

REQUEST FOR CONFIRMATION OF THE OCTOBER 15 BOARD TRANSITION

TownSq subject: 2026 annual election and assumption of Board authority

I submit this request in good faith as a Brighton Forest Lot Owner and candidate for the October 15, 2026 board election. My purpose is to understand and protect my voting and governance rights, obtain a clear transition procedure before the 2026 election, and communicate accurately with other members. The records requested below are directly connected with that purpose.

Requested conclusion: If a quorum is present and the director election is completed and its results are determined at the October 15, 2026 Annual Meeting, the qualified candidates receiving the highest vote totals become directors on October 15. The governing documents provide no later seating vote, incumbent approval, recognition ceremony, or January 1 commencement date.

Scope: This request does not assume that anyone is elected before a valid election is completed. It addresses when successful candidates take office after the October 15 vote has been completed, the results have been determined, and the candidates satisfy the qualification stated in the Bylaws.

1. The controlling sequence

A. The annual meeting is the election meeting

"An annual meeting of the Association shall be held for the purpose of electing members of the Board of Directors and for the transaction of such other business as may be properly brought before the meeting. The annual meetings shall be held at 7:00 p.m. on the third Thursday of October of each year, unless such day shall be a legal holiday, in which event the meeting shall be held at the same time on the Thursday next following which is not a legal holiday."

- Brighton Forest Bylaws, Article IV, Section 2

What this establishes: The Bylaws fix the annual election meeting for 7:00 p.m. on the third Thursday in October. In 2026, that date is October 15.

"If the corporation has members entitled to vote for directors, all the directors (except the initial directors) shall be elected at the first annual meeting of such members, and at each annual meeting thereafter, unless the articles of incorporation or bylaws provide some other time or method of election, or provide that some of the directors are appointed by some other person or are designated."

- [N.C.G.S. Section 55A-8-04\(a\)](#)

What this establishes: North Carolina nonprofit-corporation law uses the annual meeting as the ordinary election point. Brighton Forest's Bylaws do not establish a January election or a delayed commencement method.

B. The vote itself makes the successful candidates elected directors

"The vote cast by, or on behalf of, the Owner or Owners of a Lot shall be that voting interest specified in the Articles of Incorporation. In all elections for members of the Board of Directors, no voting member shall be entitled to vote on a cumulative voting basis for the director or directors to be elected, and the candidate or candidates receiving the highest number of votes with respect to the number of offices to be filled shall be deemed elected."

- Brighton Forest Bylaws, Article IV, Section 10

What this establishes: Once the results are determined, the highest vote-getters for the available seats are 'deemed elected.' The text does not require the incumbent Board to approve or seat them afterward.

"Except for the appointed directors provided for in Section 3 of this Article while Declarant is a Class B Member, and as otherwise provided in Section 5 of this Article, the directors shall be elected at the annual meeting of the Association; and those candidates who receive the highest number of votes shall be elected."

- Brighton Forest Bylaws, Article V, Section 4

What this establishes: The Bylaws again place the election at the annual meeting and state that the highest vote-getters 'shall be elected.' No later effective date appears in this provision.

C. Qualification is an eligibility requirement, not a later seating process

"Every elected member of the Board shall be a Lot Owner unless the Owner is a corporation, partnership, trust or other legal entity other than a natural person or persons, in which event any officer, director, agent or employee of such corporation, partner of such partnership, beneficiary or trustee of such trust, or manager of such other legal entity, shall be eligible to serve as a member of the Board, but members of the Board appointed by the Declarant need not be Owners."

- Brighton Forest Bylaws, Article V, Section 11

What this establishes: For an individual candidate, Lot ownership is the stated qualification. A successful candidate who satisfies Article V, Section 11 is qualified under the Bylaws; no later Board-controlled confirmation or seating procedure is prescribed.

"The articles of incorporation or bylaws may prescribe qualifications for directors. A director need not be a resident of this State or a member of the corporation unless the articles of incorporation or bylaws so prescribe."

- [N.C.G.S. Section 55A-8-02](#)

What this establishes: State law looks to the Articles and Bylaws for director qualifications. Those documents do not authorize the incumbent Board to add a later approval, orientation, residency, or January-start condition.

D. Incumbents hold over only until successors are elected and qualified

"Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, designated, or appointed and qualifies, or until there is a decrease in the number of directors."

- [N.C.G.S. Section 55A-8-05\(d\)](#)

What this establishes: Holdover service prevents an empty seat when no successor is ready. Once a successor has been elected and satisfies the governing qualification, this subsection supplies no basis for the incumbent to continue serving until January.

E. The Bylaws use the annual meeting as the transition boundary

"At such time as Declarant's Class B Membership rights to appoint the members of the Board of Directors expires or is surrendered, the terms of the directors appointed by Declarant shall thereupon immediately terminate. At such time, the number of members of the Board of Directors shall automatically increase from three (3) to seven (7) or eleven (11) as decided by the members of the Association. The vacancies thereby created shall be filled by the members of the Association upon a meeting called for that purpose to serve until the next annual meeting of members."

- Brighton Forest Bylaws, Article V, Section 3

What this establishes: This provision governed the developer-to-homeowner transition, not an ordinary annual election. Its significance here is structural: the Bylaws expressly end transitional service at the next annual meeting, not at the following January 1.

F. The Board meets immediately after the election meeting

"A regular meeting of the Board shall be held immediately after and at the same place as the annual meeting or substitute annual meeting of the Association. The Board may provide by adoption of an appropriate resolution for the time and place within the County in which the Property is located, for other regular meetings of the Board."

- Brighton Forest Bylaws, Article VI, Section 2

What this establishes: The required immediate Board meeting is consistent with authority passing to the successful, qualified candidates at the annual meeting. The provision does not identify a January organizational meeting or delayed seating process.

"All other officers of the Association shall be elected by the Board of Directors, and such elections may be held at the regular annual meetings of the Board."

- Brighton Forest Bylaws, Article VII, Section 2

What this establishes: The Board may elect its officers at its regular annual Board meeting. Read with Article VI, Section 2, this supports organization of the Board immediately after the annual election rather than continuation of the outgoing officers through January.

2. A January start date cannot be created informally

"The bylaws of the association shall provide for: ... (3) The qualifications, powers and duties, terms of office, and manner of electing and removing executive board members and officers and filling vacancies."

- [N.C.G.S. Section 47F-3-106\(a\)\(3\)](#)

What this establishes: The Planned Community Act assigns director-term rules to the Bylaws. A management practice or unwritten convention is not a substitute for the governing term provisions.

"In the absence of a contrary provision in the articles of incorporation or bylaws, the term of each director shall be one year, and directors may serve successive terms."

- [N.C.G.S. Section 55A-8-05\(a\)](#)

What this establishes: The statutory default applies unless the Articles or Bylaws state a different director term. The available governing documents contain no January commencement or staggered January term provision.

"The executive board may not act unilaterally on behalf of the association to amend the declaration, to terminate the planned community, or to elect members of the executive board or determine the qualifications, powers and duties, or terms of office of executive board members, but the executive board may unilaterally fill vacancies in its membership for the unexpired portion of any term."

- [N.C.G.S. Section 47F-3-103\(b\)](#)

What this establishes: The incumbent Board cannot create a January start date through a resolution, policy, interpretation, management instruction, or past practice. Filling an actual vacancy is the limited unilateral authority preserved by this subsection.

"Except as provided in Section 2 below, these Bylaws may be amended by the affirmative vote of the voting members having at least sixty-seven percent (67%) of the aggregate voting interests, cast in person or by proxy at a meeting duly held in accordance with the provisions of the Bylaws. Such amendment shall be executed in the name of the Association and recorded in the Office of the Register of Deeds of the county in which the Property is located. No such amendment shall be effective until duly recorded as aforesaid."

- Brighton Forest Bylaws, Article XI, Section 1

What this establishes: A homeowner-era bylaw change requires the stated member approval and recording. If the Association claims a January term, it should be able to identify the recorded amendment that created it. An unpublished policy or custom would not satisfy this provision.

No January provision identified: The complete copies of the Bylaws, Articles of Incorporation, and Declaration presently available to homeowners contain no January 1 start date for elected directors. References to a calendar year or fiscal year concern assessments and financial reporting, not director terms.

3. Additional statutory support

"Not later than the termination of any period of declarant control, the lot owners shall elect an executive board of at least three members, at least a majority of whom shall be lot owners. The executive board shall elect the officers. The executive board members and officers shall take office upon election."

- N.C.G.S. Section 47F-3-103(e)

What this establishes: While this subsection directly addresses the owner election held when declarant control ends, it nevertheless confirms the statutory structure: elected Board members take office upon election, and the elected Board chooses the officers.

The ordinary-election provisions do not depend on Section 47F-3-103(e). The October 15 conclusion follows from the annual-meeting election provisions, the rule deeming the highest vote-getters elected, the stated Lot Owner qualification, the incumbent holdover rule, and the absence of any valid later-start provision.

4. Confirmation requested

Please confirm in writing that:

1. The 2026 Annual Meeting is scheduled for 7:00 p.m. on Thursday, October 15, 2026, as required by Bylaws Article IV, Section 2;
2. If a quorum is present, the Association will complete the director election, determine the vote totals, and announce or otherwise record the results on October 15;
3. The qualified candidates receiving the highest vote totals for the available seats will be deemed elected directors under Bylaws Article IV, Section 10 and Article V, Section 4;
4. A successful candidate who satisfies Bylaws Article V, Section 11 will not be subjected to any later seating vote, incumbent approval, recognition ceremony, or January effective date;
5. Any incumbent holdover will end when the incumbent's successor is elected and qualifies;
6. The regular Board meeting required by Bylaws Article VI, Section 2 will occur immediately after the Annual Meeting, and the newly elected, qualified directors may exercise Board authority and elect officers at that meeting; and
7. If the Association claims any later assumption-of-office date, it will identify the governing provision and adoption authority supporting that date before the election.

5. Records requested if a later date is claimed

If the Association contends that a successful, qualified candidate elected on October 15 does not assume office that day, please make the following non-privileged records available for inspection and copying:

1. The Articles of Incorporation and Bylaws currently in effect, together with every amendment currently in effect;
2. Every amendment, resolution, policy, rule, term schedule, or procedure that the Association claims establishes a January or other delayed assumption-of-office date;
3. The minutes and records of Board or membership action adopting each responsive amendment, resolution, policy, rule, schedule, or procedure;

4. Each operative written instruction given to management, election inspectors, vote tabulators, officers, candidates, or homeowners that states or implements a delayed assumption-of-office date;
5. The execution date, effective date, and Wake County recording book and page or instrument number for any recorded document relied upon;
6. Every non-privileged statute, reported decision, or governing-document provision on which the Association relies for the later date; and
7. If no responsive record or authority exists, written confirmation that none exists.

6. Inspection procedure and requested response

This demand is made under the Brighton Forest Bylaws, N.C.G.S. Section 47F-3-118, and N.C.G.S. Section 55A-16-02. It is made in good faith for the proper membership purpose stated above and describes directly connected records with reasonable particularity.

This submission provides written notice at least five business days before the requested inspection date. I request inspection and copying beginning on September 7, 2026, at a reasonable time and location specified by the Association. Electronic copies through TownSq or email are preferred; otherwise, please identify the inspection arrangements.

I do not request privileged attorney-client communications or attorney work product. Please identify the non-privileged governing provision, corporate action, and public legal authority on which the Association intends to act. A statement that counsel advised the Board does not identify the operative rule.

Please acknowledge this submission, provide the requested confirmation, and state the inspection arrangements or that no responsive records exist. Please preserve the TownSq thread, attachments, responsive records, and the Association's response as Association records.