



Wilmington, NC

BIRCH CREEK II HOMEOWNERS ASSOCIATION

Rules and Regulations

UNIT _____

“Great places to live are made up of good neighbors”

2025 Edition

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INTRODUCTION

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Birch Creek II Homeowners Association is the legal entity responsible for our community. The purpose of our HOA is to provide continuity to the community by assuring fiscal integrity, preserving architectural soundness and maintaining common properties. It also promotes the community concept and protects the community's property values for the benefit of its members.

Owners of Birch Creek property are members of the Homeowners Association (HOA). Membership includes certain mandatory obligations, financial responsibilities and a commitment to abide by the use restrictions and rules of the HOA. Individual members have two responsibilities: (1) to maintain and use the property in accordance with the restrictive covenants, and (2) to maintain the collective goal of improving the overall community life concept.

Onsite management is provided by the Birch Creek II HOA. Professional Association Management, Inc. handles the finances, and Stephen J. Sulkey is the community manager. Questions, concerns, and requests should be directed to HOA Committee Chairs who manage specific areas of the HOA. (Landscaping, Water, Pool and Communication). Buildings questions can be directed to the president or to Stephen Sulkey.

To be successful, the community must be properly run by its officers and board of directors, and it must have some level of participation by members. The Birch Creek II HOA has an elected board of three directors who meet every month in an open meeting forum to carry out community business. There is a required annual meeting once a year on the second Saturday of November.

The operation of the HOA is determined by its bylaws. The Birch Creek HOA Bylaws provide the structure for committees and describe how rules and regulations can be made and amended. The officers and board members have responsibility for overseeing these procedures in order to preserve harmony in the community.

The Rules and Regulations manual was developed to summarize the basic responsibilities of condominium homeowners. This 2022 edition is being published with the idea that it will clarify Birch Creek II HOA Bylaws and policies.

Birch Creek II HOA Rules and Regulations manual are intended as a practical guide for residents to balance individual rights and community goals.

ASSOCIATION CONTACTS

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Birch Creek II Recorded Documents – To view recorded documents such as By-Laws, Articles of Incorporation, maps of phases, etc., sign into the New Hanover County Register of Deeds website:

<http://registerofdeeds.nhcgov.com/services/records-search/>

Dues/Accounting – Kyla Burks, Community Association Management, mobile 910-834-8125, office 910-834-8505. Email kburks@communityassociationmanagement.com

Stephen J. Sulkey, Community Association Management, office 910-834-8127. Email ssulkey@communityassociationmanagement.com

HOA Insurance – State Farm Insurance, 7016 Market St., Suite A. Wilmington, NC 28411. Agent Tim Moore. Office: 910-686-1272. Tim.moore.cp54@statefarm.com

Termite inspection – Canady and Sons – 686-9541 A home inspection is **required** every year. Owners will be notified about day and time.

Spectrum Cable Service account and basic cable is part of your Birch Creek II Association dues. The contact phone number for bulk service accounts is (833) 697-7328. Additional cable outlets and services can be added to your unit at a separate cost by Spectrum/Time Warner. In November, 2023 Birch Creek I and II entered into a five-year contract for cable and internet. Land lines are **not included** in this contract. If you add additional cable, faster internet or a land line, you will receive a separate bill from Spectrum. Basic cable and internet are included in home owner dues. **(Birch Creek HOA basic service contract number is 038-29403401)**

Trash and Recycle Pickup –GFL, formerly Waste Industries, 762-7563 (for garbage container replacement)
To dispose of large items not recyclable such as broken lawn chairs, individuals can contract with a private company or individual for pickup. Regular and recycled trash is picked up every Friday.

2024 HOA BOARD COMMITTEES

Water Accounts – Sally Williams, 913-620-2398; email nc.sally@yahoo.com

Buildings/Infrastructure – Stephen J. Sulkey (910) 834-8127 ssulkey@communityassociationmanagement.com
_or Kyla Burks (910) 834-8125 kburks@communityassociationmanagement.com

Landscape/Grounds Maintenance – Steve Sulkey (910) 834-8125

Pool –Jay and Cynthia Curley 910-452-5522 Cynthia.j.curley@gmail.com

BOARD MEETINGS

Monthly meetings are scheduled on the third Thursday of every month and usually last an hour. Residents and homeowners are always welcome to attend! AND to serve on committees.

Homeowners are encouraged to be involved in HOA Board meetings. Notices will be sent via email.

HOA Board members elect their officers. They also determine the time and date for meetings. Roberts Rules of Order governs the conduct of HOA meetings.

According to Roberts Rules of Order, each motion is made and seconded by the board before taking a vote. If there is a tie the president will vote to create a majority decision. The chairperson may permit unit owner participation regarding the motion on the floor. Owner participation at meetings is dependent on the policies adopted by each new board. The board can limit the time for homeowner input during the meetings.

For the sake of time, homeowner input is recognized at the end of the meeting. After input by the owners, the board will consider the issues presented and the chair will close owner participation. Further discussion and a vote shall be by board members only.

According to HOA Bylaws, board members may meet in closed meetings to prepare the annual budget and to develop short and long term future plans.

Homeowners wishing to have an item addressed at a meeting must submit the item in writing by email to the President who is the chair of the Communication Committee one week prior to the meeting.

CURRENT BIRCH CREEK II BOARD OF DIRECTORS

President: Sherrod Sturrock Sturrosa51@gmail.com

Secretary: Dave Fox dfoxinspections@gmail.com

Treasurer: Sally Williams nc.sally@yahoo.com

COMMON AREAS

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To appreciate the importance of the following rules, one must understand the meaning of “**Common Areas**”, which is the key feature of all condominiums.

Common areas are the external, visible surfaces of a unit: roof, outside decks, walls and fences adjoining and surrounding grounds, walkways, etc. **These do not belong to the individual owner, but to all the owners jointly, through the Birch Creek Homeowners Association, which is responsible for their maintenance.**

Limited common areas are patios and backyards that are inside fences. Upkeep of these areas is the responsibility of the owner. The Association is ultimately responsible for limited common areas and can ensure proper maintenance if there is a demonstrated need to do so. Any added structures to backyards and patios, such as storage buildings, must be approved by the board.

Consequently, the individual owner is not free to restructure, paint or in any way alter the basic appearance of these areas. Add-ons such as sun porches must have plans submitted to the board for approval. Most porch extensions on the rear of the units are the responsibility of current owners to maintain. It is this principle which has made Birch Creek the desirable community it is. Not the least of the considerations is the positive effect this has on the value of our real estate.

Consequently, additions or alterations of external structures are in violation of the Common Areas and an infringement of the rights of other owners. **No one is allowed to build structures outside the common area or inside limited common areas without board approval.**

Repair requests must be in writing and can be submitted by e-mail. Please do not phone board members with repair requests unless it is an emergency. IT IS IMPORTANT to immediately notify the water administrator if there is any sign of water leaks that could cause flooding or sewage backup in the unit.

COMMON AREA REGULATIONS

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No advertising or political signs may be displayed anywhere in Birch Creek. **Only one Realty sign may be placed near the unit for sale or rent OR at the Wilshire entrance.** Open house signs are allowed at the Wilshire Blvd. entrance during the time of the open house.

Seasonal flags and Christmas decorations during the holiday season have been approved by the board.

Nothing can be draped over the fence except for the protection of the fence when repair and maintenance work is in progress. Any modification of the fence must be approved by the board. Costs of repairing damage to fences caused by neglect are the responsibility of the owner. (Example: tree roots growing in the backyard under the fence.)

Vines are not allowed to grow onto buildings (stucco or wood), stucco wall dividers, fences or post lights. Owners are responsible for keeping vines removed from any painted area. Owners must trim or confine bushes in their limited common area for painters to have access to fences. Notice of painting will be given in advance.

Sensor lights can be added to outdoor areas for safety and should be installed so they won't shine in a neighbor's window.

Owners not complying with the above regulations will be notified to remove the items at once. If not done within the confines of the time period allotted by the HOA board, the resident will be notified of a fine.

Accumulating clutter in front of a unit or between units on common property such as old furniture or equipment is not permitted.

Owners not complying with the above regulations will be notified in writing and in person to remove the items. If there is no action within three days, the HOA Board will levy a \$50 fine. This payment must be made in three days to Community Association Management. If not paid there will be a \$50 fine everyday thereafter.

HOA DUES

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Dues Payments:

Association dues should be paid by the 15th of the month. Payments can be sent directly to the accounting firm, online or by using the app My HOA.

Dues Late Fees:

Late fees are 10% per month up to \$200 in dues according to House Bill 1541. Late dues above \$200 are assessed \$20.

Special Assessment Late Fees:

A 6% late fee per month will be assessed on all assessment invoices over 30 days in arrears.

Returned Check Fees:

A \$30.00 return check fee will be assessed for all checks returned from the bank for insufficient funds.

Liens:

All accounts in arrears more than 60 days will be notified, and a lien will be placed on the owner if payment is not received within 30 days of notification.

Suspension of Member Rights:

Any homeowner who is in default in the payment of any dues, assessments, penalties or fines imposed by the HOA shall have voting rights suspended, in addition to the aforementioned fees and liens.

LANDSCAPING AND GROUNDS

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Birch Creek Board has a contract with Seaside Lawn & Landscaping to do a grounds clean-up every week and to maintain the plants, shrubs and bushes in the common areas seasonally. Maintenance of plants inside fences and patios is the responsibility of the homeowner.

Flowerpots containing evergreen or blooming plants may be displayed on or along sidewalks. Owners may plant trees, shrubs, or flowers in the common areas after approval of a plan has been given by the Landscape Committee.

Landscape and Yard Debris: Trimmings and debris from private areas (leaves and grass clippings) can go into our compost heap at the far back of the common area behind Unit 998. Tree and shrub branches (no longer than 4 ft.) can be piled along Birch Creek Drive and we will have them hauled off; however, owners will be assessed the cost. Also, yard debris can be taken to the city collection area on Hwy. 421 (free) or a hauling company can be contacted. Bagged lawn debris is not picked up by trash collectors.

Christmas trees need to be disposed at city collection areas by residents. (i.e. Home Depot). Vines are not allowed to grow on the surfaces of buildings as they destroy the stucco and prevent maintenance (i.e. painting).

If you have any questions or concerns about landscaping, please contact Steve Sulkey. **All requests should be in writing.** Committee members work one-on-one with the homeowners and the landscaper on specific issues.

MAINTENANCE RESPONSIBILITY

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All “limited common areas”, as described in the HOA Bylaws shall be maintained AND INSURED by the owner.

So that owners do not have to read the Birch Creek HOA documents in entirety some of the main items of the unit for which the owner is responsible are included here.

- All cabinets and light fixtures inside the unit as well as outdoor security lights.
- All materials, including but not limited to, studs, sheetrock, plywood, carpet, paint, paneling, tile, vinyl or brick, attached to or on, the inside surfaces or perimeter walls, floors, and ceilings of the unit;
- All doors, windows, screens, ventilation fans and vents located within the unit from the perimeter walls, floors or ceilings thereof;
- All air handling units, ducts and components and all water, power, telephone, television and cable television, electricity, plumbing, gas and sewer lines located in the unit; provided, however, that the portion of said lines located in a common compartment for, or installation of such lines shall be general common areas and facilities as described above.
- The security light in front of each unit is part of the homeowner’s electrical system. The homeowner/resident is responsible for replacing bulbs and repair of the photocell.
- Replacement of exterior door, window frames and garage doors must be approved by the HOA board. Owners are responsible for the cost of replacement.
- It is the responsibility of the owners to notify the board when planning to put their unit on the market for sale. Prior to closing on the sale of a unit the owner should notify the board so that a board member can make a visual inspection to make sure repairs the owner is responsible for have been made.

IMPORTANT NOTE: Unit Insurance: All homeowners should carry Homeowner Insurance H06 (discuss this with your agent). Renters are advised to carry Renter Insurance.

Heat Pump Maintenance: The HOA board recommends that you keep your air filters clean. Unclean filters may cause damage in the unit, to the fans, compressor and motor. If you are a new resident, please check with the previous owners as to the location of the filter. You should also check to make sure excess water is draining to the outside from the pan that holds the air handler.

Chimney: Check your chimney before using the fireplace (if equipped) each year. Make sure it is clean in order to safe-guard your home and also your neighbor's.

Hot Water Heater: Be sure to know the age of your hot water heater. They are only warranted for five to seven years. If it should leak and cause damage, the owner is responsible for the clean-up as well as the replacement unit.

Patios, Courtyards and Backyards: Keep your patio, courtyard and backyard areas free from debris to help prevent health hazards, such as rats and snakes. It is important to keep items off the fencing to prevent rotting. This is particularly important since the fences have been recently repaired and stained. If a home includes a back porch, these are considered add-ons and are the responsibility of the owner.

Termite Inspections: The HOA board will announce dates for annual termite inspections. Homeowners are required to make an appointment with the inspection company if no one is available to let the inspector in on the designated day. If the homeowner does not comply with the notice of termite inspection, and subsequent damage occurs, the owner is responsible for replacement and repairs.

Trash Pickup: Regular and recycled trash is picked up every Friday. Residents will be notified if there is any change in schedule.

Dryer Vents: Owners should have their dryer vents checked and cleaned on a regular basis. Townhome-style owners can contact Colby Goodson, (910) 233-1822.

PARKING AND VEHICLES

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Maximum speed limit is 15 MPH in both Birch Creek I and II communities.

No state unregistered or unlicensed vehicles can remain in Birch Creek in excess of one month. If requested, registration must be shown to a board member. If not removed, the vehicle(s) will be towed at the owner's expense.

Parking is only in designated areas. Please be considerate of your neighbors.

We must keep the streets clear for emergency vehicles.

All 32 units have a garage and one additional place either in their driveway or near the residence. Units are allowed 2 parking places. A few driveways do accommodate more than one car for residents. **Birch Creek II does not have marked parking places for units.** Please talk to your neighbors if you need additional parking spaces for parties or short term visitors.

Units 931-937 at the entrance of Wilshire Blvd. are required to use the designated parking areas. Parking in front of the garage and door of these units is not allowed because of access needed for trash collection trucks and emergency vehicles.

IMPORTANT: Recreational vehicles, including boats, trailers, campers, mobile and motor homes are not allowed to be stored next to units. (Paddle boats are allowed) **The \$50 fine rule under COMMON AREA REGULATIONS applies if any of these vehicles are parked by a unit for more than three (3) days.**

There are numerous dogs and cats in our community and residents need to be responsible for their animals. All dogs must be on a leash when outside the unit limited common area. One box containing bags that can be used for dog waste has been set up along Birch Creek Drive.

All pet owners are required to clean up after their dogs and cats, as it presents a health hazard if left unattended. Please be aware of your cat's whereabouts as we have had numerous complaints about cats digging in flowerbeds and climbing on cars. In order to protect the environment, residents are advised to have an outdoor litter box for their cat(s).

Pets should not be left unattended in private patios or yards when owners are off the premises. Any dog barking continuously can annoy neighbors.

Pet food and water dishes are allowed only in the private fenced patio or courtyard areas. Change the water daily to avoid attracting mosquitoes. There have been fox and coyote seen in the creek area that are potential predators of pets. It is wise to keep animals inside or on a leash outside.

Pets are not allowed to run in the common area behind Unit 998.

All rules under New Hanover County Animal Ordinances (Chapter 5) apply to Birch Creek II animals. Fines for noncompliance apply as well.

POOL RULES

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The pool area is for owners, residents and their guests. Invited guests may use the facilities with permission of and/or accompanied by the owner or resident (see note below). Many of the following regulations exist to comply with New Hanover County Health Department regulations or are mandated by the HOA insurance carrier.

No pets are allowed in the pool area. Out of consideration for others, users should refrain from rough activity or loud noises. Turn off lights after using restroom or when leaving pool area in the evening. No glass containers are allowed in either of the fenced areas. **Hours are from 9:00 am until 9:45 p.m. No lifeguard is on duty. No one should swim alone. The HOA will not be responsible nor held liable for any accidents. A phone is available on the clubhouse wall for emergencies and local calls.**

All children under 16 must have adult supervision when using the pool. There is to be **NO DIVING** into the pool. (Note depth marks on pool edge.) **No smoking in the entire recreation area.** Floats, rafts, balls and other equipment should be removed from the pool area after use. **Always shower before entering pool, especially when using sunscreen or lotions. Pool furniture must not be removed from pool area. Close umbrellas when leaving.**

Note: Please contact the president or the pool committee to obtain the entrance gate code. Please use discretion when sharing the code with guests.

GROUP PARTIES

A party must be sponsored by a Birch Creek II owner or resident. Request for special parties at the pool or party room is to be submitted to the Chair of the Pool Committee at least two weeks in advance. No party shall be for the purpose of fund raising, nor shall any party require a cost of admission. Two checks for \$25 each should accompany the request. \$25.00 will go to the Birch Creek II HOA and the other \$25.00 deposit will be returned to the party sponsor after the pool area is inspected and found in good condition.

Parties may be scheduled from 11:00 am until 10:00 pm by contacting the chairperson of the Pool Committee. Pool parties are limited to 4 hours and cleaned up by 10:00 pm. Those renting the pool area may use no amplifiers for music. Noise shall be kept low to avoid disrupting others in the community. Please ask guests to car pool if a number of people are expected. Also, let area neighbors know and make arrangements with them for parking. Party requests will be posted on the community bulletin board with day and time. **The pool remains open for resident's use during party time.**

All owners are responsible for compliance of the Documents, By Laws and Rules and Regulations of Birch Creek II. In the event an owner rents or otherwise allows a party to use his/her unit and that renter, relative or party does not comply with the above, the owner shall be held accountable and shall be required to repair, correct and pay all expenses incurred and also pay a fine of \$50 for the first offense, \$100 for the second and any reoccurring infractions.

In order to have a working relationship between owners and Birch Creek II HOA the following procedures will be adhered to.

1. Owners are required submit contact information for all tenants to the HOA board secretary when they move in.
2. Rental unit owners will have the renter, relative, or visitor living in the unit contact the BC II Homeowners Association President at which time the renters will receive a copy of the Birch Creek II Rules and Regulations.
3. The above being accomplished the owner of the unit shall be notified of any infractions. If the owner does not comply with the above along with the authorized residents a \$50 fine will be imposed from the first violation and further action will be taken by the board.
4. If any renter, relative, or visitor living in said unit fails to comply with the terms of the Condominium Documents, any Rules and Regulations, or these By-Laws, then the owner is to terminate any written or oral lease or rental agreement, and to remove from the Unit, such Renter/Lessee, Relative or Guest.
5. Use of any Birch Creek condominium for vacation or short-term rentals (e.g., AirBnB, vrbo) is not permitted. Unless terminated by the owners, bylaws require a minimum term of six months for any renter.

WATER AND SEWER

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Birch Creek II water comes from Cape Fear Public Utilities Authority (CFPUA) through one large meter at the Wrightsville Avenue entrance, so it is the HOA's responsibility to handle the water and sewer system within the confines of the Birch Creek I and II communities.

In order to carry this out in the most fair and equitable way, CFPUA guides for billing are being followed:

Each unit is billed on a monthly basis on the first date of each month by Birch Creek II accountant, Community Association Management Group. The billing is based on the CFPUA's fee schedule and water consumption (base fee even if NO consumption). **Current base fees are:** Sewer and Water: \$33.07

A Unit water bill is part of your monthly payment to Community Association Management. **In 2025 with the installation of a new water meter on Wilshire Avenue, Birch Creek II water bills will be based on the monthly usage statement as sent to management by CFPUA.**

Each unit will be billed on a monthly basis and will not be considered late until the first of the succeeding month.

Please note, even if no one is using water in the unit there is always a base charge of \$16.21 for water per month and a base charge of \$16.86 for sewer per month. Actual usage is calculated on each 1,000 gallons, and the cost per 1,000 gallons is \$8.23. If someone tries to turn water off or back on there is a tampering fee of \$110.10 along with previous fees.

If there is a water or sewer issue DO NOT CALL CFPUA. You must contact: Sally Williams (913-620-2398). This is only if there is NO WATER in the unit or if SEWAGE is backing up. (A stopped-up toilet is the owner's responsibility. For plumbing issues, please contact a licensed plumber.) When new water meters were installed in 2017, an app was made available that home owners can install on their cell phones to monitor water usage and leaks. Jan Leise can send instructions for obtaining the app to interested homeowners.

BIRCH CREEK II HOA DIRECTORY

o by unit number is the owner r by unit number is the renter Updated 08/11/2021

UNIT	NAME	LAND LINE	MOBILE	E-MAIL
998	Sally Williams		913-620-2398	nc.sally@yahoo.com
996	Annette & John Cook		777-8917	AnnettecCook725@hotmail.com Jmc43@hotmail.com
994	Dave Fox Nona Fox		910-664-4454 910-660-9854	dfoxinspections@gmail.com
992	Marsha Zorn		231-3549	Slvrthrds28405@yahoo.com
990 o	Annette & John Cook Alex Cook		777-8917 442-9450	jmc43@hotmail.com Crazyowl33@hotmail.com
991	The Keane family			krckeane@yahoo.com
989	Candy & David Williams	313-0243	470-2257	Towerkat_n_mouse@yahoo.com
988	Birch Creek II mailbox/pool		452-1090	
986	David Ohashi Anita Ohashi		352-0725	Roxanne42@comcast.net
984	Jennifer Sistrunk Irving Sistrunk		910-367-9652 910-367-9727	jennifersistrunk5@gmail.com
982	Allie Whelchel		910-200-1579	ajwcal@me.com
980	Susan Prentice		781-308-9443	swp617@gmail.com
978	Louis Davis Pat Davis	617-1859 520-4412		davis@bmharch.com pjdavis1944@gmail.com
976	Stephen Raeburn		616-1008	Sraeburn80@gmail.com
973	Nancy Pierce (Stephen)		540-691-7255	ndqmpierce@gmail.com
971	Toni Campbell	392-5472		sallyannharris@hotmail.com
970	Beth Pancoe		443-5381	bethpancoe@gmail.com

968	Alan Sturrock Sherrod Sturrock		410-474-2430	Sturrosa51@gmail.com
966	Cynthia & Jay Curley		910-442-7157 910-452-5522	Cynthia.j.curley@gmail.com curleyrealestate@gmail.com
964	Derek Wright		262-0673	dwright@meridienmarketing.com
962 o r	Lewis Amselem Emily Page		305-972-5131 919-606-3076	amselem@aol.com emilyapage@aol.com
960	Mimi Kessler	395-2669	232-0972	raremim@aol.com
958	Meredith Hovis Alex Nianouris		(336) 675-8638	anianouris@yahoo.com
956 o r	Rich Donaldson MJ Cooper		769-2440 540-1635	rcdonaldson@charterbuildinggroup Mcooper5465@gmail.com
954	Valerie Cheeseman	772-6574	398-4888	valeriecheeseman@gmail.com
952	Katherine Zachery		233-7856	katherannne@gmail.com
950	Jan Leise		515-277-1116	janisleise@hotmail.com
948	Thomas Williams		802-683-5091	leatew4@gmail.com
946	Stephanna Tewey Thomas Tewey	793-4101	515-3129 524-8405	tewestephanna@gmail.com tewey1933j@gmail.com
937	John Near Liza Near		914-643-9163 914-844-5496	johnwnear@gmail.com nearandnearer@gmail.com
935 o	Amber Elgin		276-229-7219	Amberelgin96@yahoo.com
933	Zack Watford Gwyn Harrold		364-6698 404-326-9934	zack.watford@gmail.com gwyn.harrold@gmail.com
931	Jane Harrington	910-769-5588	704-221-8110	Jharring43@gmail.com

OUT OF AREA OWNERS' ADDRESSES

Lewis & Mirren Amselem (962)
2701 Calvert Place
Wilmington, NC 8403

Rich Donaldson (956)
Charter Building Group
108 Giles Avenue, Suite 104
Wilmington, NC 28403

Dr. Raymond Keane and Dr. Kristine Keane
1417 Winesap Drive
Manasquan, NJ 08736

Amber Elgin (935)
Mount Airy, NC