

SUMMER TREES HOMEOWNERS ASSOCIATION, INC

VFW, 5810 Williamson Blvd, Port Orange FL 32128

Wednesday, February 24, 2016 at 7:00PM

SPECIAL MEETING REGARDING SPECIAL ASSESSING OF UNIT 107 CYPRESS POND ROAD

Meeting called to order by John Lyon, roll call: John Lyon, Frank Hart, Betty Szecsei, Paul Hallett, Joe Richotte, Walter Rex, and Kelly Nixon, all were present.

Attendance: 39 homeowners including all Board members. In addition, Leanne Wagner, Attorney representing Summer Trees West HOA, was also in attendance.

President/John Lyon:

John Lyon reports that this is a special meeting regarding special assessing of Unit 107, Cypress Pond Road. "Comments by the audience will be limited to 3 minutes as per Florida Statute after the Board vote. Discussion by Board of Directors regarding 107 Cypress Pond special assessment. Most of you are well aware of what has gone on with this unit. This unit has caused the association to incur legal expenses since 2013. Due to the spreading of false statements regarding board actions, bullying board members, threatening legal action on and off causing our attorney's to respond & then Unit 107, not following thru. It has and is causing a nuisance in the community and thereby tearing the community apart. All the while failing to move forward and resolving any issues. In June 2015, a meeting was held for all members to attend regarding a special assessment on this unit to cover legal expenses incurred. The majority of members attending overwhelmingly agreed to special assess the unit and not the whole community and that the Board should proceed with this action. As per 6.5 of our Covenants the Board of Directors has the authority to special assess the appropriate unit for fees to date and any future costs. That is what we're here for at this meeting pertaining to the Covenants and Restrictions."

Treasurer/Paul Hallett:

Paul Hallett asked the Board to make a motion to special assess Unit 107, Cypress Pond Road for the current legal cost's to date of \$6,693.28. "Payment for current costs will be due in 30 days from today's date and if payment is not received by the Board in 30 days, the HOA will proceed with collection action and reserve the right to special assess for future expenses." John asked if everyone agrees.

Walter Rex, whom is on the current Board, asked for discussion and commented "Are these fees reflected and shown anywhere in the Minutes to show in the Minutes where it was authorized to this spend money, if not, the Board, might as well whistle Dixie". John Lyon asked him to clarify his question again. Walter replied "Do the Minutes show that the Board authorized for payment of these fees and these actions by the lawyer and the cost's and are they reflected by the Minutes and authorized by the Board?" Paul Hallett answered that "The Board agreed in this case, because where there is, in this case, an outside attorney, pursuing legal action against the HOA, we don't have a choice but to go to court with legal representation as well, by an attorney to represent Summer Tress HOA. Furthermore if an attorney, (hypothetically) takes one to court without the other side, like us, not having legal representation, taking us to the cleaners, that the Board would be at fault for not doing anything, wouldn't it? Then you would be sitting and humming the other song". Walter states again about wanting to see it in the Minutes. Walter also said we don't have a chance in court. The audience agreed for us to take that chance. Paul Hallett said "We are almost \$7,000.00 in debt. We do not have the money to pay for that." John Lyon clarified that "Backing up to the meeting that we already had, all of us with Legal at that time, we all consented to the fact that we were going to move ahead. We then had the meeting with the homeowners of Summer Trees to get their feel as for what was going on. We knew based that on that meeting, we had 100 plus homeowners of Summer Trees and they told us that is what they wish for the Board to do. So, the Board agreed with this as well as Summer Trees community, were in agreement, 100% with moving forward with this." Walter

then commented that he can't find his Minutes. Joe Richotte commented that he is not sure if it is the Minutes however Joe said "We had a meeting back around late 2014 back and Bob Rhein was president at that time but we did not follow the correct proper steps as far as pursuing this but today we are doing it the proper way and like Paul Hallett said the minute 107

Cypress Pond Road got a lawyer, then immediately we had to protect ourselves as an association, it's our fiduciary duty and I repeat our fiduciary duty, to protect this association and it is 237 people, not just one person." Walter commented that "We are still a community of a Nation of Laws. We are subject to corporate law". Paul Hallett responded "Correct, since you brought it up, where is the law that says it? Produce it." Both John and Paul responded to Walter, "You knew this meeting was coming up and you have or had an argument, then why did you not bring this with you. Or you could have brought it with you or why didn't you bring it with you to add to the discussion?" Walter replied "I didn't think you would listen to begin with". John and Paul responded "Walter please". Paul said that this reply is a "copout" and John replied "That is exactly right" and then Walter replied "All right, it's a copout".

Kelly Nixon responded "I don't think we are following the law but you guys know best, you're going to do what you're going to do." Paul Hallett asked "What law are we not following?" Kelly responded "The Fair Debt Law, Due Process and Constitution of the U.S." Paul Hallett said "According to our attorney we are following law." Kelly responded "You asked me my opinion and I am just giving it." Paul Hallett replied "Since I became the Treasurer, a lot of people have come to me and talk to me. I have dealt with a lot of unit owners whom called me on the phone from Texas to here, crying because they did not feel that it was right that were being assessed these extra attorney fees because they don't have the money and they are on fixed incomes and I have listened to these people and we have the fiduciary duty to do what the unit owners want and the majority of the people have spoken and said we don't want to pay it. There is nothing that came out of the owner of Unit 107 Cypress Pond Road, that has been pin pointed, that has even been true, or the unit owner doesn't follow through and it's all been frivolously done and so we don't want to pay it. My vote is with the people. I have no hard feelings against anybody. I just figured, as a board member that was elected, the people had come to me and so I am voting for the people, with the people. I don't know how anybody could go any other way. If you listen to the people and what they had to say and if you vote the other way there is an ulterior motive."

Paul Hallett asked to make a motion to special assess Unit 107, Cypress Pond Road for the current cost's to date of \$6,693.28. Payment for current costs will be due in 30 days from today's date and if not payment is not received in 30 days, the Home Owners Association will proceed with collection action and reserve the right to special assess for future expenses that are incurred. All in favor say "Yes" by name: John Lyon voted "Yes" Frank Hart "Yes", Betty Szecei "Yes", Paul Hallett "Yes", Joe Richotte "Yes", Walter Rex "No", and Kelly Nixon voted "No". John Lyon announced "The motion has passed".

Comments from Audience:

"What if the owner does not pay, what are the next steps?" John Lyon said the next step would be to send a collection letter and if no response, to perform a lien on the property and if still no response then the last step is to perform foreclosure on the property.

"Would any future billing of attorney fees be added to collection from the unit owner pertaining to this case?" John Lyon responded "Yes, that was the whole purpose of why we had a meeting last June was to clarify and let everyone know what was going on."

There were no more questions from the audience.

Meeting adjourned.

Annual meeting will be February 27, 2016, 1PM, @ VFW 5810 Williamson Blvd

Submitted by: Susan Oppenheim, Recording Secretary