

# **GADDIS & LANIER, LLC**

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March 6, 2023

**VIA CERTIFIED MAIL NO. 7016 0600 0000 6472 2706**  
**RETURN RECEIPT REQUESTED;**  
**FIRST-CLASS MAIL;**  
**& EMAIL ([thepcrosses@gmail.com](mailto:thepcrosses@gmail.com))**

Ms. Patricia Cross  
10438 Big Canoe  
Jasper, GA 30143

Re: Big Canoe Property Owners Association, Inc.  
*Response to 2/27/23 Letter and 2/21/23 Request for Additional Accounting Records*

Dear Ms. Cross:

This firm represents the Big Canoe Property Owners Association, Inc. (“Association” or “POA”) and I am writing to you at the request of the Association’s Board of Directors and Management to respond to your most recent correspondence seeking copies of certain Association books and records pursuant to O.C.G.A. Section 14-3-1601, *et. seq.* of the Georgia Nonprofit Corporation Code (“Code”), specifically additional bank statements from December, 2022. Please direct all future correspondence regarding this specific matter directly to me and do not contact individual Board Members regarding such requests in the future. You may direct inquiries regarding all other POA matters to the AskThePOA platform.

The Association’s General Manager, Scott Auer, has offered to allow you to inspect these accounting records in the Association’s offices during normal business hours as authorized by the Code, but you have failed and refused to schedule such an inspection. Contrary to the assertions made in your February 27, 2023, letter to Tim Moran that the “code does not dictate these types of interactions or demands from the GM or others as a prerequisite for the production of the documents,” the Code does, in fact, require that you request an “inspection” of the books and records that are outlined in O.C.G.A. Section 14-3-1602. If the records you are seeking to inspect fall within those authorized by the corporation’s Members for review, (and if you have stated the particular purpose for requesting them and met all of the other prerequisites in said Code section), then and only then is a member “entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in subsection (a) of this Code section if the member gives the corporation written notice or a written demand at least five business days before the date on which the member wishes to inspect and copy.” (See O.C.G.A. Section 14-3-1602(b)).

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Additionally, since the records you are requesting to review are “accounting records” you must also meet the additional criteria of O.C.G.A. Section 14-3-1602(d) as follows:

A member may inspect and copy the records identified in subsection (c) [*i.e. accounting records*] of this Code section only if:

- (1) The member's demand is made in good faith and for a proper purpose that is reasonably relevant to the member's legitimate interest as a member;
- (2) The member describes with reasonable particularity the purpose and the records the member desires to inspect;
- (3) The records are directly connected with this purpose; and
- (4) The records are to be used only for the stated purpose.

As such, you are not entitled to receive copies of any and all accounting records merely upon your request for same. Rather, you must submit a written request, at least 5-days prior to the date that you wish to inspect and copy specific accounting records (so long as you outline the reasons for requesting same which must meet the criteria outlined above) and said inspection will then be scheduled at a reasonable time and location specified by the Association (which will be during normal business hours at the Association’s offices). Pursuant to O.C.G.A. Section 14-3-1603(c), the Association may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to you at the inspection.

Finally, the Association’s Board of Directors and General Manager have been and continue to be completely transparent with regard to all of the Association’s projects and transactions, and the allegations in your February 7, 2023, letter to the Board regarding any “manipulation of the Association’s books and records and a falsification of the financial statements as presented to the community” are completely unfounded and without merit. The Association will vigorously defend any such allegations in a court of law, if necessary, and may bring countersuits and any other legal actions as authorized by Georgia law in response to such false claims and allegations if they continue.

The Association’s Board Members hope that no such legal actions will be necessary and that you will be more than satisfied with the plethora of documents having been made available to you which are responsive to your books and records requests as outlined above, and that should you wish to receive additional documents, you will schedule an inspection of same in the Association’s offices with a written five (5) day notice prior to such inspection.

Sincerely,

**GADDIS & LANIER, LLC**

*Kimberly C. Gaddis*

Kimberly C. Gaddis

KCG/bm

Cc: Board of Directors  
General Manager