

Why Am I Still Here?

A message to my neighbors at Four Seasons at Lakes of Cane Bay

I am writing to you this morning from my desk in the little art studio I carved out of a corner of our home. It is the place where I discovered I could make something I never knew I was capable of. Some would call it art. Others, well, let's just say I enjoy the exercise. The truth is that painting has always been about finding peace: an exercise in focus, in living with a subject until you know all about it, and it knows something about you.

On the easel is a scene from my time in Haiti, where I went to learn how our brothers and sisters survive without the bare necessities. Six little boys are playing marbles. The boys on the right are the players, bent over the game and the outcome. The boys on the left have stopped watching the marbles and are watching me, the foreigner, the "blanc" who wandered into their afternoon. One of them wears a T-shirt in the deep blue and red of the Haitian flag. He has red hair and a gaunt face, the signature of malnutrition. It is the look of hunger, neglect, and apathy.

And standing apart from the boys is a girl, perhaps eight or nine, her arms pulled behind her back. It is a posture of confidence, and it is a question: "Why are you here?"

Those were the most courageous people I have ever met. They face life-and-death questions every day, against odds they cannot resolve, and still they get up and live another day.

Why am I telling you this? What does a game of marbles in Haiti have to do with what happened at our HOA board meeting on August 20? At first glance, nothing. Stay with me to the end and I think you will have your answer.

On August 20, in a specially called executive session, the KHOV-controlled board of directors voted to remove me from the seat you elected me to in January.

I am not going to tell you what they said the reason was. Not because I am ashamed of it, but because I am bound by the rules of the game. Executive session is confidential, and I will honor that even when the people who invoked it may not honor much else. Until those responsible decide to paint their own picture of that evening, I will say only this: the stated reason was trivial, and it was misrepresented. I know the difference between black and white, between truth and fiction, and I rest comfortably on my side of that line.

Here is what I can tell you, and I want it stated plainly so the rumor mill can shut down for the weekend:

I did not resign. I was given the choice to resign or be voted out, and I refused to resign. I am not a quitter, and that is the last thing I will ever be accused of as long as breath still comes out of these leathery lungs.

I did not step down for my health. Not true.

I did not step down to care for my beautiful wife, who is fighting an incurable disease with everything she has. Also, not true. Anise and I have walked every step of that road together, and we will keep walking it. It has never once kept me from your business.

Whatever else you have heard was manufactured after the fact.

Now to the part that matters more than any rumor.

Our bylaws, recorded with our Declaration in the Berkeley County Register of Deeds, say exactly who may remove a director. Section 4.8 reads:

"Any Director may be removed at any time for or without cause, by proper action of the Person(s) having the right to designate or elect Directors at the time of removal."

Read that again. The people who have the right to remove a director are the people who had the right to elect that director. Under Section 4.2.2, the two resident seats on this board are elected by "Owners other than Declarant." That is you. You chose me. The declarant's appointees did not, and the bylaws do not hand them the power to undo your vote in a closed room on a Thursday at 10 o'clock in the morning.

Section 4.9 goes further. When a seat is vacated by removal, it "shall be filled solely by vote of the Person(s) then having the right to designate or elect Directors." Solely. That word was chosen for a reason, and the reason is to prevent exactly what has now been attempted: a developer-controlled board removing the homeowners' representative without allowing you to make that critical decision.

I did not lose my seat. It was taken. And by my reading of the documents we all were required to accept when we bought our homes, it was taken by people who had no authority to take it.

You would expect the removal of a duly elected homeowner director to be handled with extreme care and that person would have been allowed to respond in his defense after some research or opposing testimony. That was never offered. It was a fait accompli from the start likely engineered over a blatant mischaracterization. I will leave the stated excuse in the executive session where they hid it and talk instead about what I was actually doing.

From the first month, my colleagues and I had a running pool on when the KHOV side of the table would decide I had to go. I had May. I was off by three months, which I attribute to my pacing rather than any sudden change of heart on their part. The removal was coming. The only question was the pretext.

I was the one responsible for delaying building permits for Phases 9 and 10 as the result of KHOV's failure to hold its contractors responsible for substandard and out-of-spec work performed in Phase 6, 7 and 8. Berkeley County agreed with my assessment and ultimately required KHOV to

deposit and pledge a six-figure settlement with special conditions. That action caused a serious delay and I could imagine some significant expense.

I was one who would not accept the legendary storyline about our entrance fountains. I was told they no longer make the big, beautiful pumps that lured us into this Shangri-La, the kind our neighbors at Del Webb still enjoy. When I documented the existence of scores of readily available ten-horsepower pumps, the story changed: the wiring was too small. When I asked how those pumps had run happily for years on wiring that was "too small," the story changed again: "It saved money." Whose money is a question I intend to keep asking, because the declarant's annual obligation to cover our operating shortfall is directly affected by every dollar the community is told it cannot spend.

I was the one who asked, more than once, to see the maintenance schedule our management company, Associa, uses to care for the property you pay for. What I eventually received was two pages, triple-spaced, in landscape. It was less a schedule than a confession. It took real effort to persuade the declarant that his own asset was being mismanaged in a way that would cost him money too, and that effort is what finally moved this board toward the work sessions where these long-ignored problems were beginning to be addressed. The logic I used was that it actually cost more to be reactive than proactive on such matters. Good maintenance does more than keeping the facilities running, it adds to useful life, deferring expensive replacements which have historically taken place.

I was the one asking to see how the sausage was made. My records requests were often met with delay, conditions, and rhetoric. When you have to ask three times for a document that should have been on the table at the first meeting, you learn a great deal about why nobody wanted it on the table.

And consider the timing. It is budget season. I had to get permission to attend the finance committee meeting, where the real work of matching what this community's actually costs to run vs. what it collects is supposed to happen. What are the assumptions? What is the underlying data being used to predict forward costs? The invitation never came. The explanation was, "I thought we told you when it was going to take place." This homeowners' representative was removed weeks before the budget that sets your assessments was to be considered, and I do not believe that was a coincidence.

I was expelled from a tightly controlled private club that presents itself as governance. Fine. The reasonable thing for a man my age, who was spending hours every day uncovering both the problems and the reasons they exist, would be to shut up and go back to the easel. I have my kayak and the big lake is open. I have my brushes. I have a wife who needs me and neighbors who have treated Anise and me as equals and friends from the day we arrived, always willing to share their time and their love whenever I ask. The good in this community outweighs the rest by a wide margin.

But if you know me at all, you already know the answer. I am more motivated today than I was the day you elected me.

My seat at that table was meant to produce better outcomes for everyone, the declarant included, and I said so at nearly every meeting. It takes two to tango, and I never had a dance partner in the room. That was their choice. What comes next is mine, and yours.

Here is what is happening now:

A formal Notice of Claim under Section 14.5.1 of our Declaration, seeking my reinstatement, has been prepared by neighbors who read the same bylaws I did and reached the same conclusion. It is being reviewed by an attorney to assure its consistency with the South Carolina law that governs H501(c) HOA. I intend to see it through.

The leadership group of Community Voices, the resident organization that those in power like to dismiss as "The Voices," has met and agreed that the time for patience has passed. We are beginning a process of accountability, one grounded in the recorded documents and in records requests the association is legally obligated to answer, so that every open question in this community is resolved fairly and in full before the day KHOV hands us the keys and walks away.

And the seat is still yours to fill. Not theirs. If the owners of this community want me to resume my seat, the bylaws say that is your call, and I will accept that responsibility. If there is someone else you would prefer, I would understand and support your choice. You decide that though, not Associa or KHOV.

Which brings me back to the girl in the painting, standing with her arms behind her back, asking the foreigner why he has come.

I have thought about her question for a long time. The honest answer is that I was there because someone should be. Someone should stand in the room, look at what is really happening, and refuse to pretend it is something else. The children in that painting had no power to change their circumstances. We do. We own this community. We pay for it. We elected our representatives, and the documents on file at the courthouse say we are the only ones who can un-elect them.

So, when they ask why I am still here, why I have not quietly gone back to my paints, the answer is the same one I would have given that little girl.

Because you are here. And because someone should be standing with you.

I started the Saturday listening sessions when I joined the board so that, before each board meeting, residents could bring their concerns and comments directly to the board through me. The next session is scheduled for this Saturday, September 12, from 1 to 3 p.m. at the Lake House. I plan to attend as a homeowner. I no longer serve on the board, and nothing I say should be taken as speaking for it. I will be there as someone who stood up for you and intends to keep doing so. I will

answer what questions I can, but I will continue to honor the confidentiality that is attached to executive sessions during my service. Within those limits, the truth is difficult to nuance, and you should expect me to provide it plainly.

They took a seat. They did not take a voice, and they did not take a neighbor. I am not going anywhere. Come on Saturday and see for yourself.

Tim Traynor
[343 Fish Creek Court](#)
[Summerville, SC](#)