



## Brunswick Forest Master Association, Inc.

C/o CAMS | 1174 Turlington Ave, Suite 202 | Leland, NC 28451

CAMS Main Office: (910) 256-2021 | CAMS at BF: (910) 202-9890

September 30, 2024

### **RE: Update on Golf Cart and Low-Speed Vehicle Prohibition in Brunswick Forest**

Dear Brunswick Forest Property Owners:

The Developer wants to provide you with an important update regarding the long-standing prohibition on the use of golf carts and low-speed vehicles (“LSVs”) on the streets and roads within Brunswick Forest.

Golf carts, whether they are the type typically used on golf courses or whether they are classified as “street-legal,” “low-speed vehicles,” or otherwise, have never been permitted for use by owners within Brunswick Forest, except for golf carts traditionally used for transportation by registered golfers within designated areas at the Cape Fear National Golf Course. This prohibition applies to all common areas, recreational amenities, sidewalks, pathways, trails, alleys, streets, and roads within Brunswick Forest, regardless of whether the streets or roads are private or public. Excluded from this prohibition are golf carts and maintenance-type vehicles used by personnel or contractors of the Developer, Master Association, or Golf Course operator in the performance of their duties.

The prohibition on golf carts, including low-speed vehicles, has been in effect since the Master Declaration of Covenants, Conditions, and Restrictions for Brunswick Forest was recorded in 2006 and it was further clarified by an amendment in 2014. The Declaration states: *“Operation of golf carts is strictly limited to the confines of the Cape Fear National golf course cart paths and golf carts shall not be operated within the Brunswick Forest residential development or roads.”* The Developer chose to implement this prohibition in order to protect the quality of life and safety within Brunswick Forest, as the streets were not designed or constructed to accommodate traffic other than traditional cars and trucks.

The prohibition outlined in the Declaration was intended to apply to all types of golf carts as that term is used broadly and irrespective of speed capabilities, “street-legal” or LSV characteristics, or other features. The Developer and the Master Association have enforced this rule since 2006. As the Developer has shared in prior correspondence, all Brunswick Forest owners are subject to the Declaration even after streets are conveyed to the Town of Leland. Private covenants are not terminated or voided just because land is conveyed to another owner.

The use of traditional or modified golf carts on the streets and roads has not been widespread, and any such uses that have been brought to the Master Association’s attention have been subject to enforcement proceedings. However, one homeowner in Brunswick Forest has challenged this enforcement, asserting that the prohibition only applies to traditional golf carts and not to “street-legal” golf carts or LSVs. That interpretation was at issue in a recent lawsuit between the Master Association and the homeowner in Brunswick County Superior Court. The Developer and the Master Association do not agree that the prohibition only applies to traditional golf carts; however, to avoid any potential confusion in the future, the Developer has exercised its authority to amend and supplement the Declaration by clarifying that all golf carts and other vehicles similar in form or function (including LSVs) are restricted under the existing prohibition.



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This Amendment to the Declaration is attached and it will also be available on the Master Association’s website. We encourage all owners to review the Amendment and ensure they understand the Declaration.

While the prohibition has been in effect for many years, in light of the recent litigation, the Master Association may grant a limited variance to allow an owner to use an LSV that was owned and registered in his/her name with the North Carolina Department of Motor Vehicles (“DMV”) on or before the date of recordation of the Amendment (September 30, 2024). An owner who meets these qualifications may contact CAMS at [bfma@camsmgt.com](mailto:bfma@camsmgt.com) to request a variance application. The variance application must be submitted to the Master Association within two weeks from the date of the recorded Amendment, and it will require proof of ownership and proof of the DMV registration on or before the date of the Amendment. Please note that any variance granted will be limited to the specific owner and its DMV-registered LSV only. Any owner who receives a variance must display the BFMA-issued variance identification sticker prominently when using the LSV and must follow all other rules and regulations adopted by the Master Association. We urge all owners and/or their guests to use increased caution when driving on our roads, as the presence of any LSVs could increase the risk of accidents within the community.

Apart from this limited variance, the long-standing prohibition on the use of golf carts (including street-legal vehicles, LSVs, and similar vehicles) by any Brunswick Forest owner and/or their guests will remain in full effect, and the Master Association will continue to enforce this restriction.

We thank you for your understanding and cooperation in ensuring the safety and quality of life within Brunswick Forest.

Sincerely,

Jeff Earp, Manager of Funston Land & Timber, LLC

*Attachment*