



January – February 2011

HARBOUR HEADLINES

2009/2010 Gate Passes Extended

In case you haven't heard, plans are underway to install a barcode scanner at the Harbour entrance. The right lane coming into our community will be for residents only, and will have the scanner. A red and green light will signal authorized entry or an entry violation. The left lane will be for vendors and visitors. This should streamline our traffic flow and -- with the help of our new camera system -- record vehicles running the red light, and strengthen our gate security and enforcement. Implementation of the system will start after the first of the year, and may take a couple of months before fully operational.



As a result, the 2009/10 vehicle decals will still be valid into the year 2011 until the new system is in place. The Association will notify everyone when the new decals are available. Information sheets will be available at the office when the new barcode stickers arrive and are distributed. Trailer decals will still be required, and should be available in the office after January 1st.



Are You Ready to Recycle Colington Harbour?

Did you know the average person throws away 4 pounds of garbage PER DAY? Recycling all of your home's waste newsprint, cardboard, glass and metal can reduce carbon dioxide emissions by 850 pounds/year. Dare County has an excellent recycling program in place with several drop off locations available. Currently, the closest one to Colington Harbour is on Colington Road at the Kill Devil Hills drop-off site.

We're hoping there is enough interest within the Harbour to start a smaller scale recycling drop-off for Harbour residents. During the months of January and February, we will have the use of one of Dare County's recycle trailers for a trial run. We want to see how much use the trailer will get and how responsible our community is while using it. There has been concern expressed about whether the area would become untidy, unsightly and/or misused. Please note that the trailer will be monitored via closed circuit TV, so please don't dump any garbage, animal carcasses, etc. into the recycling container. Hopefully, this will be a positive experience, and we can have a recycle drop-off convenient to Colington Harbour residents on a permanent basis.

IF YOU DON'T RECYCLE, HERE ARE A COUPLE MORE TIDBITS OF INTEREST:

- Did you know recycling 125 aluminum cans saves enough energy to power one home for one day?
- Glass containers save 9 gallons of fuel (oil) for every ton of glass recycled.
- Recycling one ton of paper saves 17 trees, 3 cubic yards of landfill space, 2 barrels of oil, 7,000 gallons of water and 4,100 kilowatt hours of electricity - enough to power the average American home for 5 months.
- Recycling one ton of plastic can save one to two thousand gallons of gas.

The list and benefits goes on and on. Please take advantage of the new recycling trailers, and give us your feedback and suggestions.



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Simply visit www.ColingtonHarbour.net and enter your information in the eNewsletter subscription form.

ALL ADS AND AD PAYMENTS MUST BE RECEIVED IN THE OFFICE NO LATER THAN MONDAY, FEB. 14, 2011 TO BE INCLUDED IN THE MAR./APR 2011 ISSUE OF HARBOUR HEADLINES.

IF THE CHA OFFICE DOES NOT RECEIVE PAYMENT FOR ADS BY THE DUE DATE, THEY WILL NOT BE PRINTED.

Assessments as Important as Mortgages and Taxes

When you sit down to pay your bills each month, do you consider your association assessment a low priority? If so, think again.

According to the National Consumer Law Center's (NCLC) Guide to Surviving Debt, "Homeowner Association fees... should be considered a high priority." In fact, NCLC considers community association assessments in the same category as mortgage payments and real estate taxes—a category ranked second only to feeding your family—according to the Guide's "Sixteen Rules about Which Debts to Pay First."

Assessments pay for services like building and road maintenance and cleaning that you would pay no matter where you lived—either as direct out-of-pocket expenses or indirectly in a higher rent payment. But the association has collective buying power, so when all services and utilities for everyone in the community are passed along to you as a monthly assessment, you're actually getting a bargain.

So, next time you get out your checkbook, remember to put your assessment near the top of that stack of bills. You'll be glad you did.

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Manager's Report

In light of the continuing economic challenges here on the Outer Banks and nationwide, we've dedicated this issue of Harbour Headlines to financial issues ranging from why your association assessment is important to resources to help avoid foreclosure.

As your association management firm, Cape's collection of assessments is one of our principle tasks, and you deserve to know how your association money is spent. Similarly, while your Association board recognizes that times remain lean, it is obliged to both maintain and prudently promote the expected standards of the Harbour community, as practicable. Proposed projects within the Harbour require balancing the needs of the community with the ability to pay for such an endeavor.

As a resident, your input into such decisions is very important, and the Board not only appreciates your views, but also solicits your input. For example, a new Sidewalk Committee has been formed, and is now accepting volunteers to help the Board evaluate such a proposal. Contact Deke Bolte at the Association office to sign up today.

Here's looking to rosier times ahead.

Happy New Year!



Letters to the Editor...

Dear Editor:

What are the chances of getting some type of shelters put up at the school bus pick up points throughout the Harbour? Currently the only one that provides cover from the rain and cold winds is at the main entrance and, unfortunately, not all the children can get there. If we could get some materials donated, I am sure many folks would be willing to help with the labor. Can we look into this? I'm sure many of the kids who are not fortunate enough to get a ride to school in bad weather would be most grateful.

– Anonymous

Covered bus stops are an excellent idea. The Association is interested in working with you and other volunteers on this idea. We will need to explore how permanent the bus stops are, and determine what permits we will need to obtain with Dare County. We will also need the Board to evaluate and approve the idea. If folks are willing to donate materials and/or labor, we can make this project happen. Contact Deke Bolte at the Association office to volunteer.

– Editor

WANTED: Letters to the Editor

Have an issue you'd like to bring to the community's attention? Send an email to the Editor of Harbour Headlines at chamanager@embarqmail.com, and we may print your letter.

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Colington Volunteer Fire Department Update Winter Fire Safety Tips... Heating Alternatives

Now that temperatures are beginning to fall, families throughout our area are preparing their homes for winter's chill. In the past couple of decades, alternatives such as fireplaces, wood stoves, and space heaters have become popular.

On the plus side, these alternate heating sources are less expensive to buy, install, and run than central heating systems. On the minus side, they can cause fires that cost hundreds of millions of dollars in property loss each year.

As Colington has recently experienced two serious fires that have been traced to space heaters, we wanted to pass along a few tips. Across the US, many alternative heating fires are caused by human error, not just mechanical failure.

Here are some suggestions for those who use space heaters or wood stoves:

- Use only safety-listed equipment. Look for the UL label on oil and electric heaters; a UL or AGA label on gas appliances.
- Always use the proper fuel for your particular type of heater. When refueling an oil unit, avoid overfilling it. In addition, never fill your heater while it is burning.
- If you use an electric heater, be sure your house wiring is adequate. A hot cord or plug can indicate a possible overloaded circuit.
- Maintain adequate clearance in all directions around heaters and stoves—away from walls and combustibles such as curtains, beds, or other furniture. We suggest 3 feet as a minimum clearance. Use a screen around heaters with open flames.
- Frequently check hoses and fittings for damage or cracks. Have your chimney inspected by a licensed professional annually.

For those of you that enjoy using your fireplace:

- Never use flammable liquids to start or quicken a fire. Never burn charcoal in your fireplace; it gives off lethal amounts of carbon monoxide.
- Use a metal screen in front of your fireplace to keep burning embers inside.
- Keep the size of your fire manageable. It is possible to ignite creosote in the chimney by overbuilding the fire.
- Keep flammable materials off your mantel and well away from the fireplace.
- Be sure the fire in the fireplace is out when you go to bed. Never close the damper while the ashes are still hot.

These few precautions will help you enjoy the plus side of heating alternatives and avoid the minus side.

Also, make sure you have working smoke detectors, an escape plan and even a home fire extinguisher.

In addition, don't forget, we are always looking for volunteers for both firefighting and fundraising. If you would like to help, give us a call at (252) 441-6234.



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Lease and Operating Agreement Colington Harbour Amenities

Editor's Note: The following is excerpted from the new agreement between the Colington Harbour Association and the Colington Harbour Yacht & Racquet Club.

Recitals The Association owns certain Common Properties as described and defined in Article 1, Section 1 (C) of the Declaration of Protective Covenants and Agreements of Colington Harbour (the Community), dated July 12, 1968 and recorded in Book 150, Page 365, County Registry, as amended and supplemented from time to time.

The recorded plats of the Community, as well as plat filed in Book 212, Page 62, Dare County Registry, show and depict an area of property for recreational facilities including a Clubhouse, swimming pool and tennis court. Colington Developers, Inc., the developer ("Developer") of the Community, distributed

to all original purchases of property in the Community a Property Report under the Interstate Land Sales Full Disclosure Act, U.S. Department of HUD, which contained the following language:

"Colington Yacht & Racquet is a private club, whose facilities are available to lot buyers on a membership basis only, for which membership a separate and additional charge is levied by the club in the amount of \$75.00 per year. Membership in the club is not mandatory but all lot buyers are assured membership in the event they elect to obtain it. The club is distinctly separate and not a part of the subdivision. Club facilities including club house, tennis courts and swimming pool has (sic) already been completed."

Members of the Association (who are owners of Lots in the Community) and members of the Club do not have any easement or other legal or equitable ownership interest in the Amenities solely by virtue of their ownership of a Lot in the Community.


Continued on next page...



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Lease Operating Agreement (Cont.)

By deed dated February 23, 1968 and filed in Book 147, Page 171, Dare County Registry, the Developer conveyed certain amenity properties to the Club.

By deed dated April 26, 1974 and filed in Book 212, Page 55, Dare County Registry, the developer conveyed to the Association the Common Properties in the Community, and included a provision that the Developer assigned to the Association "all of its rights as owner in common in connection with the administration of and enforcement of the Declaration of Protective Covenants pertaining to Colington Harbour." The deed further provides that "this conveyance is made in compliance with Article 4, Section 2 of the Colington Developers, Inc. Declaration of Protective covenants dated July 12, 1968, and duly recorded in Book 150, Page 365."

The Club conveyed the amenity properties to the Association by deed dated April 26, 1974 and filed in Book 212, Page 59, Dare County Registry, excepting that portion of the amenity properties conveyed by the Club back to the Developer by deed dated April 5, 1971 and filed in Book 173, Page 377, Dare County Registry. The deed from the Club to the Association identified the amenities as the pool, the club house, and the tennis court. The deed further stated that the Club reserved an easement for these areas for the use, benefit and enjoyment "for the property owners within Colington Harbour."

An unrecorded resolution of the Association dated April 19, 1974, identified the amenity property as the club house, upper parking lot at the club house, tennis court, swimming pool, and the lawns and grounds immediately adjacent to the areas and facilities, but not including the beach area, the picnic area, the lower parking area and boat ramp "which are common properties opened to all members of the Association."

In this Agreement, the amenity properties described in the Deed to the Association dated April 26, 1974 and filed in Book 212, Page 59, Dare County Registry as further defined in the resolution of the Association dated April 19, 1974 are referred to as the "Amenities."

On October 12, 1995, Colington Harbour Yacht and Racquet Club, Inc. was incorporated as a nonprofit corporation under the laws of the State of North Carolina. Prior to the date, the Club operated as a separate unincorporated association. The purpose for the Club, as stated in the Club's amended articles of incorporation dated May 6, 1999, is as follows: "To maintain and operate a swimming pool, tennis courts, club house and other social, recreational and other activities relating to the use of such facilities by its members."

By agreements dated October 26, 1996, September 15, 2001 and May 1, 2008, the Association and the Club entered into contracts setting forth the use allocation of expenses, and responsibilities of the parties with regard to the Amenities (the "Prior Management Agreements").

As part of the October 26, 1996 management agreement between the parties, the Association transferred ownership of the furnishing, furniture and personal property within the clubhouse to the Club.

In light of the long history of cooperation between the parties over the management, use, operation, duties and responsibilities regarding the Amenities, the parties wish to replace the current contract dated May 1, 2008 with this Agreement which provides for the Association's lease of the amenities to the Club, and delegates to the Club certain duties, responsibilities and liabilities pertaining to the Amenities.

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Resources to Avoid Foreclosure

The continuing home foreclosure crisis continues to reverberate throughout the housing market and other sectors of the economy. But the real tragedy is what foreclosure—or even the threat of default—does to families and individuals who face this kind of financial upheaval. And, it's happening everywhere. While foreclosure rates are highest in “rustbelt” states like Michigan and Ohio, no state or region is immune.

High foreclosures rates are largely the result of lenders offering mortgage loans below the prime lending rate. These “sub-prime” loans are most often provided to those with poor credit or buyers who need adjustable-rate loans to purchase homes. Mortgage defaults also can be the unfortunate result of a lost job or even a serious injury or long-term sickness that prevents breadwinners from working.

Foreclosures can also be initiated by the associations, but this is rare and most often the result of an owner refusing to pay association assessments over a period of time.

We hope none of our neighbors ever face a financial crisis leading to foreclosure, but that is wishful thinking. It can and does happen. If you or someone you know faces this kind of personal crisis, advice and information are available.

For information on foreclosure and mortgage lending, check out these websites:

- **Americans for Fairness in Lending:**

www.affil.org

- **Consumer Federation of America:**

www.consumerfed.org

- **ACORN Housing:**

www.acornhousing.org

- **Center for Responsible Lending:**

www.responsiblelending.org

- **FTC Fact Sheet, “Mortgage Payments Sending You Reeling? Here's What to Do”**

www.ftc.gov/bcp/edu/pubs/consumer/homes/rea04.shtm

- **Neighbor Works America's Center for foreclosure Solutions:**

www.nw.org/network/neighborworksProgs/foreclosuresolutions/default.asp

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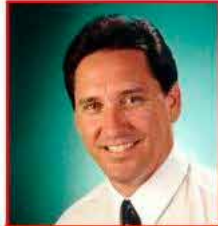
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