Story Const Grade	SFLA
		2022	Depr Yr Eff Age
			County Factor
RCN	Base Dwelling	Add'l Areas	Total \$/SqFt
			% Complete
			Dwelling Factor
			Dwelling Value
AREAS: Lower Floor	First & Above	Area	% SFLA
		Rate	RCN

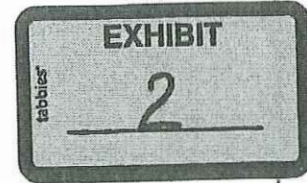
OUTBUILDINGS and YARD ITEMS

Code	Description	Yr Bld	Eff Yr	Area	Grade	Units	Add'l Description	Class	Rate	End	RCN	% Good	Protr	Adj Fact	Value	Total OBY Value
------	-------------	--------	--------	------	-------	-------	-------------------	-------	------	-----	-----	--------	-------	----------	-------	-----------------

MARKETLAND																													
#	Type	Table	Code	Acc	Front	Depth	Units	Rate	Int'l	Fld	Topo	Loc	Size	Mkt	Dep	Adj Rate	Value Class	#	Mkt Line	Use Type	Soil Type	Access	Notes						
1	U	28	01		0	0	3.59	11,487.47				80		100	9,189.98	32,990													
Totals:																32,990													

SALES																					
Date	Book	Page	Price	Adj Price	V/I	Instr	A/R	Owner	NOTES												
03/04/2021	1568	617	17,500	17,500	V	WD	P	CARROLL CHARLES S & BRENDA M													
09/18/2000	1053	525	85,300	85,300	V	WD	P	POLLOCK DANIEL R & ANDREA													
08/29/1998	250	554						POLLOCK DANIEL R & ANDREA													

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS



I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any **restrictions and/or H.O.A. fees** that may be attached to these properties. **This request will be effective for the 2023 tax year.**

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	1321	B	013.00		000
2.	132L	B	014.00		000
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Eugene Chalfi
Property Owner's Name

10/31/2022
Date

[Signature]
Assessor of Property / Deputy Assessor

10/31/22 RD
DATE COMBINED

132L B 01400 000
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: NOV 01 2022

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO SEPARATE PARCEL(S)

I hereby request the parcel(s) which is/are owned by me or jointly with another in Claiborne County, Tennessee, be separated for tax purposes only. This request will be effective for the 2024 tax year.

Date/Tax Year Parcel was combined: 2006 & 2023

Lot Numbers associated with the parcel(s): 239, 238, 501

Parcel ID: Map 132L Group B Parcel 014.00 S/I 000

Map _____ Group _____ Parcel _____ S/I _____

Map _____ Group _____ Parcel _____ S/I _____

Gene Phelps
Property Owner's Name

6/12/2023
Date

[Signature]
Assessor of Property / Deputy Assessor

6/12/2023
DATE

132N-A1.00, 132L-B-13.00 + 14.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: _____

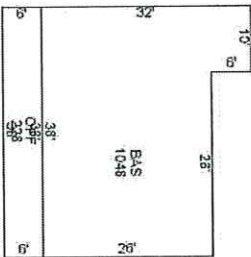
Property Type: 00 Residential

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

1136 WHISTLE VALLEY RD Property Address		Subdivision LONE MOUNTAIN SHORES 3D BK 3 PG 225 BLOCK LOT 239 TRACT		TAX YEAR 2024 CLABORNE		013	132L	B	014.00	000
Ownership and Mailing Address		At Subdiv BK PG BLOCK LOT TRACT		City SSD1 SSD2		JUR	CONTROL MAP	GROUP	PARCEL	PI S/I
CHALEIN EUGENE R & CONSTANCE LEE 1136 WHISTLE VALLEY ROAD NEW TAZEWELL TN 37825				Total Land Units Deed Acres Calculated Acres		6.68 1.87 0	Map 132L	Updated 02/23/2024	Printed 05/07/2024	
Additional Description Dimensions		Card: 1 of 1		Page: 1 of 1						

DWELLING DATA

Improv Type	03 Special_Res	Lower Level	3 Part Basement
Stories	2 Story Frame	Heating/Air	7 Heat And Cooling Split
Exterior Wall	04 Siding Average	Attic	
Heating Fuel			
Year Built	2002	Eff Yr Built	2002
Full Baths	0	Rooms	0
Bedrooms	0	Bedrooms	0
Wood FP Stacks	0	Add'l Fixtures	8
Info Src	3	Year 0	Amount 0
Foundation	02 Continuous Footing	Floor Finish	11 Carpet Combination
Floor System	04 Wood W/ Sub Floor	Interior Finish	07 Drywall
Party Wall	00 None	Paint/Decor	04 Above Average
Struct Frame	00 None	Bath Tile	00 None
Roof Framing	02 Gable/Hip	Electrical	03 Average
Roof Cov/Deck	03 Composition Shingle	Shape	02 L-Shaped
Cab/Millwork	04 Above Average		
Quality	1: Average	Condition	Average
Proxiate	Date	Factor	% Comp
Depcr Physical	25	Functional	External
1,048	Area	Story	Const
726	1	1	1
Base Dwelling	Add'l Areas	Total	\$/SqFt
RCN	121,910	88,650	210,460
RCN/D	91,430	65,410	157,840
AREAS: Lower Floor	First & Above	Area	% SFLA
BAS	364	0	42.53
OPF	228	0	31.89
BMU	624	0	21.27
USH	988	60	53.17



APPROXIMATED VALUES		23,100
LAND IMPROVEMENTS		220,200
TOTAL APPRAISAL		243,300
GREENBELT APPR		60,825
ASSESSMENT @ 25%		25%
APPROACH		
Value Correlation		
COST INCOME		243,300
MARKET		
NBHD		R03
Review Flag		
Living Units		
Water/Sewer		
Electricity		
01 Public		
Gas		
00 None		
Road Type		1 Rolling
Delete Next Year		3 Paved
Greenbelt Review		N
Land Apr Date 01/01/2022		By 13
# Improvements		1
# Mobile Homes		0
Other		0 STABLE
Land Use Code		
Zoning		
GREENBELT		
Year Recorded		
App#		
ENTRANCES		
Date		12/28/2015
Code		00 Pcl Review
ID		73
BUILDING PERMITS		
Date		
Type		Status Last Visit
AGRICULTURAL/GREENBELT LAND		
#		Mkt Line
Use Type		Soil Type
Access		Rate
Use Value		

OUTBUILDINGS and YARD ITEMS		MARKET LAND	
Code	Description	Yr Bilt	Eff Yr
WDK	Wood Deck	2002	2002
WDK	Wood Deck	2002	2002
GFD	Detached Garage Fini	2010	2010
#	Type	Table	Code
1	U	28	01
Totals:		0	0
SALES		MARKET LAND	
Date	Book	Page	Price
08/23/2022	1617	80	7,000
04/02/2001	1064	258	7,000
09/25/2000	1050	204	3,900
07/21/2000	1045	266	3,900
Totals:		6.68	8,630.24

NOTES		-35% TOPO -25 SIZE	
		132N-A-1.00 COMBINED HERE FOR 2006	
		CBOE 2012 - (ADJUST BSMT)	
		132L-B-13.00 ADDED HERE FOR 2023	

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

Bates-stamped Page 000014

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

DWELLING DATA									
Improv Type	Lower Level								
Stories	Heating/Air								
Exterior Wall	Attic								
Heating Fuel									
Year Built	Eff Yr Built	Rooms		Bedrooms					
Full Baths	Half Baths	Add'l Fixtures		Total Fixtures					
Wood FP Stacks	Openings	Add'l Sty		Prefab					
Info Src	Occ	Rental	Src	Year	Amount	Add'l Sty		Sched	
Foundation	Floor Finish								
Floor System	Interior Finish								
Party Wall	Paint/Decor								
Struct Frame	Bath Tile								
Roof Framing	Electrical								
Roof Cov/Deck	Shape								
Rad/Millwork									

APPRAISED VALUES	
LAND	11,300
IMPROVEMENTS	0
TOTAL APPRAISAL	11,300
GREENBELT APR	
ASSESSMENT	2.82
ASSESSED @	25%
APPROACH	
COST VALUE	
Value Correlation	
COST	Value
INCOME	11,300
MARKET	
PARCEL DATA	
NBHD	R03
Review Flag	
Living Units	

# Improvements	# Mobile Homes	NH Trend	Other	Land Use Code	Zoning
GRENBELT					
Year	Recorded	Book/Pg	App#		

--	--

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS



I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined together for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2022 tax year.

Properties to be combined:

	Map	Group	Parcel	P/I	S/I
1.	133H	B	13.00		
2.	135H	B	11.00		
3.	133H	A	1.00		
4.					
5.					

Salvina Perazul
Property Owner's Name

6-28-2021
Date

Robert D. Bush
Assessor / Deputy Assessor

6/29/21 RD
DATE COMBINED
DATE SCANNED: _____

133H-B-13.00
ASSESSOR'S NEW PARCEL ID

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

Subdivision	LONE MOUNTAIN SHORES 3A	
BK 3	PG 180	LOT 129
Alt Subdiv		
BK	PG	LOT
Additional	BLOCK	TRACT
Description		
Dimensions		

TAX YEAR 2024		013	133H	A	002.00	000
CLAI-BORNE		JUR	CONTROL MAP	GROUP	PARCEL	P1 S/I
City		Map	133H	Updated	10/11/2023	
SSD1		Dist	03	Printed	05/07/2024	
SSD2		Card: 1 of 1				
Total Land Units		1.7				
Deed Acres		1.7				

APPRaised VALUES

Improv Type	Lower Level			
Stories	Heating/Air			
Exterior Wall	Attic			
Heating Fuel	Rooms		Bedrooms	
Year Built	Eff Yr Built	Half Baths	Addl Fixtures	Total Fixtures
Full Baths	Openings	Addl Svy	Prefab	Addl Svy
Wood FP Stacks	Occ	Rental: Svc	Year	Amount
Info Svc	Floor Finish		Interior Finish	
Foundation	Floor System		Paint/Decor	
Party Wall	Struct. Frame		Bath Tile	
Roof Framing	Roof CoverDeck		Electrical	
Roof CovDeck	Raz/Millwork		Shape	

LAND	23,200
IMPROVEMENTS	5,800
TOTAL APPRAISAL	29,000
GREENBELT APR	23,200
ASSESSMENT	5,800
ASSESSED @	25%
APPROACH	
	COST VALUE
	Value
COST	23,200
INCOME	
MARKET	
	PARCEL DATA
NBHD	R03
Review Flag	
Value 1/1/14	

Quality		Condition			Class:	
Private	Date	Factor	% Comp	Cost & Design 0		
Depr. Physical	Other Phys	Functional	External	% Good 100		
GFLA	Factors		SFLA	Depr Yr	Eff Age	County Factor
	Area	Story	Const	Grade	2022	1.00
	Base Dwelling		Addl Areas	Total	\$/SqFt	% Complete
RCN						Dwelling Factor
RCNLD						Dwelling Value
AREAS: Lower Floor		First & Above	Area	% SFLA	Rate	RCN

Water/Sewer	12 None / None
Electricity	01 Public
Gas	00 None
Topsoil	1 Rolling
Road Type	3 Paved
Delete Next Year	
Greenbelt Review	N
Land Acq Date	01/06/2017 By 73

Code	Description	Yr	Bit	Eff	Yr	Area	Grade	Units	Add'l Description	Cl
OUTBUILDINGS and Yr										

# Improvements	0
# Mobile Homes	0
NH Trend	0 STABLE
Other	
Land Use Code	
Zoning	
Year	GREENBELT
App#	Recorded Book/Pg
Date	ENTRANCES
	Code
12/28/2016	00 Pci Review
	ID
	73

BUILDING PERMITS																																						
Date _____ Type _____ Status _____ Last Visit _____																																						
MARKET/LAND														AGRICULTURAL / GREENBELT LAND																								
#	Type	Table	Code	Acc	Front	Depth	Units	Rate	Inf	Fld	Topo	Loc	Size	Mkt	Dep	Adj	Rate	Value	Class	#	Mkt	Line	Use	Type	Soil	Type	Access	Acres	Rate	Use	Value							
1	U	28	01		0	0	1.7	13,670.59							100	13,670.59		23,240																				
Totals:																			Totals:																			
SALES																			NOTES																			
Date	Book	Page	Price	Adj	Price	V/I	Inst	A/R	Owner																													
04/04/2022	1604	270	9,900		9,900	V	WD	N	IZBRAND SABRINA & DAVID																													
06/04/1999	1018	187	24,900		24,900	V	WD	A	CHLUBISKI DANIEL P &																													
08/26/1998	250	554							TENNESSEE LONE MOUNTAIN																													

THIS INSTRUMENT PREPARED BY:

Lee Dan Stone, III mlk
Attorney at Law
P.O. Box 281
Tazewell, TN 37879

WARRANTY DEED

This indenture made this the 29th day of May, 2003, by and between JAMES A. HARKNESS and wife, PAMELA S. HARKNESS, A/K/A James Alan Harkness and wife, Pamela Sue Harkness of Leonard, Michigan, parties of the first part, and JAMES A. HARKNESS and wife, PAMELA S. HARKNESS, A/K/A James Alan Harkness and wife, Pamela Sue Harkness of Leonard, Michigan, Tennessee, parties of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed, and do hereby bargain, sell, and convey unto the said parties of the second part, the following described premises to wit:

Situated in the Third (3rd) Civil District of Claiborne County, Tennessee, and being Lots Nos. 260 and 261 combined of the Lone Mountain Shores Phase III, Print E, as shown by a Plat filed in the Register of Deeds Office of Claiborne County, Tennessee in Plat Book 3, Slide 255 and being more particularly bound and described as follows:

BEGINNING at an iron pin set on the East side of Hemlock Way and beginning at the Western corner of Lot 259 and the Northern corner of Lot 260; S 53 deg. 14 min. 36 sec. West, 66.66 feet running with the Lot line of 259; thence S 37 deg. 45 min. 39 sec. East, 149.65 feet; thence S 31 deg. 24 min. 00 sec. East, 43.60 feet; thence S 55 deg. 28 min. 27 sec. East, 40.72 feet; thence S 75 deg. 13 min. 51 sec. East, 37.18 feet; thence S 89 deg. 32 min. 10 sec. East, 125.52 feet; thence S 15 deg. 35 min. 33 sec. East, 227.46 feet to the lot line of Lot No. 128; thence running with the lot line of 128, S 71 deg. 01 min. 19 sec. West, 315.00 feet to the lot line of 261; thence S 0 deg. 58 min. 45 sec. East, 102.13 feet; thence N 59 deg. 13 min. 16 sec. West, 37.17 feet with Hemlock Way and continuing with Hemlock Way N 70 deg. 53 min. 13 sec. West, 52.47 feet; thence N 43 deg. 25 min. 20 sec. West, 60.39 feet; thence N 34 deg. 10 min. 43 sec. West, 51.58 feet; thence N 31 deg. 22 min. 00 sec. West, 87.40 feet; thence N 25 deg. 18 min. 10 sec. West, 30.11 feet; thence N 3 deg. 51 min. 21 sec. West, 34.17 feet; thence N 13 deg. 33 min. 28 sec. East, 53.45 feet; thence N 18 deg. 10 min. 00 sec. East, 122.48 feet; thence N 15 deg. 36 min. 12 sec. East, 95.56 feet; thence N 7 deg. 41 min. 33 sec. East, 94.48 feet; thence N 6 deg. 42 min. 13 sec. West, 39.00 feet to the BEGINNING corner. Said tract contains 3.887 acres.

Said property is sold subject to the protective and restrictive covenants duly recorded on said Plat and in Record Book 1005, Pages 633-654, in the Register's Office of Claiborne County, Tennessee.

The above described property is also subject to Amended Restrictions recorded in Record Book 1024, Page 609-611.

EK 1125 PG 533

Subject to all applicable reservations, restrictions, covenants, exceptions, limitations, burial rights and rights of ingress and egress reserved by the United States of America, in Deed Book 89, Page 400, and Misc. Book 22, Page 168, Register's Office of Claiborne County, Tennessee.

PUBLIC ROADS: Constructed roads may vary from the locations shown on the plat. The right-of-way of all roads will be twenty (20) feet from the centerline of all as-built roads. The bearings and distances on the right-of-ways are for computation of area only. There is also reserved by the seller and its assigns (i.e. Claiborne County Highway Department) to maintain and use the roads as constructed in this development. Furthermore, the seller and its assigns reserve the right to encroach up the purchaser's property/properties to repair, rebuild, reconstruct and maintain the roads as they are ultimately constructed.

For reference see warranty deed from Tennessee Lone MT. Shores Corp. to James A. Harkness and wife, Pamela S. Harkness dated November 8, 2000 and recorded in Record Book 1053, pages 457-459 in the Claiborne County Register of Deeds Office.

The 2003 property taxes will be paid by the Grantees and thereafter, their address being 432 Mack Road, Leonard, Michigan 48367.

Map 133-H Group B Parcels 13.00 and 14.00

THE DRAFTSMAN OF THIS INSTRUMENT MAKES NO WARRANTY OR GUARANTEE AS TO MATTERS OF TITLE OR SURVEY.

THIS INSTRUMENT MUST BE RECORDED IN THE REGISTER OF DEEDS OFFICE.

with the hereditaments and appurtenances thereto appertaining hereby releasing all claim to homestead and dower therein;

To have and to hold the said premises to the said parties of the second part, and their heirs and assigns forever. And the said parties of the first part, for themselves and for their heirs, executors, and administrator, do hereby covenant with the said parties of the second part, their heirs and assigns, that they are lawfully seized in fee simple of the premises above conveyed, and have full power, authority, and right to convey the same; and that the said premises are free from all encumbrances, and that they will forever warrant and defend the said premises and title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and seal the day and year first above written.

State of Tennessee, County of CLAIBORNE
Received for record the 27 day of
JUNE 2007 at 2:38 PM (RECH 31540)
Recorded in official records
Book 1125 pages 533- 535
State Tax \$.00 Clerks Fee \$.00,
Recording \$ 17.00, Total \$ 17.00,
Register of Deeds KIMBERLY REECE
Deputy Register

BK 1125 PG 534

James A. Harkness
JAMES A. HARKNESS
A/K/A James Alan Harkness

Pamela S. Harkness
PAMELA S. HARKNESS
A/K/A Pamela Sue Harkness

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

Personally appeared before me, a Notary Public, in and for said County and State,
the within name James A. Harkness, a/k/a James Alan Harkness, and with whom I am
personally acquainted, and who acknowledged that he executed the within instrument for
the purposes therein contained.

Witness my hand and official seal this 17th day of JUNE, 2003.

JEANNE L HART
Notary Public, Macomb County, MI
My Commission Expires Feb 8, 2005

Jeanne L Hart
Notary Public

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

Personally appeared before me, a Notary Public, in and for said County and State,
the within name Pamela S. Harkness, a/k/a Pamela Sue Harkness, and with whom I am
personally acquainted, and who acknowledged that she executed the within instrument for
the purposes therein contained.

Witness my hand and official seal this 17th day of JUNE, 2003.

JEANNE L HART
Notary Public, Macomb County, MI
My Commission Expires Feb 8, 2005

Jeanne L Hart
Notary Public

I, or we, hereby swear or affirm that the actual consideration for this transfer or
value of the property transferred, whichever is greater, is 0- which is equal to
or greater than the amount which the property transferred would command at a fair
voluntary sale.

James A. Harkness
Affiant by Mary Lou Harkness

Sworn to and subscribed before me this the 27th day of JUNE, 2003.

Karin Reese
Notary Public

My Commission Expires: _____

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

EXHIBIT

4

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2022 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	1320	A	7.00		000
2.	1320	A	8.00		000
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Rusty McKenna
Property Owner's Name

12-28-21
Date 12/28/2021

N. W. [Signature]
Assessor of Property / Deputy Assessor

12/28/2021 ^{PD/}
DATE COMBINED

1320-A-8.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: DEC 28 2021

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2023 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	1320	A	8.00		
2.	138B	B	7.00		
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Kuster McKenna
Property Owner's Name

2/24/22
Date


Assessor of Property / Deputy Assessor

3/16/22 ^{PD}
DATE COMBINED

1320 - A - 8.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: _____

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2023 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	1320	A	B.00		
2.	138B	B	5.00		
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

KRISTEN MCKENNA
Property Owner's Name

6/17/22
Date

RID

Assessor of Property / Deputy Assessor

7/27/22
DATE COMBINED

1320 - A - B.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: _____

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2023 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	138B	B	8.00		
2.	1320	A	8.00		
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Kuster McKenna 10/3/22
Property Owner's Name Date



Assessor of Property / Deputy Assessor

10/3/22 RD
DATE COMBINED

1320 - A - 8.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: OCT 04 2022

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS

I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2023 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	138B	B	4.00		
2.	1320	A	8.00		
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Ruster McLenna 10/17/22
Property Owner's Name Date

RD

Assessor of Property / Deputy Assessor

10/19/22 RD
DATE COMBINED

1320 - A - 8.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: _____

Property Type: 00 Residential					
ASSESSOR OF PROPERTY - PROPERTY RECORD CARD					
2005 CHIMNEY ROCK RD _____ Property Address				TAX YEAR 2024	013
Ownership and Mailing Address _____ MCKENNA JAMES A & KRISTEN P 5554 OLD FINGLAS COURT DUBLIN OH 43017				CLAIBORNE	JUR CONTROL MAP
Subdivision BK 3	LONE MOUNTAIN SHORES 7B PG 304 BLOCK	LOT NOTES	TRACT	Map 1320	Updated 10/11/2023
Air Subdivy BK 3	LONE MOUNTAIN SHORE 6C PG 306 BLOCK	LOT NOTES	TRACT	Dist .03	Printed 09/07/2024
Additional Description	LOTS 642 & 643 LMS 7B & LOTS 579, 580, 582, & 583 LMS 6C				
Dimensions		Total Land Units	13.47		
		Deed Acres	13.47		
Page: 1 of 1					



----- Forwarded message -----

From: **Kristen Puckett** <kristen_puckett@yahoo.com>

Date: Mon, Aug 29, 2022 at 11:08 AM

Subject: 5 lots Kristen McKenna

To: Secretary LMSOA <secretary.lmsoa@gmail.com>, McKenna <kristen_puckett@yahoo.com>

Hello Sabrina, I'm a neighbor of Jenny Leighty and like-minded on the owner-rental issue.

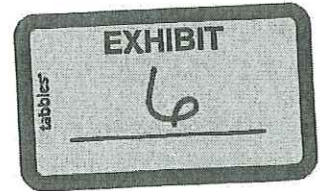
We bought our house on Chimney Rock last January and 4 additional adjacent lots since. We were able to get the original lot and adjacent combined on taxes in time for the HOA dues for 2022. The next two lots closed in 2022, and I put in the paperwork to combine them for taxes after each sale, but the HOA fees were paid and we are just letting them run out. The fifth lot is Lot 583 previously owned by the Crabtrees and we close on Sept 1. All the paperwork is in for that, let me know if I should push that up a day for technical reasons on the vote.

My first request is to get the vote for Lot 583 into my envelope.

The other question is technically I will have 4 paid HOAs fees for 2022, mine plus the 3 newest lots balance to their payments. Can I get a total of 4 votes? Seems a shame that the lots I bought are working to a disadvantage to the count of owners. On the books it shows 4 HOA fees, and only paid HOA fees get to vote, right?

Kristen McKenna
2005 Chimney Rock Road (but no mail to this address)
5584 Old Finglas Ct, Dublin, OH 43017
614-560-9887 you can call or text me.

CLAIBORNE COUNTY, TENNESSEE
ASSESSOR OF PROPERTY
REQUEST TO COMBINE PARCELS



I hereby request that the multiple parcels which are owned by me or jointly with another in Claiborne County, Tennessee, be combined for **TAX PURPOSES ONLY**. I also understand that any lots and/or parcels are still subject to any restrictions and/or H.O.A. fees that may be attached to these properties. This request will be effective for the 2023 tax year.

Parcels to be combined:

	Map	Group	Parcel	P/I	S/I
1.	138C	B	28.00		
2.	138C	B	29.00		
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

[Signature]
Property Owner's Name

12/07/22
Date

[Signature]

Assessor of Property / Deputy Assessor

12/7/22 RD
DATE COMBINED

138C-B-28.00
ASSESSOR'S NEW PARCEL ID

DATE SCANNED: _____

Property Type: 00 Residential

Bates-stamped Page 000030

Property Type: 00 Residential

[illegible]



DECLARATION OF MATTHEW ANDERSON

Comes Declarant, Matthew Anderson, and declares as follows:

1. I am over the age of eighteen (18) and competent to give the testimony that I declare below.

2. I have been a member of Lone Mountain Shores Owners Association, Inc. (the "Association") since September 2020.

3. I have owned Lot 721 in the Lone Mountain Shores subdivision since this time.

4. During the fall 2023 election, I repeatedly asked the Association board to mail me a ballot for my lot.

5. Attached are two email chains detailing my communications with Sabrina Izbrand. In these communications, she stated on September 30, 2023, that she sent a ballot to me with a tracking history that shows it was not sent for delivery until September 21, 2023. She instructed me on September 30, 2023, to fill out my ballot and that she would instruct the accounting firm that my ballot would arrive the following week.

6. I received my ballot on October 1, 2023. I filled it out and placed it in the mail on October 1, 2023, but I do not know if it was counted in the result.

7. At the time of the fall election, I had paid my dues in full through such time.

8. I declare under penalty of perjury that the foregoing is true and correct upon my personal knowledge.

Matthew A. Anderson
Matthew Anderson

May 21, 2024
Date

Richard E. Graves

----- Forwarded message -----

From: **Matthew Anderson** <manderson3200@gmail.com>

Date: Sat, Sep 16, 2023 at 12:21 PM

Subject: Re: Ballot Not Received

To: Sabrina Izbrand <sizbrand@gmail.com>

Thank you very much, Sabrina!

On Sat, Sep 16, 2023 at 8:11 AM Sabrina Izbrand <sizbrand@gmail.com> wrote:

I will send you another ballot using priority mail. Sabrina

On Fri, Sep 15, 2023, 3:47 PM Matthew Anderson <manderson3200@gmail.com> wrote:

Hi Sabrina,

I'm just writing to let you know that I haven't received my ballot for the Board election yet. I am the owner of Lot 721.

Thanks,

Matthew

Richard E. Graves

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Matthew Anderson** <manderson3200@gmail.com>
Date: Sun, Oct 1, 2023 at 11:06 AM
Subject: Re: Missing Ballot
To: Sabrina Izbrand <sizbrand@gmail.com>

Ms. Izbrand,

I checked my mailbox and I am in possession of the ballot.

I will fill out the ballot, but I fear that my vote won't count because of the delayed receipt of my ballot.

On Sat, Sep 30, 2023 at 2:46 PM Sabrina Izbrand <sizbrand@gmail.com> wrote:

Mr. Anderson,

A second mailing was mailed to you after we talked. I have a tracking number for the ballot that I sent on 9/19 is: 9505 5131 5401 3262 5495 50

In looking at the tracking history, it shows that it was originally out for delivery on 9/21. From there it looks as though it was forwarded to a different address and not delivered until 9/28. I am sorry for the error in sending to an old address. The ballot should be in your possession now that it made it through the forwarding process. Please fill your ballot out and return to the accounting firm. I will inform them that it should be arriving next week.

Sabrina

On Sat, Sep 30, 2023 at 11:40 AM Matthew Anderson <manderson3200@gmail.com> wrote:

Ms. Izbrand,

I never received a ballot for the board vote. I communicated to you that I never received a ballot.

Thanks,

Matthew

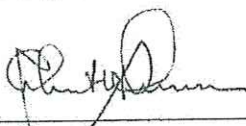
Matthew A. Anderson, Esq.
(703) 203-1346
manderson3200@gmail.com



DECLARATION OF ROBERT SHERMAN

Comes Declarant, Robert Sherman, and declares as follows:

1. I am over the age of eighteen (18) and competent to give the testimony that I declare below.
2. I have been a member of Lone Mountain Shores Owners Association, Inc. (the "Association").
3. I have owned Lots 414 in the Lone Mountain Shores subdivision since 2003.
4. During the fall 2023 election, I first contacted Sabrina Izbrand on September 8, 2023 stating I had not received my ballot.
5. Ms. Izbrand did not respond until September 14, 2023 at which point, she indicated she would send another ballot and notified me the deadline was extended until September 28, 2023.
6. On September 25, 2023, I once again expressed concern via email to Ms. Izbrand that my ballot had not arrived and I would likely not be able to vote due to the deadline.
7. On September 25, 2023 I received a call from someone filling in for Ms. Izbrand that a ballot would be overnighted.
8. The ballot arrived to my home on September 27, 2023 at which point it was notified by USPS it was over \$100 to return and there is no guarantee it would arrive by the imposed deadline on September 28, 2023.
9. At the time of the fall election, I had paid my dues in full through such time.
10. I declare under penalty of perjury that the foregoing is true and correct upon my personal knowledge.



Robert Sherman

May 21, 2024

Date

1 IN THE CHANCERY COURT FOR CLAIBORNE COUNTY TENNESSEE

2

BRANDEN FRANTZ

3

4

Plaintiff,

5

vs.

NO: 20170

6

LONE MOUNTAIN SHORES
OWNERS ASSOCIATION, INC.,

7

8

Defendant.

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* * * * *

12

TRANSCRIPT OF PROCEEDINGS

13

14

March 4, 2024

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Hon. Elizabeth Asbury

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JEFF RUSK Court REPORTING & VIDEO
Registered Professional Reporters
Certified Legal Video Specialist

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21

22

Valerie Sulfridge, Court Reporter
1812 East Glenwood Avenue
Knoxville, Tennessee 37917
(865) 243-9096
valeriemsulfridge@gmail.com

23

24

25



1 APPEARANCES:

2

FOR THE PLAINTIFF:

3

4 Richard Graves, Esq.
Frantz, McConnell & Seymour.
5 550 W. Main Street, Suite 500
Knoxville, Tennessee 37902
6 rgraves@fmsllp.com

7

8 FOR THE DEFENDANT:

9

Preston Hawkins, Esq.
10 Lewis Thomason
One Centre Square, fifth floor
11 620 Market Square
Knoxville, Tennessee 37901
12 phawkins@lewisthomason.com

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1 can correct me if I'm wrong. It's got
2 everybody in it, whether they're eligible
3 to vote or not. Anyone that owns a lot,
4 they have a lot number, and they have a
5 signature that they captured off of a deed
6 or something else. It's got everybody,
7 whether they were in good standing or not;
8 I think is what that notebook has.

9 Is that right? Does it have
10 everyone? And now they still are trying to
11 get some, and it's also a document that
12 will be a living and breathing document
13 because people are going to buy and sell
14 property in Lone Mountain Shores. And so
15 it will change. But it doesn't
16 specifically -- there's nothing in that
17 document that says so and so is entitled to
18 vote or not. All it is is a lot number and
19 a verified signature off of a deed.

20 Is that correct?

21 MR. GRAVES: That's correct.

22 THE COURT: But to be in good
23 standing, that means, basically, you've
24 paid your fees.

25 MR. HAWKINS: Yes, Your Honor.

1 But their signature would be in there
2 regardless because they're the owner of the
3 property. That's all that notebook is for.

4 THE COURT: Okay. So you're
5 telling me that their notebook does not
6 have anything to do with keeping a list of
7 the people, the owners who were eligible to
8 vote because they're in good standing?

9 MR. HAWKINS: That's correct,
10 Your Honor.

11 THE COURT: Okay. I'm going to
12 do a written opinion on this. I didn't
13 read your documents. They weren't in here
14 when I reviewed the file. I think they
15 just got filed March 1st.

16 MR. GRAVES: Yes.

17 MR. HAWKINS: I emailed them to
18 Ms. Ward and asked her to give them to you.

19 THE COURT: I haven't seen them.

20 MR. HAWKINS: Please do review my
21 memorandum response, Your Honor.

22 THE COURT: I try to read the
23 pleadings. I will get this out within 14
24 days. Two weeks, if not quicker.

25 MR. GRAVES: Your Honor, we also

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C E R T I F I C A T E

STATE OF TENNESSEE:
COUNTY OF KNOX:

I, Valerie Sulfridge, Court
Reporter and Notary Public, do hereby certify that
I reported the foregoing proceedings digitally;
that the foregoing pages, inclusive, were prepared
by me using computer-aided transcription and
constitute a true and accurate record of said
proceedings, to the best of my ability.

I further certify that I am not
an attorney or relative of any attorney or counsel
connected with the action, nor financially
interested in the action.

Witness my hand and official seal
this 11th day of March, 2024.



A handwritten signature in black ink, appearing to read "Valerie Sulfridge", written over a horizontal line.

Valerie Sulfridge, Court Reporter
Notary Public at Large
My Commission Expires: 7/7/2027



Sabrina Izbrand <sizbrand@gmail.com>

RE: No ballot received

4 messages

Bob Sherman <rhsherm@comcast.net>
To: Sabrina Izbrand <sizbrand@gmail.com>

Mon, Sep 25, 2023 at 10:53 AM

Sabrina,

I have not received my replacement ballot as promised on Sept. 14th. Even if it comes in today's mail it will not get back in time to be counted since the return date is the 28th. It is no wonder that change in leadership is sorely needed at Lone Mountain Shores. Even though I reside in Florida I still keep up on what is going on and just don't understand what a mess things are. The current board, through their actions, have turned a very nice and desirable community into something that everybody wants to stay away from. The effect on property values are devastating therefore making a bad situation even worse.

I will let it be known to all that no ballot was received which is strictly against HOA rules. Apparently I am not the only property owner who has not received a ballot ... is this another mistake by the USPS or a tactic used to control election results? I strongly suggest that the return date for ballots be extended again and ensure that every property owner in good standings receives their ballot with ample time for its return.

Robert H Sherman

Lot 414

Sent from Mail for Windows

From: Bob Sherman
Sent: Thursday, September 14, 2023 1:34 PM
To: Sabrina Izbrand
Subject: Re: No ballot received

Thank you!

Sent from my iPhone

On Sep 14, 2023, at 1:31 PM, Sabrina Izbrand <sizbrand@gmail.com> wrote:

Exhibit B

Mr. Sherman, I will send you another ballot please let me know when you receive it. Also the return date has been extended to Sept 28th. Sabrina

On Thu, Sep 14, 2023 at 1:27 PM Bob Sherman <rhsherm@comcast.net> wrote:

No.

Sent from my iPhone

On Sep 14, 2023, at 1:11 PM, Sabrina Izbrand <sizbrand@gmail.com> wrote:

Mr. Sherman, Have you received your ballot? Sabrina

On Fri, Sep 8, 2023 at 9:00 PM Bob Sherman <rhsherm@comcast.net> wrote:

Please send me a ballot for the upcoming election. I own lot 414 on Chimney Rock. Thanks!
Sent from my iPhone

Sabrina Izbrand <sizbrand@gmail.com>
To: Bob Sherman <rhsherm@comcast.net>

Fri, Sep 29, 2023 at 9:28 AM

Good morning, Bob!

I am following up with you about your ballot. I see that it was delivered to you on Tuesday. Would you be willing to share your tracking information for the ballot you returned so I can assure your ballot was received?

Thank you!
[Quoted text hidden]

Bob Sherman <rhsherm@comcast.net>
To: Sabrina Izbrand <sizbrand@gmail.com>

Fri, Sep 29, 2023 at 9:38 AM

I did not receive my ballot until Wednesday morning. Since the USPS could not have it delivered back until Friday, which was after the due date, I did not send it. I also checked with FEDEX and their price for Thursday delivery was about \$150 ... I deemed that to be not worth the expense.

Had the ballot been sent when it should have been this problem would not have existed. I will reserve my public comments until after the election depending on the results. It will be interesting to see how many other property owners were placed in the same position as me.

Bob Sherman

Sent from my iPhone

On Sep 29, 2023, at 9:29 AM, Sabrina Izbrand <sizbrand@gmail.com> wrote:

[Quoted text hidden]

Sabrina Izbrand <sizbrand@gmail.com>
To: Bob Sherman <rhsherm@comcast.net>

Fri, Sep 29, 2023 at 12:25 PM

Mr. Sherman,

I assure you that if the vote comes back close enough for your vote to change an outcome, we would make accommodations. I am attaching the USPS tracking information that shows that the package was delivered and signed for on Tuesday. I will look into the inaccuracy of that delivery status from the USPS, but wanted you to see where I got my information from for the delivery date that I stated.

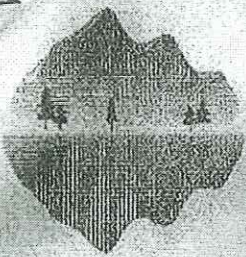
Sabrina

[Quoted text hidden]



EI417336441US.pdf

18K



BALLOT FOR LMSOA BOARD POSITIONS 2023

Lot Number(s): 848

Owner Name: KEN HONROTH

Owner Signature: *Ken Honroth*

Exhibit C

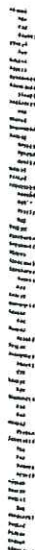
Honorable
10803 Kingsport Dr
Hampton Ct 45030

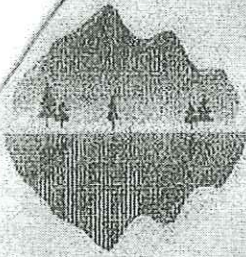
CRANE, THOMPSON & JONES, P. C.
P. O. BOX 1779
MORRISTOWN, TN 37816-1779

CINCINNATI OH 452
11 NOV 2023 16 6 L



37816-1779





BALLOT FOR LMSOA BOARD POSITIONS 2023

Lot Number(s): 849

Owner Name: KEN HONROTH

Owner Signature: *Ken Hon*

Honorable
10302 Kingnut Dr.
Harrison OH 45030

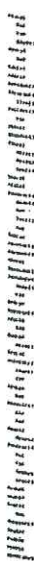
CRANE, THOMPSON & JONES, P. C.
P. O. BOX 1779
MORRISTOWN, TN 37816-1779

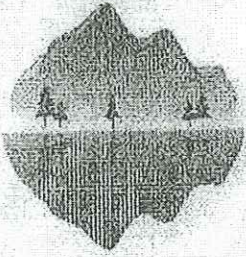
CINCINNATI OH 452

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37816-1779





BALLOT FOR LMSOA BOARD POSITIONS 2023

Lot Number(s): 315

Owner Name: Wolfgang and Betty Kratzberg

Owner Signature: [Signature]



K
Kratzenberg
2231 Waller Rd
Verona, KY 41092

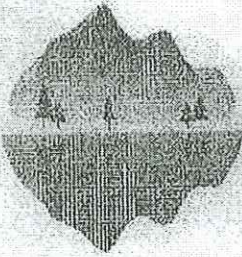
CRAINE, THOMPSON & JONES, P. C.
P. O. BOX 1779
MORRISTOWN, TN 37816-1779

37816-177979



CINCINNATI OH 452
11 NOV 2023 18 6 L





BALLOT FOR LMSOA BOARD POSITIONS 2023

Lot Number(s): 821

Owner Name: MARK & SUSAN PARTUSCH

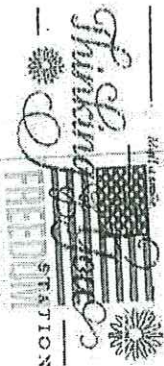
Owner Signature: Mark Partusch Susan Partusch



Mr. Mark Partusch
1087 Turnbiewood Dr
Loveland, OH 45140

Craine, Thompson & Jones, P. C.
P. O. Box 1779
Morristown, TN 37816-1779

CINCINNATI OH 452
11 NOV 2023 15 6 L



37816-177979



[REDACTED]

[REDACTED]

[REDACTED]

From: LMSOA President <lmsopresident@gmail.com>
Sent: Sunday, June 2, 2024 12:57 PM
To: Frantz, Branden <bfrantz@hearst.com>
Subject: Re: [EXTERNAL] Re: Supplemental Records Request: FRANTZ

Just so you are aware, no one at the preparation committee will see the wording of the covenant. As far as transparency every member of that Board will gladly undergo polygraphic examination in regards to the conduct of that election. The only error that occurred was the accountant failing to do their job. On the other hand, your request for these latest documents did expose the length that some people will go to as far as cheating and subterfuge. I'm not accusing you because I don't think you would stoop to creating a misleading Gmail account to try to obtain information. The redacted email from Puckett was sent to (among others) not to the official board email but to lmsoa.secretary@gmail.com which is a bogus email traced to a former board member from several board's ago. Clearly this was designed to intercept board business from the unwary. Please keep this in mind when you talk about trust and integrity.

I will be at the community center to give you the information you requested. If and when you are convinced there was no wrongdoing or deliberate attempt to alter the results of the election, I'm sure those you have impugned would be grateful for a public acknowledgement stating so.
Sincerely, David Izbrand

On Sun, Jun 2, 2024, 12:13 Frantz, Branden <bfrantz@hearst.com> wrote:

While I don't entirely disagree with you regarding early production of the proposed covenants, I would be remiss in not pointing out that this information has presumably been given, directly or indirectly to other members outside of elected or appointed officers. Moreover, those non-board members tapped to work on the prep committee will certainly be exposed to much of this information on Tuesday.

As per what I acknowledge at the courthouse. Unlike many board members and non-board members I have witnessed in this community the last few years (on both sides), I speak plainly, honestly and directly. I don't play the political theater / nonsense and you rarely will be at a loss in knowing my intentions. My motives are rooted in accountability, transparency and honest, fair, inclusive policy and actions. What I am very certain of at this time, there are significant errors in judgement, process and execution. Errors that would have certainly seen all 5

members removed last July, and errors that demonstrated anything but good faith and accuracy with regard to the fall election. These errors impact the integrity of this community and have further eroded owner rights, access, voices and trust. And with each error emphasized, comes a 3-person agreed upon bylaw amendment to course correct and amend as policy. This is not the spirit of how hoa's and non-profits work, but most importantly how people should be treated.

To that end, I hope you change your position on the production of the covenants, but will assume at this time that will not occur.

Lastly, I can be at the community center on Wednesday anytime between 11-2p, or any time after 5p.

Branden

From: LMSOA President <lmsoapresident@gmail.com>
Sent: Sunday, June 2, 2024 10:31 AM
To: Frantz, Branden <bfrantz@hearst.com>
Subject: Re: [EXTERNAL] Re: Supplemental Records Request: FRANTZ

Firstly, I'm sorry you can't attend. I was hoping you could see the process for yourself. I'm sure I can find another pro-rental observer which of course saves you the expense of your attorney traveling here plus there should be some other pro-renters actively involved with the preparation committee.

Secondly, there will be a new third party involved. The goal all along has been to have the most secure elections possible especially in light of how poorly they were handled in the past considering the import of these recent elections.

Thirdly, it would be highly inappropriate for you to review the proposed covenant change before the rest of the voting community. However if what you said to me on the steps of the court house was accurate, you should find the proposal fair.

As to your concerns in regards to the legitimacy of the Board, they should be diminished once you receive the requested documents.

Lastly, I am well aware of the entire process involved in bringing a vote to the community and it is all being followed appropriately.

Please let me know what time to meet you on the 5th.

David Izbrand

On Sun, Jun 2, 2024, 09:58 Frantz, Branden <bfrantz@hearst.com> wrote:

Despite the short 48 hour notice, I do appreciate the offer. That said, I am traveling and flying back to Knoxville after this date, so I will not be able to attend, personally. I am curious on a couple fronts:

- What date do you intend to send the covenant vote to the community and will the third party be engaged again? Clearly, I would want to be given enough time to process the board responses to the supplemental prior to this occurring. With the support provided, alongside that yet to be submitted, I have serious concerns whether this board even has the legal authority to advance such action. I also wonder if you might afford me the ability to review the covenant proposal in advance to determine if any future action would even be warranted. As I indicated before, I have been in support of a covenant vote 3 years ago prior to this wasted, divisive and hostile environment influenced by legal action against owners.
- Since I will be out of state, would you allow me to appoint someone to observe the process? I can have one of my staff attorneys drive down, TN counsel, or simply appoint a current member in my place.
- Lastly, as you know, the preparation committee is only one small piece of verifying the accuracy of any vote. Some of the items relevant to produce prior to this being executed would be a voter registration list, current member list, ineligible voter list and reason for such ineligibility, financial documentation supporting owner status and of course supporting docs on combined lots.

Branden

From: LMSOA President <lmsopresident@gmail.com>
Sent: Sunday, June 2, 2024 8:02 AM
To: Frantz, Branden <bfrantz@hearst.com>
Subject: Re: [EXTERNAL] Re: Supplemental Records Request: FRANTZ

Branden,

The ballot preparation committee will meet at noon on Tuesday June 4th at the community center. I can have your requested materials available then and would encourage you to act as an observer of the

procedure. If that day is inconvenient I will meet you with the requested materials on Wednesday June 5th at the time of your convenience, David Izbrand

On Sun, Jun 2, 2024, 05:46 LMSOA President <lmsoapresident@gmail.com> wrote:

Branden,

I may have gotten my dates wrong. Let me double check and I'll get back to you. It may be that Wednesday is the day we are preparing a ballot to go out, David

On Sun, Jun 2, 2024, 05:26 LMSOA President <lmsoapresident@gmail.com> wrote:

Branden,

I don't see a problem with that, just let me know where and when and I'll make sure you get what you need. In fact, I can have them Tuesday and if you are able to get away, I'd like to invite you to be an observer during the process of putting together a covenant vote that will be going out, David

On Sat, Jun 1, 2024, 22:48 Frantz, Branden <bfrantz@hearst.com> wrote:

David

Considering I filed the records request on November 8, 2023 and then forced to take legal action on 1/23/24 due to lack of board compliance with state law (coupled with the multiple documented miscommunications / stalling between the board and their attorney), I would respectfully request Wednesday morning June 5th. I don't desire to disrupt your family visit this weekend, but the boards responses to this matter are vital in weighing my position of the current bylaw amendments. Most importantly, after the initial, baseline discovery submitted, I am hopeful the board responsibly considers our community while navigating this matter to conclusion.

Regards,

Branden

From: LMSOA President <lmsoapresident@gmail.com>

Sent: Friday, May 31, 2024 9:32 PM

To: Frantz, Branden <bfrantz@hearst.com>

Subject: Re: [EXTERNAL] Re: Supplemental Records Request: FRANTZ

My relatives are leaving Sunday. I think Preston was going to ask for the 11th as the date. If that won't work just let me know.

David Izbrand

On Fri, May 31, 2024, 17:43 Frantz, Branden <bfrantz@hearst.com> wrote:

Got it.

I don't believe that occurred, but can certainly understand the constraints due to the holiday. In fact, we provided a little more time on the request assuming the holiday could stretch those involved to compile. Any idea on our expectation of the timeline?

Thank you

Branden

From: LMSOA President <lmsoapresident@gmail.com>
Sent: Friday, May 31, 2024 5:32 PM
To: Frantz, Branden <bfrantz@hearst.com>
Subject: [EXTERNAL] Re: Supplemental Records Request: FRANTZ

Dear Mr Frantz,

I was under the impression that Preston Hawkins was going to talk with your attorney to request a little more time due to the holiday and families visiting various people this week. I will contact him to see what happened as I never heard back. Rest assured that we are happy to supply the documents. I expect to hear from him no later than Monday, June 2nd.

Sincerely, David Izbrand

On Fri, May 31, 2024, 17:25 Frantz, Branden <bfrantz@hearst.com> wrote:

Second attempt:

After providing the appropriate statutory requirements on this request, I am Kindly following up on the status.

Please advise.

Regards,

Branden

Owner / Lone Mountain Shores

cc: Richard Graves

From: Frantz, Branden

Sent: Wednesday, May 22, 2024 5:39 PM

To: LMSOApresident@gmail.com

Cc: [lmsoatreasurer King McElhiney <lmsoatreasurer@gmail.com>](mailto:lmsoatreasurer@gmail.com); lmsoaarcliaison@gmail.com
[Armstrong <lmsoaarcliaison@gmail.com>](mailto:lmsoaarcliaison@gmail.com); lmsoavicepresident@gmail.com Nave
[<lmsoavicepresident@gmail.com>](mailto:lmsoavicepresident@gmail.com); lmsoasecretary@gmail.com Izbrand
[<lmsoasecretary@gmail.com>](mailto:lmsoasecretary@gmail.com)

Subject: Supplemental Records Request: FRANTZ

Mr. Izbrand,

Please see the attached supplemental records request. As noted previously, I was willing to follow your lead in terms of any inclusion with regard to legal counsel throughout this process. As I have come to find out, Mr. Hawkins has maintained consistent communication with my counsel, Mr. Graves on this matter. In return, I want to assure you that Mr. Hawkins has also been provided a copy of the attached request as of this evening.

Regards,

Branden J. Frantz

Owner / Lone Mountain Shores

cc: the extended LMSOA Board per your kind advice

Richard E. Graves

From: Frantz, Branden <bfrantz@hearst.com>
Sent: Friday, June 7, 2024 4:30 PM
To: LMSOApresident@gmail.com; lmsossecretary@gmail.com lzbrand
Cc: aimeefrantz
Subject: FRANTZ Records Demand: 6.7.24

Please find this formal demand for production of all unredacted returned ballots, envelopes, and related documents for the fall 2023 election under the Tennessee Nonprofit Corporation Act. Please produce these records within six (6) business days of the date of this request.

The purpose of this request is to verify the results of the fall 2023 board member election. The board's response to my May 22, 2024 supplemental records request acknowledges in part that the fall 2023 election results were not accurately tabulated based on lot combination status at the time of such election. However, the re-tabulated results still fail to account for all the irregularities arising from lot combination status based on the assessor's office forms (which state that recent combinations would not be effective until 2024) as well as fail to account for the fact that four votes were untimely among other deficiencies in the board's response to my May 22, 2024 supplemental records request. Moreover, the board's recent attempt to re-tabulate the results without convening the tabulation committee as set forth in the bylaws is a further procedural irregularity for the fall 2023 election. For this and other reasons, the actual correct result of the fall 2023 board member election remains in limbo.

Moreover, the apparently imminent vote to amend the covenants provides further justification for this request of unredacted documents to timely verify if the election result was accurately tabulated. Indeed, any proposed covenant amendment has to be approved by the board unanimously. That cannot validly occur unless the board makeup reflects the correct results of the fall 2023 election. Thus, prompt production of the full unredacted files requested above is essential to ensure that not only the fall 2023 election was accurate, but that any covenant amendment vote can proceed now. Thus, I request these records be produced within six (6) business days of the date of this request.

Branden Frantz
Owner

KM KENNERLY MONTGOMERY
Attorneys & Counselors Since 1916

Email: kstevens@kmfpc.com

June 13, 2024

Mr. Ryan L. Sarr, Esq.
Trammell Adkins & Ward PC
P.O. Box 51450
Knoxville, TN 37950

VIA REGULAR U.S. MAIL & EMAIL

Mr. Richard E. Graves, Esq.
Frantz McConnell & Seymour LLP
550 West Main Street, Suite 500
Knoxville, TN 37902

VIA REGULAR U.S. MAIL & EMAIL

Re: Document Requests
Lone Mountain Shores Owners Association, Inc.

Dear Mr. Sarr and Mr. Graves:

This law firm serves as legal counsel to Lone Mountain Shores Owners Association, Inc. (the "Association"). I am in receipt of Mr. Sarr's Document Request dated June 10, 2024, wherein you requested on behalf of a number of your clients to inspect certain documents related to a previous Association Board of Directors Election. You specifically requested that the Association produce for inspection and copying the following: "all original unredacted returned ballots and ballot envelopes for the fall 2023 board of directors election." In addition to this Document Request, certain of your clients, namely Edward Lund and Frederick and Kristy Maess, also submitted nearly identical Document Requests directly to the Association (dated June 7, 2024, but delivered to the Association on June 8, 2024) seeking disclosure of the same information. Finally, Mr. Graves' client, Branden Frantz, also submitted a nearly identical Document Request directly to the Association on June 7, 2024, seeking disclosure of the same information. As you both currently represent all of the individuals requesting this information from the Association, this response is being sent to you directly, as counsel of record, to respond to all of the foregoing Document Requests.

The Association has evaluated your Document Requests based upon the language contained therein and the laws and regulations applicable to disclosure of records under the Tennessee Non-Profit Corporation Act (the "Act"), codified at Tenn. Code Ann. Section 48-66-101, *et seq.* Be advised that Tenn. Code Ann. Section 48-66-101 of the Act enumerates the scope of the particular records that the Association is required to maintain. Whereas Tenn. Code Ann. Section 48-66-102 of the Act sets forth the standards under which members may request inspection and copying of certain of those records that the Association is required to maintain.

KENNERLY, MONTGOMERY & FINLEY, P.C.
550 MAIN STREET, FOURTH FLOOR | KNOXVILLE, TENNESSEE 37902
P.O. BOX 442 | KNOXVILLE, TENNESSEE 37901
PH (865) 546-7311 | FX (865) 524-1773 | WWW.KMFPC.COM

Bates-stamped Page 000061

Exhibit F

Specifically, the Act does not expressly require the Association to disclose to members any “unredacted returned ballots”, “ballot envelopes” pertaining to the results of previous Association Director Elections. Tenn. Code Ann. § 48-66-101(a) of the Act does generally provide that the Association is obligated to “keep as permanent records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or directors without a meeting...” However, to the extent that the foregoing provision requires the Association to maintain records pertaining to the results of previous Association Director Elections, the Act does not authorize Association members to review or obtain copies of any such records in an unredacted form.

Specifically, Tenn. Code Ann. Section 48-66-102(b)(1) of the Act merely allows Association members to request to inspect and copy “*excerpts* from any records required to be maintained under § 48-66-101(a) (emphasis added).” Thus, while Association members may potentially request *excerpts* from the records pertaining to the results of previous Association Director Elections, such as voting tallies and voting lists, Tenn. Code Ann. § 48-66-101(a) does not authorize the disclosure of “unredacted returned ballots” or “ballot envelopes”.

Moreover, Tenn. Code Ann. § 48-66-102(c) of the Act provides that a member may inspect and copy *excerpts* from records pertaining to the results of previous Association Director Elections, *only if*:

- 1.) The member’s demand is made in good faith and for a proper purpose;
- 2.) The member describes with reasonable particularity the purpose and the records the member desires to inspect; and
- 3.) The records are directly connected with the purpose for which the demand is made.

On their face, your Document Requests seek documents that are outside the scope of disclosure required under the Act. Moreover, your request for “unredacted returned ballots” implicates serious privacy concerns of individual Association members by seeking to discover who such members voted for in a previous Association Director Election. Association members have an expectation of privacy in submitting a secret written ballot for an Association Director Election. The Courts and the Constitution of the State of Tennessee have long recognized “the right to a secret vote in elections.” (see *Mooney v. Phillips*, 118 S.W.2d 224, 226 (Tenn. 1938)).

The present Document Requests seeking “unredacted returned ballots” would directly reveal how each and every Association member voted in the previous Association Director Election. Rightly, members of the Association are extremely concerned with the release of such private information that could lead to further discord in the community beyond that which your clients have already sought to create. Given that the Act does not require the Association to provide individual voting information on demand, there is no legal basis for your clients to seek disclosure of such information.

Moreover, your Document Requests fail to meet the requirements of Tenn. Code Ann. § 48-66-102(c). Specifically, your stated purpose for the Document Requests was “to verify the results of the fall 2023 board member election.” However, the demanded disclosure of “unredacted

returned ballots" is not necessary to validate an election nor is it reasonably connected with the purpose for which the demand was made.

Therefore, based upon the foregoing statutory deficiencies, the Association is not required to permit inspection and copying of any records requested in the Document Requests. The Association has an obligation to all of its members to protect their significant privacy interests and to preserve the integrity of the Director Election process. In order to reasonably do so, the Association must now protect against the unauthorized disclosure of secret written ballots of its members.

I trust that this response addresses all the matters raised in your Document Requests. Thank you for your consideration.

KENNERLY, MONTGOMERY & FINLEY, P.C.

By  _____
Kevin C. Stevens

KCS:ces

cc: Lone Mountain Shores Owners Association, Inc. Board of Directors

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,
AND EASEMENTS FOR LONE MOUNTAIN SHORES

Dear Fellow LMSOA Owners:

Enclosed is a proposed covenant change in regards to Sections 6.04, 6.07, 6.23 and 11.02 of the current covenants. These changes are proposed in response to the judicial opinion indicating the covenants are ambiguous in terms of the status of short term rentals.

Section 6.04 removes the ambiguous language in the current covenants in regards to the usage of "construed to prevent an Owner from renting".

Section 6.07 specifically prohibits short term rentals with the exception of "grandfathered" lots as long as anyone claiming a grandfathering exemption can prove there was renting occurring in the year prior to the postmark on the mailed ballot. This provision not only clarifies the covenant language in regards to short term rentals but takes into account that existing lots which have been renting due to the ambiguity of the covenants will be able to continue to do so.

Section 6.23 is rewritten to better define what constitutes a nuisance and added the "Quiet hours" language which applies to all Lots and Owners.

Section 11.02 is rewritten to define the percentage of votes needed to make any changes to Section 6.07 **ONLY:** a sixty-six percent (66%) majority vote will be needed to amend that particular section while leaving any other proposed amendments at the previous fifty-five percent (55%). This is intended to protect the community from aggressive attempts to capture a majority voting bloc whether by a corporation or individual(s) that seek to change the residential nature of the community to a resort community. In addition, it offers protection to the grandfathered lots so that they may retain their exception to continue to rent.

The Board of Directors urge you to exercise your right to vote in regards to the proposed changes and help determine the direction and future of the Lone Mountain Shores subdivision.

Sincerely,
The Board of Directors of LMSOA

N. B. As a reminder, the passage of this amendment ends the Appeal process of the recent judicial opinion.

Exhibit G

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND EASEMENTS FOR LONE MOUNTAIN SHORES**

1.) Section 6.04 is hereby deleted and the following Section is inserted in lieu thereof:

Section 6.04 Residential Use Only. All Lots shall be used for single family residential purposes only, and no commercial use is permitted. This restriction is not construed to prevent an Owner from conducting home occupations in a Dwelling, provided such occupations: (a) are subordinate to the primary residential use; (b) occupy no more than twenty percent (20%) of the Dwelling's floor area; (c) employ not more than two (2) persons; and (d) do not have any sign advertising any home occupations visible from the exterior of the Dwelling.

2.) Section 6.07 is hereby deleted and the following Section is inserted in lieu thereof:

Section 6.07 Short Term Rentals Prohibited. No Lot, or any portion thereof, shall be leased for a term of less than thirty (30) continuous days ("Short Term Rental"). Leasing a Lot, or any portion thereof, for a shorter term, including, without limitation, operating a boarding house; bed-and-breakfast establishment; motel; hotel; short-term rental through Airbnb, VRBO, or other similar websites; or any other means of transient occupancy is strictly prohibited. Leasing individual rooms in any Dwelling or accessory dwelling units or uninhabitable structures such as garages or sheds on any Lot is strictly prohibited.

Notwithstanding the above, any existing Lot Owner, actively engaging in Short Term Rental activities as of the effective date of this Amendment ("Grandfathered Lot Owner"), shall be allowed to continue Short Term Rental activities until said Lot is sold or conveyed to a third party. In order to qualify as a Grandfathered Lot Owner for purposes of this Section, an Owner must provide documentary evidence to the Board to demonstrate that the Owner was actively engaging in Short Term Rentals as of the mailing date of this Amendment by: having remitted at least six (6) months of sales taxes to the State of Tennessee for Short Term Rentals of the subject Lot during the twelve (12) month period prior to the date this Amendment is presented to the voting owners of Lone Mountain Shores Homeowners Association as confirmed by the mailing date of the voting ballot.

The Grandfathered Lot Owner status only applies to a Lot owned by qualifying Grandfathered Lot Owner as of the effective date of this Amendment. Any Grandfathered Lot Owner engaged in Short Term Rental activity must, upon the sale or conveyance of said Lot, notify any potential buyer or person taking title that no Lot within the Association may be leased other than within the restrictions of this Section 6.07. All Short Term Rentals by any Grandfathered Lot Owner under this Section shall comply with all applicable federal, state, and local laws, regulations, ordinances, and building codes and Tennessee Code under Title 13, Chapter 7, Part 6.

In addition to the enforcement provisions otherwise provided in the Covenants, any Owner in violation of this particular Section shall be subject to injunctive relief to prohibit the violation and to fines assessed by the Association as set forth herein below. On the first violation by a particular Lot Owner of any provision of this Section, the Association shall notify the offending Lot Owner in writing of the violation and request that such Lot Owner promptly take corrective

action. If the offending Lot Owner fails to take corrective action within seven (7) days following delivery of such notice of the first violation, the Association shall commence imposing a one hundred dollar (\$100.00) fine against the offending Lot Owner for each successive day that the Lot Owner remains in violation of any provision of this Section. All fines imposed by the Association for violations of this Section shall constitute charges and liens on the Lot of any offending Lot Owner in favor of the Association, which liens shall be of equal priority to the liens for assessments provided for in Article IV of the Covenants. If the Association initiates any lawsuit or other legal proceeding against any Owner for any violation of this Section, the Association shall be entitled to receive from such Owner all fees, costs and expenses (including, without limitation, reasonable attorneys' fees) incurred by the Association in connection therewith.

3.) Section 6.23 is hereby deleted and the following Section is inserted in lieu thereof:

Section 6.23 Nuisances. No noxious or offensive trade or activity may be carried on upon any Lot, nor may anything be done thereon which may be or become an annoyance or nuisance to the Property or other Owners. No substance, material, or thing may be kept upon any Lot that will emit foul or obnoxious odors or that might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. No junked or inoperative watercraft or other vehicles may be maintained outside an enclosed structure.

Excessive noise that impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted to the interior of any Dwelling shall be between 11pm and 7am the following morning ("Quiet Hours"). The amplification of sound by any device outside of any Dwelling is prohibited during Quiet Hours. Occupants and guests of any Dwelling shall only park their vehicles in the garage or driveway for the Lot. The obstruction of any street or driveway is prohibited.

4.) Section 11.02 is hereby deleted and the following Section is inserted in lieu thereof:

Section 11.02 Amendment. These Covenants may be materially amended only by a unanimous vote of the Board and the affirmative vote of fifty-five percent (55%) of the Owners voting by written ballot. Notwithstanding the foregoing, any amendment to Section 6.07 and this Section 11.02 in regards to short term renting (Section 6.07) shall require a unanimous vote of the Board and the affirmative vote of sixty-six percent (66%) of the Owners voting by written ballot. Any approved amendment must be recorded in the Office of the Register of Deeds for Claiborne County, Tennessee.

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND EASEMENTS FOR LONE MOUNTAIN SHORES
VOTING BALLOT**

Having read the proposed Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Lone Mountain Shores (the "Amendment"), I understand that by *placing a check mark in the either "approve" or "disapprove"* in the space designated below, I do hereby cast my vote to approve or disapprove the Amendment. I further understand that if the Amendment does not reach the required minimum approval of the Members entitled to cast fifty-five percent (55%) of the number of votes entitled to be cast by all Members of the Lone Mountain Shores Owners Association, Inc. (the "Association"), the Amendment will be deemed "disapproved" and will not be recorded with the Claiborne County, Tennessee Register of Deeds. Ballots must be received by **July 1, 2024**. Be advised that failure to sign your ballot(s) and/or return on or before the deadline will forfeit your vote(s) (See Tennessee Code Annotated § 48-57-208).

APPROVE _____

DISAPPROVE _____

(Check only one response above)

BOTH SIDES OF THIS BALLOT MUST BE
FILLED OUT FOR THE VOTE TO BE
COUNTED

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, AND EASEMENTS FOR LONE MOUNTAIN SHORES
VOTING BALLOT

I certify that I am the owner(s) of the following Lot located in the Lone Mountain Shores development and by signature below hereby cast my vote regarding the foregoing Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements for Lone Mountain Shores.

Lot Number(s): 371

Printed name(s) or entity name(s) as appear(s) on the deed to the Lot(s):

Authorized Signature(s): Date _____

_____ Date: _____

BOTH SIDES OF THIS BALLOT MUST BE
FILLED OUT FOR THE VOTE TO BE
COUNTED

Dear fellow LMS Owner,

You will soon receive a proposal to amend the declaration of covenants of the LMSOA. I can't stress how important this proposal is for the community as passage of the amendments will put the issue of short-term renting to rest and hopefully bring at least a semblance of peace. The proposal prohibits renting of less than 30 days i.e. short-term renting but does not affect long term renting. The Board chose this alternative for a number of reasons particularly because it allows grandfathering of owners that can prove they have been renting as this was the fair and ethical thing to do. Listed below are my reasons to vote to approve this proposal.

1. The Appeal of the recent judicial opinion on the covenants will stop with the adoption of this covenant;
2. It was apparent after three meetings with pro-rental advocates that there was an insurmountable divide especially in regards to the number of rentals to be allowed;
3. Combined with this failed initiative and the failed rental committee from several Boards ago there is no hope for a compromise;
4. Banning short term rentals completely did not seem fair to those that for whatever reasons believed they could short term rent and had invested heavily in their rentals;
5. The 66% of votes requirement to change anything in regards to short term rentals have multiple beneficial effects:
 - a. It significantly reduces the likelihood of future Boards, pro or con, to disallow those grandfathered;
 - b. It significantly reduces the likelihood of any individual(s) or corporations from gaining a majority voting bloc. This is a real issue as there is evidence that there has been buying up lots at auction in LMS by certain parties often overpaying significantly for them. There is nothing wrong with getting property at a good price especially if it adjoins your own but that is not what's happening;
 - c. It significantly helps maintain peace in LMS by making it difficult to change anything in regards to short term renting.

Please note that the 66% of votes applies ONLY to the portion of the covenants that relates to short term renting.

There has been much use of the phrase 'property rights of all owners' and 'property values will fall' as a means to sway votes to the pro-rental side. Here is my perspective on this issue:

1. Internet research provides much conflicting evidence either pro or con:
 - a. It all comes down to location: Paris, Barcelona, London, New York City, Los Angeles for example can point to increased property values as they are significant tourist sites.
 - b. Within a community it varies significantly: lakefront property both in LMS and essentially everywhere else will tend to have higher values. Property that is not lakefront tends to be much less.

- c. AirDNA, which is a short-term rental data analytics service that tracks and analyzes performance of 10 million Airbnb and VRBO rentals, states that a property can expect to realize not more than a 5% increase in value if STRs are in a community.
- d. By joining an HOA we all gave up some rights! Re-read the first paragraph of the declaration of covenants and look up what deed restricted means.

Final thoughts:

1. Vote! Exercise your right to demonstrate what you want for the community!
2. Vote for the Amendment change and help end the STR strife.
3. Vote for the Amendment change and stop the Appeal from going forward.
4. Vote for the Amendment change because sadly there is an impasse that cannot be overcome between the two groups.
5. Vote for the Amendment change to help ensure that Lone Mountain Shores remains a true residential community attractive to anyone who wants to retire to a beautiful, serene location not overrun by short term rentals.

Respectfully yours,

David Izbrand