



P.O.Box 2425, Southern Pines, NC 28388

## LOCH MCPHAUL

The residents of Highland Trails Subdivision, Highland Trails Residents Association and the Highland Trails Community Corporation are not liable for any injuries that arise from the use of these premises:

REGULATIONS FOR USE (voted on and approved May 24, 2004 by the board of Highland Trails Homeowners Association –renamed Highland Trails Residents Association when incorporated in 2013 & The Highland Trails Community Corporation)

FOR THE USE OF HIGHLAND TRAILS RESIDENTS

HOURS: SUNRISE TO SUNSET

CHILDREN UNDER 12 YEARS OF AGE MUST BE ACCOMPANIED BY AN ADULT

NO FLOATS, RAFTS OR INFLATABLE BOATS ON LAKE

NO SWIMMING

ISLAND IS RESTRICTED TO WILDLIFE ONLY

FISHING IS CATCH & RELEASE

NO MOTORIZED VEHICLE ON DAM OR TRAILS

NO ALCOHOL OR ILLICIT DRUG USE

TRESPASSERS WILL BE PROSECUTED

## HISTORY

The Deca Corporation offered “free and clear” to the residents of Highland Trails the water-covered area known as Loch McPhaul, the parcel of land on which the dam is situated and an area comprising of 4.73 acres below the dam, (Attorney, James R. Van Camp, April 1974)

This means that every property owner in Highland Trails jointly owns the common area consisting of the dam, the lake and the park property below the dam (reflected on your property deed). This is not a matter of choice. If you own property in Highland Trails, you own a share of the common property. The offer was accepted and the Highland Trails Community Corporation was formed to administer the affairs of the lake property and to take over from Deca Corporation full legal responsibility and liability for the property. (Deed so drawn by the law office of Rowe & Rowe). All residents of Highland Trails were given full rights to use the lake, the dam and the park area, without there being ownership of any part of that property by any individual.

With ownership come responsibility. The responsibility comes as follows:

**THE ENTRANCES** – Grass must be fertilized and mowed, pine cones and pine straw picked up, shrubbery planted, replanted and pruned, etc. (We tried volunteer help, but always the same people doing the work) A landscaper was hired for the work.

**THE DAM-LAKE-PARK AREA BELOW THE DAM** – The grass and weeds on the dam must be cut and maintained. Carp have been purchased for week control in the lake.

INSURANCE – Insurance must be provided to protect you, as an owner, should any kind of legal action be forthcoming. HTRA pays the Community Corporation for the liability insurance and electricity for the pump.

Currently about 33% of homeowners pay the reasonable dues of just \$30 per year. That means that about 1/3 of owners carry all of the financial responsibility of the community.

Each “Homeowner Family Unit” is considered a shareholder in the Highland Trails Community Corporation. Regardless of the ultimate disposition of the property, all homeowners will continue to have access to the lake and associated corporation property by virtue of the easement contained in each homeowner’s deed.

The Community Corporation is a legal North Carolina ‘non-for-profit’ corporation, whose primary purpose is: “To receive and operate lands and recreational areas for recreational purposes for the residents of the Highland Trails Community and to promote and protect the privileges and interests of the residents of the Highland Trails Community”.

#### HIGHLAND TRAILS RESIDENTS ASSOCIATION (formerly known as Highland Trails Homeowners Association)

The volunteer organization operated as a non-incorporated association from about 1989 to 2013. In applying for corporation status it was discovered that there was another homeowners association incorporated with the name Highland Trails Homeowners Association, therefore, the necessity to choose a different title. The “association” was formally incorporated as Highland Trails Residents Association, a non-profit organization by Bart Clark, Jennifer Carlson and Gary Garber, on December 10th, 2013.

This association continues to operate as a volunteer organization with no mandatory dues/fees, however, membership requires yearly dues payable beginning January of each year. You must be a member of the association in order to vote on any activities or election of officers.

General meetings are held at least 2 times per year and Board of Governors meetings are held as often as deemed necessary to conduct business.

This brief history was researched using former documents provided in the 2013-2014 Highland Trails Directory.