

Coastal Estates Homeowners Association
APPROVED Minutes November 13, 2013 Board of Director's Regular Meeting
Lakes Regional Library - 15290 Bass Road, Fort Myers FL 33908

Meeting called to order: Rose called the meeting to order at 6:31 PM

Board Members in Attendance: President Rose Adamski, V.P. Tony Swaldi, Treasurer Dan Clifford and Secretary Mandy Beran.

Lot Owners in attendance: George Adamski and Dan Beran

Rose announced that the May 8, 2013 Proposed Meeting Minutes were approved by the Board and posted on the website. The website was automatically renewed on 9-2-2013 and charged to Reba Fennessy so I have reimbursed her with a check for \$131.28. The Association's website is www.cehoa2010.com. Rose said the 2012 Minutes were deleted from the website by mistake, which I was not aware of until September, so I want to apologize for this.

Old Business:

1. **Committee Report:** Committee Chairman George Adamski reiterated that the Board had directed him last spring to find the elevation levels in the 10 ft. easement designated for storm drainage on the south boundary. George said the preliminary findings look positive, as the proposed open ditch on the south boundary would have about the same slope for the same distance as our existing ditch on the north boundary of our subdivision, that being approximately a 6 inch drop in a 360 foot long ditch. George said given our limited funds, he suggested that we go with an open ditch as opposed to a buried drain pipe, which would be very costly, and the Board agreed. Since this is a new project as opposed to maintaining the present ditch, George said he did not know what the County may require. Dan made a motion, seconded by Mandy and unanimously approved to have George make a sample drawing proposal to submit to the County for their opinion and approval.
2. **Modification for Lot 10.** Rose said the owner submitted plans & specifications to the Board requesting to erect a wood privacy fence in the back half of the lot, and since all Directors consented to approve, I sent the owner written board approval to erect the fence.
3. **Update on Liens and Foreclosure:** Rose said there were Notices of Intent to Lien delivered March 11, 2013 to six (6) lot owners and none of them disputed the fees charged or offered to pay the debt they owed the Association within 45 days as required. Rose said, on May 21, 2013 a Claim of Lien was recorded against the 6 lot owners, and the Liens are active for 5 years. She explained that our attorney, as required by law, sent a Notice of Intent to File a Foreclosure Action along with a copy of the Lien to all six owners on May 22, 2013. Of the 6 owners, 2 are in foreclosure by a bank, and the Association has protected its legal right to collect the past due fees when the property is sold. Rose said a third owner phoned me and offered to pay the debt, and I informed them they must pay all costs and attorney fees the Association incurred, which they agreed to do, so we are in negotiation with them to arrange payment. During the summer, after discussing the facts with the attorney, which I passed on to the Board, he advised it was in the best interest of the Association to Foreclose on one lot owner, known here as "Owner A". Owner A has not paid any maintenance or assessment fees for 5 years, and he has refused to make the necessary repairs to his home as demanded in a Complaint the Association filed against him in Court, so the the Foreclosure Complaint will be filed against Owner A. Rose noted that Florida Law was amended to allow Homeowners' Associations the same legal rights as a bank or mortgage company to foreclose, so the process is quicker and less costly for us now.
4. **Verbal Request from "Owner B":** Rose said of the 2 remaining owners who received a Notice of Intent to Foreclose, one owner who will be known as Owner B has not paid any maintenance or assessment fees in the past 4 years and he recently called me to offer to pay the debt he owes the Association, but he offered to pay only half of the attorney's fees. Rose said she told Owner B that the Board would address his offer at this meeting and she would let him know the Board's decision.

After the Boards discussion, a motion was made by Dan seconded by Mandy and approved unanimously that owner B pay the full amount owed.

5. **Update on Condo & HOA Law Group v Coastal Estates:** Condo & HOA Law Group (They) filed a lawsuit against the Association for alleged past due attorney bills of \$8,000. We filed our Affirmative Defenses in September of 2012, and they never responded, but before the deadline in July 2013, the Court contacted the parties involved. They claimed they did not respond as they started a new law firm in January 2013, now known as Gotti, Ademsi and DeBoest, and they filed a motion in court to force us to provide all Minutes and all invoices from 2008 through today. Our attorney filed a motion for an extension to respond, but he will continue to argue that since we did not have any contract or even a written agreement with them to pay the alleged past due bills, they do not have the legal right to demand payment.

Rose called for any other old business but none was discussed.

New Business:

1. **Fixed Date for 2014 Election.** Rose said per Article III, Section 4 of the By-laws of Coastal Estates the Board is required to fix a record date for the purpose of determining the members entitled to notice of or to vote at the 2014 Annual Meeting. A motion was made by Dan seconded by Mandy and unanimously approved to set the fixed date of December 15, 2013. Rose announced that the First Notice of the Annual Meeting & Candidate Intent Forms will be delivered to the members soon after this meeting, and it was suggested that a cover letter accompany the Notice informing the members of what the Board accomplished during 2013. A motion was made by Dan, seconded by Mandy and unanimously approved that the candidate intent forms must be returned by December 23, 2013 to have the candidate's name printed on the ballots. A motion was made by Dan, seconded by Mandy and unanimously approved to hold the Annual Meeting of the Membership and Election on January 25, 2014 at 2 PM at the Lakes Regional Library.
2. **Enforcement of Coastal Estate Deed of Restrictions:** Rose noted that the Association is not enforcing Sec. 6(f) of our DOR, which mandates that "A maximum of 2 cars may be kept at each home site and all vehicles must be parked off the street, except for guests." She explained that since it has not been enforced for several years and residents do park their cars on the road, we will have to address this in the future. After discussion, the Board said it would monitor the situation and a motion was made by Dan, seconded by Mandy and unanimously approved to table this matter. Rose also said the Association's Complaint Policy is posted on our website. The Policy requires a written complaint to be filed, so it's very important that the Board understand that the complainant's name must be kept confidential and if a Director breaches this provision, the Association can be sued.
3. **Chapter 720**, the Florida Statute governing homeowners associations has been amended in 2013, and Rose reported that he compiled a report of the changes in the law and that it was posted on the Association's website. Dan mentioned that within 90 days of being elected to a Board of Directors, a Director must certify that he/she will faithfully discharge fiduciary responsibilities, and if the Director does not present a signed document to that effect, then the Director may not serve on the board. Dan also mentioned that an Association must pay for an insurance or fidelity bond for any director who controls or disburses funds, including the President, Secretary and Treasurer, unless a majority of the members eligible to vote annually approve an exemption. Rose said the Board will address these legal requirements after the 2014 election.

Rose called for any other new business and none was discussed.

Motion to Adjourn: Tony made a motion to adjourn seconded by Mandy and unanimously approved, so the meeting adjourned at 7:37 PM.