

Patricia Cross
10438 Big Canoe
Jasper, GA 30143

March 10, 2023

Kimberly C. Gaddis, Esq.
Gaddis & Lanier, LLC
14 Eastbrook Bend, Suite 114
Peachtree City, Georgia 30269

Via CERTIFIED MAIL and Email (kgaddis@gaddislanier.com)

Re: Big Canoe Property Owners Association

Dear Ms. Gaddis:

I am in receipt of your correspondence dated March 6, 2023, and appreciate this opportunity to have a conversation.

Before getting into the specifics of your letter, let me first emphasize that my original February 7, 2023 letter outlining certain accounting irregularities was sent to each member of the board as a courtesy. Rather than emailing the correspondence through the Association portal which might be viewed by others, it was personally and individually mailed to each director to ensure the privacy of all involved and protection of the sensitive information enclosed.

And just as you have forwarded your letter to me via certified mail presumably to ensure my receipt, I did the same with my February 27th letter to Tim Moran. Again, that letter was sent to Mr. Moran personally given the seriousness of the issues discussed.

Even in retrospect, I believe that I have handled the dissemination of disturbing information in the most appropriate and respectful manner possible, and I am hopeful that can be appreciated and recognized by each member of the board.

As for your letter, first, it appears to contain a lengthy tutorial on the proper way to request accounting records while freely citing Georgia Code sections 14-3-1601, 1602 and 1603. However, a quick review of my requests (December 29th, January 9th and February 21st) should reveal a familiarity with those same code sections and requirements. And although you have stated that I must schedule an “inspection”, you failed to acknowledge an alternative found in subsection (b) of your cited 14-3-1603 which states “the right to copy records under Code Section 14-3-1602 includes, if reasonable, the right to receive copies made by photographic, xerographic, or other means.”

Moreover, with the February 21st request for accounting records using the same “cut and paste” format as previously honored requests, it appears that now that allegations of accounting irregularities have been made, the format of my request for additional records has somehow become inadequate.

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And perhaps just as important, given the privacy awarded to the directors, I am not at liberty to first discuss my correspondence to the board with any Association employee or any committee member in order to “inspect” and copy the December bank statements. Regardless, rather than continue this agree to disagree discussion, it remains your call. Either way, neither decision will change the “allegations” made in my original February 7th letter.

And now, red herrings aside, I would like to elaborate on the real issue at hand. It is my understanding that your firm represents the Association and not the individual members of the board. It is also my understanding that both your firm, as the legal counsel for the Association, and the members of the board have a duty to make recommendations and decisions that are in the best interest of the Association. If this is incorrect, please let me know. Otherwise, if acting in the best interest of the Association, it seems you would choose to investigate the “allegations” outlined in my February 7th letter rather than demonize the messenger with threats of legal action as found in your March 6th correspondence.

- With all due respect Ms. Gaddis, as one example, have you and each member of the board personally examined and reviewed the November bank statements? And can you and each member of the board attest to the November 30th, 2022 existence of a bank account titled Board Designated – Master Plan Fund?
- Further, can you and each member of the board attest to the November 30th, 2022 existence of a bank account titled Board Designated – Capital Replacement Fund? And can you and each member of the board attest to the accuracy of the cash balance in the capital fund accounts as shown on the Association's October 31st comparative balance sheet?

Given the documentation that has been previously provided to me, I do not see how it would be possible for you or any member of the board to attest to any of the above. Absent these assurances, it is difficult to understand how anyone could deem the issues cited in my original letter to the members of the board as “completely unfounded and without merit”.

In closing, to complete the partial quote used in your letter, “ I feel **obligated** to use this correspondence to outline what appears to be not only serious deviations from GAAP and board policy but also a [manipulation of the Association's books and a falsification of the financial statements as presented to the community.]” I will continue to hope that most members of the board were not aware of the unpleasant circumstances outlined in my original letter and will thus understand my sense of obligation and responsibility to properly inform each of them of those issues.

Sincerely,

Patricia Cross

cc: Board of Directors