

A SWISS PINE LAKE HISTORY

It's been more than sixty years since Hallett and Dick Geruso arrived in Mitchell County, North Carolina. They, like many, were taken by the place, its natural beauty and serenity. Those of us who are residents in the Swiss Pine Lake community have followed the Gerusos, whether intentionally or coincidentally. The early years are chronicled in Nan Swansen's "An Affectionate Reminiscence of Swiss Pine Lake," which Nan, a long-time resident, wrote in 1990. It's online on the community web site and worth a read, especially if you are a recent arrival. The life and times of the community since are recorded in the files of the Swiss Pine Lake Community Association. But minutes of meetings tend to be a dry record. This is an endeavor to pick up the narrative begun by Dick and Hallett, then Nan. It's open-ended, not just for today's but tomorrow's account of the community, as well.

Like many stories, it is told from multiple perspectives. Interviews were done in the summer of 2022. It is not comprehensive, nor is it intended to be. My hope is that it will add perspective for those who have been here a long time—may have even known Hallett and Dick—or have just arrived. Over time, you might want to add to the narrative.

--Charles Bierbauer, August 2022

IN THE BEGINNING, OR THEREABOUTS

The rocks we see in outcrops at Swiss Pine Lake are the baked and recrystallized remnants of sediment deposited on the deep seafloor, an unknown distance to the east.

--The Geologic Story of Swiss Pine Lake by Peter Margolin, 1999

Rocks are not all that mysterious. Flake them, chip them, mine them and they'll tell you their origins. They have order and come in layers. One laid on top of another. Sedimentary, igneous, metamorphic, though not necessarily found in that order. Formed for millions, sometimes billions of years. Nature, of course, likes to change things, shake things up. Furiously. Disruptively. Or painstakingly slowly. She'll throw rocks at you. Actually spit them up from her depths. Melt them and stream them down mountainsides. Or fold them one layer over another over another, like a Greek grandmother folds phyllo dough. Slowly, until transformed. Old rocks sometimes above younger ones. Layer upon layer like a, well, layer cake. Or standing in ranks like the monoliths at Stonehenge, except nature didn't put those there. She'd have done it bigger, so her old stones formed ranks next to younger stones and even younger stones. Geologists can tell them all apart.

Back in the 1940s, government geologists determined that the Swiss Pine Lake community was built over gneiss and schist, black and gray metamorphic rocks, and the molten, cooled and crystallized rock called alaskite. It's white and when mined yields feldspar, mica and quartz.¹

Oh, and beneath the Swiss Pine Lake community—deep beneath—there is a fault in the earth. But it hasn't shifted in ages, long before any of us found our way here with our own faults and foibles.

The varied rocks were here before there was a Swiss Pine Lake, or a Spruce Pine, a Mitchell County, a North Carolina, or a North America, for that matter. We probably learned somewhere, wherever we went to school, that the Appalachians are old mountains. Nearby Mt. Mitchell, at 6684 feet is the highest elevation in the U.S. east of the Mississippi. Our mountains are not like the upstart Rockies. The Appalachians, Blue Ridge and all, were thrust upward from colliding continental plates. And then they started to wear down, as surely the Rockies will, too.

As Peter Margolin described it in his geologic essay about Swiss Pine Lake, over perhaps a quarter billion years, the Appalachians have shed at least 9000 feet of elevation: "Streams like Wildflower Creek, Crystal Falls Creek and Hemlock Falls Creek are the latest representatives of a drainage system that has been carrying the surface runoff of the area westward, to the Mississippi River drainage basin, for millions of years."²

Then we came.

THE FORGOTTEN VALLEY

In the beginning the deer, the bear, and the foxes shared the valley of the Toe with the owl and the blue jay...It was a triangular wooded country lying along the two branches of the river, penned in on the north by the Roan and Yellow Bald, on the southwest by the lofty range of the Black Mountains, and on the southeast by the Blue Ridge.

--The Forgotten Valley by Muriel Earley Sheppard, 1934

“Sometimes a white man wandered into the Valley who, returning, spread tales in the low country of the fine hunting behind the mountain wall,” Muriel Earley Sheppard continued in her article for *The South Atlantic Quarterly*. She dates the first homestead in the Toe River Valley to 1780.³

The Overmountain Men were also here in 1780, enroute to the Revolutionary War battle of Kings Mountain in South Carolina. A thousand strong who would surprise the British and help turn the tide of war.

“At Grassy Creek, they found an excellent place to make camp with plenty of fresh water available for the men and their horses. Over their campfires, they prepared a simple meal of parched corn and finished off the last of their beef rations. The next morning the officers formed their men up, ordered them to mount their horses, and rode out of camp,” according to the National Park Service.⁴

The Spaniards came earlier, not to hunt or to fight—though they often fought brutally against the indigenous tribes, Cherokee and Catawba. But the Spaniards came for gold. Hernando de Soto reportedly was one of them. “De Soto almost always followed existing pathways which native people had used for thousands of years and mammals had used for hundreds of thousands of years before,” the Mitchell County Historical Society notes. De Soto traveled along the North Toe through Spruce Pine and along the Nolichucky into Tennessee. He’d been given a large piece of Mica and would send his men out looking for mines.⁵

Mica mining in and around Mitchell County began in the late 1860s, shortly after the Civil War.

“Mitchell County has been the scene of the most extensive operations, the deepest mines are located here, and by far the greater amount of mica sent to market from North Carolina has been obtained here,” W.B. Phillips wrote in the 1888 *Journal of the Elisha Mitchell Scientific Society*. “The profit was large, the work comparatively easy and the mica abundant.”⁶

Success, of course, has more than one parent. James T. Rowe, in a remembrance from about 1977, attributes early beginnings of mica mining to his grandfather Isaac English. English built the English Inn in Spruce Pine. In the later days of the Civil War, he aided three Union soldiers who had escaped from the notorious Confederate prison camp at Andersonville, Georgia. One of the escaped prisoners was a Colonel J. M. Geer from Syracuse, New York. About a dozen

years after the war, English was surprised to receive a letter from Colonel Geer, then a wealthy banker, hoping to visit the family that had sheltered him.

During his visit, Geer told English of an ulterior motive. He “had a plan to set up and begin the business of mining and processing mica...because Spruce Pine (was) one of the few places in the United States where mica could be found in quantity,” Rowe wrote of the reunion of the colonel and the innkeeper. “The only purpose that the mountain people had for this mineral was for small window panes.”⁷ The colonel had bigger ideas.

“He was a fast mover with plenty of money to back up his plans. Local men were hired to start drilling and blasting out the rock around the veins of mica. Teamsters with wagons hauled the raw ore back to the English Inn.... There the ore was sorted and only the perfectly clear was used.... The finished product was packed in boxes and freight wagons took them to the nearest railroad,” Rowe wrote.

Colonel Geer and Rowe’s grandfather are long “gone over the mountain” to their graves.

The Gerusos came later, in 1959.

The story’s been told before by residents of this community. One of them, Nan Swansen, recalled the Gerusos arrival in her 1999 remembrance. Who’s not gotten lost on a foggy night in Little Switzerland? Hallett and Dick Geruso may not have been lost, but they were also not welcomed. At least, not their dog, Cubby. The Gerusos were travelling north from Florida. The Inn at Little Switzerland had a “no pets” policy and turned them away. The Big Lynn Lodge was more hospitable.

“On the following gloriously clear morning, they were put in touch with Quince Collins, a local real estate broker,” Swansen recounted in what she called “An Affectionate Reminiscence” of Swiss Pine Lake. “He showed them much of Little Switzerland and then the hilly area near Spruce Pine that became SPL. Dick fell in love with the stone fireplace...in the large log house on a hillside.”⁸

They bought it. Initially, 365 acres, their purchases grew to 475 acres. Rather than returning to New York, the Gerusos settled into the log house in late 1959. “If the fog hadn’t happened, they might have driven through and gone north,” Hallett’s daughter, Hope Leichter, recalled in our lengthy phone conversation from Vermont.⁹

The lodge house still stands, though unused, on the Geruso property which fills about 25 acres, a heavily wooded donut hole in the community as it stands in 2022. The house had been used in various ways before the Gerusos bought it. Once, it was occupied by a writer.

“It was also quite dark,” said Leichter, Hallett’s daughter. Dick was her stepfather. “They cut holes in the ceiling and walls to let light in and make it more airy. It did not seem a problem to them initially.

“I don’t think they were seeking remoteness. They didn’t want to get away. They didn’t really feel it was remote because they had so many things they were working on. They had been in New York but didn’t want to continue living in the city.”

Hallett and Dick were both teachers. She taught fourth grade; he taught high school chemistry. As they developed the Swiss Pine Lake community, they took on different roles.

“They had a division of labor. He did the work on the outside, like the water system and road building,” said Leichter. “He worked with the men, and she worked on sales.”

“Dick was a very gentle and loving soul, said current homeowner Nancy Stewart. “I sometimes think of the hammer and the velvet glove. He was the velvet glove but it wasn’t on the hammer. He was a beautiful and gentle soul, but she was running the show.”¹⁰

When Nancy and Erma Stewart came house hunting, they didn’t know anybody. They’d never been to North Carolina before. “We went to the big old Geruso home,” Nancy Stewart recalled of the first visit she and her mother made to Swiss Pine Lake. “In those days when you showed up at the door. They didn’t show you properties. They said, ‘Come in. Have tea and cookies. What are your interests?’”

The Gerusos had a vision for their 475 acres of Appalachian hill country. A Chautauqua. “Chautauqua was probably part of the image my mother had,” said Leichter. “A place for meditation, deep thought. It never happened, but they’d hoped that the hillside down to the lake would be like a Greek theater.”

President Teddy Roosevelt called the Chautauqua “the most American thing in America.”¹¹

It was like summer camp for intellectual pursuits where a collection of speakers and preachers, actors and activists, musicians and magicians engaged and entertained whole towns and communities, though sometimes they spouted and touted social movement ideologies. The Chautauquas covered a lot of ground philosophically and physically in the late 19th and early 20th centuries. One of the early ones, though not the earliest, was at a campsite at Chautauqua Lake in New York State. Hence, the name.

Some were tent shows that pitched their tents, pitched their wares, whims and wiles and then decamped to the next town. Some were used to train teachers and some to train Sunday school teachers. They were, for the most part, fine family entertainment. “The Music Man” could have been a Chautauqua if it hadn’t been a Broadway musical. “One Grecian urn. Two Grecian urns. And a fountain....”

Stewart was struck by one thing that seemed to mark every home she visited in the community. “When you went into the home, there were walls of books,” she said in a phone conversation.

NO LITTLE BOXES

*There's a pink one and a green one
And a blue one and a yellow one
And they're all made out of ticky tacky
And they all look just the same.*

--Little Boxes, Malvina Reynolds, 1962¹²

The Gerusos also had a connection with Bill Levitt, whose family developed Levittown, New York. The Levittowns—there were several—were multitudes of mass produced homes. On the one hand, they made home ownership available to families, often blue collar and World War II veterans. On the other, they were derided as aesthetically boring little boxes, color variation notwithstanding. And not what Hallett and Dick had in mind.

Hallett saw Levittown as a “contrasting model to what they wanted to do. They would see the things that were wrong with Levittown. That it was a business,” Hope Leichter said. “They wanted individually designed homes.” Hallett took pleasure in helping people design their homes.

“They would accept anyone who had a vision.” Leichter suggested, though, that the Gerusos may have been a bit selective in the process. Did they selectively choose those who purchased properties? “Yes, they did. Until the rules changed,” she said. “I don’t think they turned any away. They would accept anyone who had a vision.”

Hallett told Nancy Stewart that what the Gerusos wanted was something that was “affordable, in a beautiful setting and ‘not out of the mainstream’ of ideas.” Hallett told Stewart that in Swiss Pine Lake she got the affordable and beautiful. She’d create the venue for ideas.

Hallett wrote an early brochure extolling “residential acreage in a woodland park,” their vision of Swiss Pine Lake. (The lake was not initially here, but we’ll get to that.) “Your neighbors will be people of achievement in their respective professions and businesses. They will be people of good taste, with a wide variety of creative interests.”¹³ That’s the Chautauqua influence.

She went on to explain what “Swiss Pine Lake is Not.” To her thinking, it was not “a real estate development in the usual connotation of those words. The owners of the property have no intention of dividing the acreage into building sites.”

Also, “(w)e have no neon signs and no ‘rank commercialism.’” She apparently didn’t like motorcycles, either. Hallett wrote the covenants for the Swiss Pine Lake Corporation that later transferred to the homeowners’ Swiss Pine Lake Community Association.

“I think their vision was very idealistic. It was never a business in their minds,” said Leichter. “It was always creating a business where they, too, would want to live.”

The Gerusos' vision didn't always fit with the local perspective. Swiss Pine Lake sits in Mitchell County but outside the town limits of Spruce Pine. Hope Leichter visited with her young family. She remembers the town and the community as "quite separate," perhaps more so then than 60 years later. "Some of the local people did not appreciate the community," Hope said. "There was a big controversy at one point. Some people in the community wanted a sign and a gate. My mother very emphatically argued for a sign that said 'visitors welcome.' That was not the view everyone had. She never wanted a gated community that was exclusive; that left out the local community."

Most of today's residents can recall a first impression that included a 15-acre lake, a sandy beach, a pavilion in a grove of tall trees and thick rhododendron bushes. It wasn't that way at first. Nan Swansen recalled that "located considerably below the house was an excavation where gravel was being dug for road bond. Counting 26 springs and 4 streams feeding into the hole from the surrounding area, Dick realized the excavation could make a charming lake."

IF YOU DIG IT, THEY WILL COME

The floating dock at the center of the lake was THE hot spot from 1986-1989. Once I and my friends had driver's licenses it was THE place to meet. We even wore our bikinis under our school clothes as to not waste any time getting in the water. I remember once we saw a snake in the water and a boy got thrown in-that was the first and only time I saw a person walk on water. We used to all stand on one side of the float to tilt the other end into the air. We would take turns being the one that stood on the tilted end alone and got to dive off it once it was in the air. It goes without saying that skinny dipping was also a fun activity-we'd sneak out of the house in our pajamas, walk down to the lake, strip and go for a swim. Lovely.

--Monika Banks¹⁴

The floating dock has not survived. Nor has the rope swing Monika recalls from her teenage years living here. Lawyers and insurers are not fond of floating docks. In 2007, community members voted against replacing it.

Monika Banks now lives in Munich, Germany. Her mother, Barbara Banks, lived in Swiss Pine Lake until her death in 2021.

"My mom's love for the lake is why I had one of those posts engraved for her. She walked that lake sun, snow or rain. She swore by it that it was the thing keeping her healthy. She once fell and busted up her shoulder because she was counting geese," Monika recalled. "Those benches that Russ Mundy built and the Hollywood swings gave her years more of enjoyment because she always had a place to rest," Monika said in an email exchange.

The lake was dug primarily in 1961 and contributed to the Gerusos' ability to sell lots in the community. "Fifteen acre lake stocked with trout. Pond stocked with bass," according to Hallett's brochure. The bass pond, as we still call it, sits below the dam. The lake has bass, too. My granddaughter Sarah has a knack for catching them. But lacking a trout stream current, probably no trout. It does have a sizeable collection of sizeable koi that seem to have no competition and whose proliferation may explain the limitation of other fish. The provenance of the koi is uncertain, though there are suspicions of where they may have come from. If you catch one, don't throw it back.

The lake is fed primarily by Crystal Falls Creek, also known as Graveyard Creek, and Wildflower Creek, which flows into the silt pond above the lake. The lake flows out via the Bass Pond and wends its way through the Grassy Creek Golf Course, ultimately becoming a tributary of Grassy Creek.

The Silt Pond was created in the 60's, according to association records, to keep silt from home construction from washing into the lake. The state considers it an "in stream pond," since water from Wildflower Creek goes through the pond, dropping most of its silt before entering the

lake. Technically, once construction along the creek was complete, the silt pond was no longer required. It has, however, been maintained adding a scenic element above the lake.

If the lake is the community's prime asset, the dam has been a potential liability. In the 1980s, the spillway section of the dam—the concrete area in the far southwest corner of the lake—was declared unsafe in a Corps of Engineers assessment.¹⁵ Estimates of the cost to repair it ranged from a low of \$35,000 to a high of \$250,000. The state obtained a court order in 1986 requiring the work be completed within 120 days.

The corporation and association acknowledged the spillway problem but thought the fears were overstated. A 1985 TVA Flood Report characterized the Swiss Pine Lake dam “as a small size, low hazard potential installation.”¹⁶ The Grassy Creek Fire Department considered the lake a reservoir that had the effect of lowering fire insurance rates for residents. In the 80s, the problem still belonged to the corporation.

But concerns would rise again. Hurricane Katrina, a category 5 monster, struck New Orleans in 2005. Dams were breached, reservoirs overflowed, deaths and destruction topped \$125 billion.

The Swiss Pine Lake dam “became an issue after Katrina when [the government] started looking at earthen dams with a jaundiced eye,” said Neil Richter, a board member at the time.¹⁷ In reality, Richter believes the SPL dam was “overbuilt” in the 1970s, roughly two or three times the size needed to impound a 15-acre lake. But it was ill-maintained. There once was a dirt road that connected to Lodge Road leading to the Geruso home. The dam itself was “a complete forest,” Richter said in an interview. A state inspector ordered all trees over 6” in diameter be taken out to secure the dam's integrity. Richter believes the post-Katrina order to clean up the dam—“fix it or we'll breach it”—was a “knee-jerk reaction.” There had never been a breach, yet the idea of the dam failing and wiping out the golf course and overflowing route 226 in Grassy Creek raised concerns about the community's potential liability.

The costs of maintaining the lake, the dam and, especially, the community's roads exceeded the Gerosos' financial capabilities. “My mother borrowed from anyone she could borrow from,” said Hope Leichter. “When she needed money, Hallett would sell a lot,” added Neil Richter.

Over time, the Gerosos transferred ownership or access to the lake, the dam, the ponds, adjacent parklands, as well as the responsibility for road maintenance from the Swiss Pine Lake Corporation to the Swiss Pine Lake Association. More on the association shortly.

In December of 2009, the corporation deeded 26.879 acres—encompassing the lake, dam and ponds and including the cart path along the north shore of the lake. The Geruso lodge property still borders the southeast lake shore, with the community granted access to the Lakeshore Trail.¹⁸

In April of 1981, the corporation signed an indenture granting access to the “park lands lying between Swiss Pine Lake Drive and the lakeshore on the Northwest side.”¹⁹

In August of 1981, an indenture from the corporation dedicated additional “park lands to be used by owners of lands in Swiss Pine Lake Development.” These included the 2.14 acre tract along Sunrise Ridge Road above Wintergreen Ridge, the 2.54 acre tract known as Crystal Falls Parkland, and a .45 acre tract near the north end of the dam.

The same indenture sought to resolve long-standing disagreement between the Gerusos and the association regarding maintenance of the silt pond above the lake. The corporation acknowledged “full responsibility for its maintenance and condition,” with the association to contribute \$300 “each time it is necessary to remove silt from said pond.”

In August of 1981, the corporation also signed a deed transferring road maintenance responsibility to the association—“a perpetual easement for roadway and roadway maintenance purposes.” Individual owners grant an easement that extends 30 feet from the center line of any road. Roads need a section of this history all their own. Read on. Meanwhile, the lake and ponds were not the only water concerns.

*Swiss Pine Lake Community
Plagued with water Shortage
--Headline in Mitchell News-Journal 10/7/1998*

Consistent water delivery has long been a problem in Swiss Pine Lake. It’s more involved than turning on a faucet. The corporation owned two water systems, “consisting of reservoirs, wells, storage tanks, pressure tanks, pumps, pumphouse, automatic chlorinator, distribution lines and easements for the repair and maintenance of said systems.”²⁰

In 1976, an easement was granted to the town of Spruce Pine to “own and locate water lines” in the community. In 1983, the community created its own Swiss Pine Lake Water Company which operated until 1992. This was eventually transferred to Mid South Water Systems. Mid South was acquired by Heater Utilities in 1999. Spruce Pine agreed to sell water to Heater once upgrades were made to the system. It did not happen quickly. Aqua America acquired Heater in 2004. The community still deals with a Rube Goldberg-like network for its water. The Spruce Pine water company provides service to most of the community. But one small grouping of homes, primarily on Sunrise Ridge and Pine Point Road is served by Aqua, leasing and utilizing Spruce Pine Water lines. There are storage tanks and pumps at the corner of Hemlock Road and Spring Road, serving the south side of the community, and at the corner of McHone and Sunrise Ridge, serving part of the north side. Breakdowns occur. So does a lot of water boiling.

FOUR MILES OF ROADS

*The road to hell is paved with good intentions.
--Unattributed proverb*

Swiss Pine Lake has 4.35 miles of paved or gravel roads that it maintains. They vary considerably in length, width, pitch and surface. Almost none have shoulders; some border on precarious ditches. An early group of volunteers who gathered roadside brush and branches in the late 70s and early 80s called themselves the Sons of Ditches.

“These men, many of them well into their 70s, put in hours on ditch control, tree trimming (low branches), erosion correction and other necessary routine and somewhat dull road work, and had a great time doing it,” Swansen wrote in her “Affectionate Remembrance.”

But roads became the bane and burden of the Gerusos’ project. The Gerusos had pledged in their original covenants to maintain community roads. Hallett wrote the covenants.

17 Road Maintenance:

The Corporation, its successors or assigns, assumes responsibility for the reasonable maintenance, as it may deem proper, of all roads constructed by it in said subdivision until such time as maintenance of said roads has been taken over by the State of North Carolina, other governmental entity, or an organization of the property owners in said subdivision legally empowered to represent and take action for said property owner.²¹

In reality, a state takeover of the community roads was a longshot. A Department of Transportation assessment in 1985 found that only two road sections—Swiss Pine Lake Drive for .65 miles and Sunrise Ridge for .4 miles—would qualify for state maintenance. When revisited in 2017, the state Department of Transportation advised that even those two roads would need major improvements before even being evaluated for inclusion in the state maintenance system.²²

Only McHone Road on the north boundary of the community is state maintained, but it is not a community road.

For the Gerusos, funds were always tight. The association files are replete with road issues, especially through the 1970s. Assessments for road repairs were paid in protest.

“This check is payable under protest in that the performance of the repairs to be performed by the Swiss Pine Lake Community Association does not in any manner relieve the Swiss Pine Lake Corp. of its responsibility to maintain its roads in accord with its recorded covenants...” one owner wrote in a 1978 letter.²³

“There has been no significant maintenance in the past 10 months,” another member wrote that year. “For the past several years, there has been inadequate maintenance, particularly concerning drainage.”

“(P)roperty owners agreed to advance the funds with which to make necessary repairs to the roads in the Development....” – 1978 board letter to SPL Corporation

The association bailed out the corporation on that occasion. But the Gerusos’ capacity for ongoing road maintenance was at an end.

“They weren’t hard to deal with, but they never had any money” said Luke Woods, a more than 30-year community resident and former association president. “Someone always bailed her out.”²⁴

On the 20th anniversary of the Gerusos’ initial land purchase, Dick and Hallett issued a statement to be read at community meetings.

“We chose to develop (Swiss Pine Lake) slowly, with care, because we were more interested in the quality of the community than in maximum profits,” it read in part, concluding that, “In spite of all we’ve been through, we still think there is no need for an adversary relationship between developers and property owners in a community like Swiss Pine Lake,”

Amended covenants in the community’s Green Book add this to the original Covenant 17: *In August, 1981, the Corporation and the Swiss Pine Lake Community Association entered into an agreement for the Association to take over the maintenance of the Roads and all easement marked from the center line mentioned earlier in the Covenants. B:167, PG:147*²⁵

The community agreed to take on the maintenance responsibility for all the then existing roads. Remember, the roads still were constructed within the easement granted by each property owner. The 1981 Deed and Agreement lists the roads: Swiss Pine Lake Drive, Longview Road, Chestnut Hill Road, Spring Road, Hemlock Road, Dogwood Road, Ridgeview Road, Sunrise Ridge Drive, Lakeview Road, Wildflower Road, Woodland Road, Wintergreen Road, Red Oak Road, Pine Point Road (it’s shown on some plats as Geruso Point, as the Gerusos at one time hoped to build a home there), and Lodge Road.

In 1993, Mountain Stream Road was added by the board to the list of maintained roads. Though not an original road covered by the 1981 agreement, Mountain Stream was constructed by the Gerusos beginning in 1988.

The board also created a set of road requirements that must be met “prior to SPLCA assuming responsibility for maintenance and upkeep of any road within the community.” The requirements included “at least two residences on the road in question.”²⁶

High Acres Road, an extension of McHone, was an outlier to the roads problem. At this writing, Connie Schulze and Neil Richter are the only residents on High Acres. They acquired their property from the Gerusos in the 1980s. Over the years, it has been debated as to whether the property was in or out of the community. That is not to be adjudicated here. Connie and Neil were active, dues paying members. But in August of 2010, the board declined to conduct maintenance on High Acres, saying the association “has no authority over High Acres Road.” Three remaining lots on High Acres are undeveloped.

Jakes Rock Road was added to the road maintenance policy after a lengthy negotiation among the association, corporation and owners on Jakes Rock, a road only partly paved but mostly gravel. [Jakes Rock Road was subsequently paved in 2024, the cost being borne by residents on that road.]

Minutes from the September 19, 2010 Annual Meeting state: “Jakes Rock Road will be maintained according to the ballot voted on by the Membership at this meeting.”

Minutes from the September 18, 2011 Annual Meeting state: “Jakes Rock Road has been added to our inventory of roads.” Subsequent iterations of road policies (2012, 2018) include Jakes Rock.

The Road Policy in effect at this writing in 2022 specifies:

Periodic addition of gravel on non-paved roads including Jakes Rock, Beach Parking areas and golf cart path maintenance; and Pinegrove Road access to Bass Pond.

There is only one homeowner on Pinegrove Road, but the gravel road does provide important access below the dam and formerly linked to Lodge Road leading to the Gerusos’ property.

From 1981 to 2013 various board members took responsibility for road maintenance. At the 2013 annual meeting, an Ad Hoc Roads Committee was adopted to be composed of “at least five people from both hills.” There is still some tendency to think of the community as two parts on the north and south-facing hills above the lake.

The Ad Hoc committee identified, measured and prioritized repair work for 23 road sections within the community. The cost of paving or repaving all roads was estimated at \$37,498 a year, using a cost of \$1.80 per square foot. Since that 2013 estimate, paving costs have gone up considerably to the extent that it is feasible to repave only one or two sections in any year.

In 2014, the Ad Hoc Roads Committee recommended that a permanent roads committee be created. The Permanent Roads Committee was approved by the membership at the 2015 annual meeting with a separate bank account established to sequester road paving funds. Currently, three community members are elected directly to the committee for three-year terms. Two board members also serve on the roads committee.

Despite the history of roads issues within the community, the roads are well maintained. This writer served on the roads committee from 2018-2021 and was frequently told by non-residents, including paving companies, that Swiss Pine Lake's roads were significantly better than in most mountain communities.

THE SWISS PINE LAKE COMMUNITY ASSOCIATION

Article I – Name

The name of the corporation is SWISS PINE LAKE COMMUNITY ASSOCIATION

Article II – Duration

The period of duration of the corporation is perpetual.

--Articles of Incorporation April 1977

The Swiss Pine Lake Community Association dates to 1977, though there had been earlier less formal endeavors to create a homeowners association. In 1976, it was called the Swiss Pine Lake Community Protective Association and focused its efforts on patrolling the lake.

Non-residents using community facilities have been a decades-long concern. The Gerusos erected signs at the community entrances saying “Visitors Welcome.” In a July 31, 1980, letter to the community, Dick argued that “the words VISITORS WELCOME are an important sales asset” and “the kind of people we want here...read signs and would not drive past one that said PRIVATE PROPERTY unless it also said VISITORS WELCOME.”

By and large, the Community Association came about to facilitate the homeowners working with the Gerusos and their corporation. Over time, the roads, delivery of water, care for the silt pond and the dam were all points of contention.

The 1977 Articles of Incorporation of the Swiss Pine Lake Community Association include statements that the association purpose is “to promote, protect and preserve association members’ home property investments...” and “to create a forum for researching common resident and property owner problems, discussing pros and cons of alternate solutions, and providing a recognized body through which to implement membership actions.”²⁷ By creating the association, the community had an official entity nominally parallel to the Gerusos’ Swiss Pine Lake Corporation and an improved negotiating position. Neither the Gerusos nor the corporation are mentioned in the association’s incorporation document. The Articles of Incorporation did not include the corporation’s covenants which attached to individual property deeds. In effect, the corporation covenants continued, though the association itself had not drawn up its own covenants. More on this later. The association’s initial by-laws, an important but subsidiary document, were adopted in 1977. The association’s governing documents were published for community distribution and became known as the “Green Book,” a name attributed to the early iterations having a green cover. These documents are posted on the community web site. [Covenants were subsequently revised in 2022 and 2024. See below.]

Although relations between association and corporation had gone through a rough patch, community members were not indifferent to the Gerusos’ financial straits. “The Gerusos are all but bankrupt, and there just isn’t any way to deal with this other than voluntary assessments,” says one unsigned note to a resident.

“We believe their dream for the community is the right dream and that they [the Gerusos] are doing all in their power to make it come true,” another member wrote in a 1978 letter to then board chair John Swansen.

Another urged the Association and its members “try to separate its feelings between the Gerusos and the Corporation. The Gerusos had become personal friends of many property owners. “I believe the time has come, however, to put personal feelings aside and deal on a business-like basis with the Corporation,” the writer added.

The Gerusos and the SPL Corporation were, of course, almost indistinct. Dick and Hallett had made Swiss Pine Lake their home. Hope Leichter did not live in the community, but she was an active participant in the corporation, becoming president after Dick and Hallett’s deaths. Leichter continued to live in New York where she was on the faculty at Columbia University.

At times, communication between the corporation and the community grew angry and accusatory. But it just as often bore a tone of frustration.

“One of the disappointments we have had to face in building the Swiss Pine Lake Community is that the larger the community grows, the more demands there are on our time and the less able we are to do our part in sustaining the close relationships we have always looked forward to having with you,” Dick and Hallett wrote in a lengthy 20-page letter to the community in 1974. Their letters and memos tended to be long, detailed and, at times, revealing of both mutual affection and disaffection.

“I don’t know why there was as much conflict as there was. It never made sense to me,” said Leichter.

Since 1977, the SPL Community Association has dealt with the growing demands of maintaining the community. First, its roads were the dominant concern and expenditure. Then the acquisition of the lake, dam and ponds added value to the community. And work. Access to parklands and trails meant greater maintenance, mostly by volunteers. The next generation of the Sons of Ditches are the community’s trail crew and its monthly Trail Day maintenance. There are committees to welcome new residents, to monitor our waters, to beautify the common areas, to groom the beach, to protect against wildfires, and to stage the community’s social centerpiece, its monthly summer picnics.

IT'S NOT BEEN EASY,
AND GOVERNMENT HASN'T MADE IT ANY EASIER
OR THE SAGA OF 47F

Valerie Crabill gave information on a North Carolina Planned Community Act and asked the Board to appoint a Committee to look into adopting this proposal. Clyde Collins was familiar with the bill and stated that we likely would not need such a format, and that the board was capable of solving problems on its own.

--Minutes of 2010 Annual Meeting

The general membership voted on a motion...to look into this Act and defeated the motion.

--Minutes of 2010 Annual Meeting

An unsigned October 31, 1978 memo to the board pleaded, "We simply must take immediate legal steps regarding the validity of the deed covenants." Periodically, the board or the membership did so, though the governing covenants remained those written by Hallett Geruso for the corporation, rather than writing new ones by and for the association. It worked, for a while.

Then in 1999, the state legislature passed the North Carolina Planned Community Act, also known by its legislative identification as "47F." The act applied to "all planned communities created within this State on or after January 1, 1999."²⁸ That was not Swiss Pine Lake. For those communities created before 1999, the act's application has been a much more complicated and controversial issue. [The author acknowledges his view that whether or not 47F applied to us, the community still needed to protect itself both in regard to the provisions of 47F and the lapses of the corporation covenants. In all fairness, the Geruso covenants were written well before the Planned Community Act exposed their gaps. But those covenants were out of date.]

The association tried on several occasions to gauge whether and how 47F applied to Swiss Pine Lake. On occasion, when it was convenient, 47F was invoked without subscribing to it. The 2010 membership meeting rejected a request to study the act, though study we did.

In 2018, as the challenges of running the association strained the volunteer force in the community, the membership debated hiring Community Association Management (CAM), a Charlotte-based specialist in Homeowner Associations (HOAs) as its financial manager. The change raised concerns about cost and losing oversight of the community finances. But the proposal was adopted at the 2018 annual meeting, contracting with CAM was approved and the management program began that December. The contract gave the community financial continuity not as readily available with rotating volunteers as treasurer.

In 2019 and 2020, the board took another look at its covenants. An attorney specializing in HOAs advised that the existing versions of the covenants—there appeared to be three

corporation versions applicable to different properties depending on when they were purchased—were lacking in three key regards. They created no legal authorization for the association to collect dues and assessments. Legally, that authority had to be in the covenants, rather than any ancillary document. So long as members paid, that was fine, even when they paid in protest as they did when road repairs were lagging. But there was no means of enforcement other than potentially costly legal action. There was no provision in the early covenants for amending them. Absent an amendment mechanism, approval of 100% of the membership would be required, in effect a single vote veto for any member opposing a covenant change. Assessment, enforcement and amendment were three gaping holes.

With the legal lapses in mind, the board conducted a membership survey in the fall of 2020. Who were we as a community? What did we aspire to be? How might we achieve that? What could the costs be? Could we change anything we might want to change?

The survey told the board that the community was largely content. It did not want major changes. Nor did it want to become a gated community. But it was concerned about its security. And maintaining the quality of the community as it had in the past.

This community is a treasure, just as it is.

Discourage usage of our facilities by nonmembers.

Have members volunteer; we need a bigger, younger army for what we already have.

Acquire the Geruso lodge property to avoid unwanted development.

Gate the community.

Absolutely, positively NO.

--Sample responses to the 2020 membership survey.

The Covid-19 pandemic had struck earlier in 2020. It changed the community dynamic as the membership adopted masking, social distancing and, as a necessity of North Carolina's ban on public meetings, communicating by Zoom. Nonetheless, a community-wide task force—all voluntary—was created to review the findings of the survey and make recommendations to the board and membership. In 2021, three reports emerged from subgroups addressing the community's Vision, Finances and Governance.

The Vision report reflected the view that the community was not seeking change, but security. The Financial report laid out a plan to meet increasing and future costs by raising dues and bringing the existing two-tiered rate of assessments—homeowners and lot owners—towards parity. The Governance report identified the gaps and crafted an Amended Declaration and covenants that would remedy them. While not endorsing 47F, the Amended Declaration would

give Swiss Pine Lake the qualities of a “planned community” and bring it under the provisions and protections of 47F.

The Amended Declaration and covenants met the tests that the Geruso covenants did not—assessment, enforcement and amendment. But there was verbal and, sometimes, visceral opposition. Absent an existing means of amending covenants, the board was advised that individual owners could sign the Amended Declaration, attaching it to their deeds. This avoided a single negative vote having a veto effect. Signing the Amended Declaration was itself an act of voting. And until all members of the community signed, if they ever did, the community would have parallel governing documents, which it effectively already had with the several sets of Corporation covenants.

Initially, about a quarter of all members signed the Amended Declaration, including Hope Leichter on behalf of the still sizeable holdings of the Corporation. While multiple opportunities were created—on Zoom, at the community pavilion, online and in living rooms—to explain the new covenants, they were met with reluctance and apprehension. A special membership meeting was petitioned for and held. A Covenants Review committee was created to pursue further changes and compromises. At this writing, this is still an ongoing process.

UPDATE

In 2024, a further revision of the covenants was completed. It addressed concerns such as potential logging of the forests within the community. The Swiss Pine Lake corporation had put nine different parcels of land up for sale, the largest being some 65 acres. Two were sold, one to a timber company, before the corporation removed the remaining parcels from the market. We dubbed the revision “3.0” to differentiate it from the original Geruso covenants and the “2.0” version of 2022. At this writing (2024), the 2.0 signers had fully ratified the 3.0 revisions and more than half of the community is signed on to 3.0 with further efforts under way to bring all members into the fold. But those efforts and attention were diverted.

THEN CAME HELENE

Hurricane Helene swept up through the Carolinas in late September of 2024. Spruce Pine and Mitchell County were among the worst hit. Appalachian streams became torrents. Rivers rose beyond historic record levels. Houses, lives and livelihoods were washed away. Helene was mean. For three days, she dropped an unprecedented volume of water on western North Carolina, blew fiercely with gusts up to 70 miles an hour and brought devastation that dropped huge trees throughout our community—at least seven on our own property and two of those on our house--and knocked out power, water, cell and internet services for several weeks. Downed trees damaged the community’s pavilion at the lake. The deluge from Crystal Falls ripped through a culvert on Swiss Pine Lake Drive and left the road with a roughly 30-foot

chasm separating the north and south sides of the community. Fortunately, that gulf was quickly repaired.

Even more fortunately, no one in the community was injured. Many rode out the storm. Others were lucky to be away. The lack of utilities compelled some to relocate at least temporarily. Still, forests are resilient and will regrow. Roads and culverts can be replaced. Houses are just sticks and stones. The emotional scars of those frightening wind and water-driven nights will last longer. Yet post-Helene spirits remained remarkably high.

The worst of Helene also brought out the best of Swiss Pine Lake. Neighbors helped neighbors. (Thanks to Malcolm, Teresa and Mark for helping us get to our garage and for clearing a path out of Pine Point Road.) Power was out for two or more weeks. Water took even longer to reliably restore. For a while the community was severed by a washout of a culvert on Swiss Pine Lake Drive below Crystal Falls. Though Swiss Pine Lake suffered damages, much of Mitchell County took an even worse beating, among the worst inflicted by Helene. It was, arguably, the worst of times that the community had experienced. At this writing near the end of October of 2024, much remains to be done. The repairs needed have not yet been fully evaluated. Nor do we know what will be covered by insurance, grants or FEMA.

LOOKING BACK; LOOKING AHEAD

In some regards, earlier times were easier times.

“The first thing to ever impress me about SPL was watching my cousin do a back flip off the rope swing,” Monika Banks recalled. “I spent my first summer at SPL back flipping into the lake. It’s a shame that fear of injury has caused that rope swing to disappear.”

The floating dock in mid-lake also disappeared, as much a casualty of liability as deterioration. But Monika Banks says it was the hot spot for teenagers in the 1980s. The lake had no lifeguard, but it had a vigilant watcher.

“Our dog, Bandit, a Rhodesian ridgeback, thought he was the lake’s lifeguard. He’d sit on the beach and watch the little kids play and if he thought they were in trouble he’d swim out to them and they’d hold onto him and he’d pull them back to shore,” Banks wrote from Germany.

Stories have been handed from generation to generation and neighbor to neighbor. Russ Mundy heard this one from James Gouge about Helen Gates. Helen lived near the top of Sunrise Ridge before it was paved.

“Helen, an avid swimmer, who lived at close to the top of the hill, brought her grandchildren to the lake regularly. And uniquely. She would load two of them into a wheelbarrow and haul them both ways - up and down. Now if you're thinking that carrying fifty pounds downhill in a wheelbarrow is easy, perhaps you should try it. The wheelbarrow just runs away. Gravity has its say. Of course, going uphill is just crazy,” Mundy wrote.²⁹

Mundy says Helen “must have been a whirlwind of energy,” a reason he believes for why only *impatiens* flowers are planted in her memorial by the pavilion each year.

Barbara Banks had a similar attachment. “Because of her love of the lake, is also the reason I had her service there when she passed away,” says her daughter Monika. “It was the perfect place to honor her and say goodbye.”

Nancy Stewart commemorated her mother Erma with one of the copper-topped posts on the pavilion walk. “My mother does not have a grave. And one of the ‘stones’ –it’s Erma and Nancy Stewart. We were not particularly close except in building that house. You don’t want to be alone in that. Members have left something of themselves here,” Nancy said. Erma was once the association president. Her name is also on the wooden bench by the silt pond.

The commemorative benches and posts were Russ Mundy’s conception and construction. The community has always thrived because of its volunteers. Monthly trail days get us out with our

chain saws and loppers to keep the community network of trails clear. The trails include the flat loop around the lake from the cart path to the lakeside edge of the Geruso property. Wildflower Trail beginning from Sunrise Ridge is the longest and gets steeper as it climbs. A good hike going up or down. Crystal Falls is a short, easy walk to the most impressive of the community's several falls. You can see three falls on a hike that starts at the bridge near the silt pond, goes upwards to the mostly hidden Hemlock Falls—the trail crew uncovered it in 2021—crosses Swiss Pine Lake Drive at Elizabeth Falls, and follows the road down to the entry to Crystal Falls.

In 2022, a North Carolina Forest Service grant earned the community about \$5000 worth of brush clearing and a useful pile of mulch. As attractive as our forest setting is, we live in a potential tinderbox, especially as the threat of wildfires grows in a warming atmosphere. Swiss Pine Lake is a Firewise USA recognized community for its efforts to limit fire risks. [The Forest Service grant was repeated in subsequent years. The Forest Service had long worried about Swiss Pine Lake's vulnerability to wildfires.]

The silt pond was rebuilt in 2018 and 2019. The lake was dredged in 2020. It'll need it again in a decade or so. Road repair is a continual need. The Sons of Ditches' ditches need cleaning at least twice a year. The trails are shaped and pruned regularly. Picnics are held, rain or shine.

"I think the community is probably in better condition than it's been," said Luke Woods, a former association president.

Dick Geruso died in 1985; Hallett in 1998. What might Dick and Hallett think in 2022?

"I think they would hope that the vision they had of something other than a business can be sustained," Hope Leichter said in our conversation. "And that someone who would come into the community would appreciate the beauty. She (Hallett) was convinced this was the most important project she could be doing."

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This is an unfinished story. History always is as it merges with the present. And the present as it recedes into history.

While there are multiple perspectives included here, there are even more that might be. We can keep writing the history of Swiss Pine Lake together. Share your stories.

CB

9/7/22; updated in October 2024

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