

**MINUTES OF THE ANNUAL MEETING OF THE
VILLAGE SQUARE OF TITUSVILLE CONDOMINIUM ASSOCIATION, INC.
January 31, 2014**

Call to order: The meeting was called to order by President Betty Conant at 12:05 pm. Approximately 23 residents were in attendance.

Appointment of impartial committee to count ballots: Betty asked for volunteers and Ted Manna, Linda Franczyk, Ernest Platt, and Bernie Franczyk graciously volunteered to count the ballots.

Collection of Ballots not yet cast: Betty asked if there were any further ballots to be collected and closed the voting process so the committee could begin counting.

Certification of Proxies: Manager stated that we received 25 proxies and had 23 units represented in person, for a total of 48 units in attendance. We needed 49 units to certify the meeting, so this meeting was just an informational meeting, not a certified Annual Members' Meeting. There are 3 units the association owns and 3 units that are either in foreclosure or past 90 days owing assessments.

Approval of Minutes from Previous Annual Meeting: Since the meeting was informational, no minutes could be approved, so were not read from 2013.

Officer's Reports: President's message was given by Betty: Thank you for allowing me to serve this past year as your president. I didn't realize all the work and effort that goes into making sure our community functions properly. I want to thank all of the Board members who volunteered their time this year in helping us succeed. Dennis, Brenda, Evelyn, and Linda, you all have been excellent to work with. To the management team, Reconcilable Differences, Michelle you have been the glue in helping us survive the past year. You and Lynn are such a wonderful asset to our community.

The accomplishments of 2013:

- Reserves were used for the balcony repairs after the carpets were removed and cracks were found in the concrete. We also had crack repairs completed at the pool, cost of \$3,885.
- Slab leak repairs in four units throughout the year.
- In March, thanks to our strong management team, we were able to collect almost \$14,000 after they did a lot of fighting with the bank. This was after our old attorney said we would only be entitled to \$950. Again, management was successful in another unit when we collected \$4800 where the attorney told us we were only entitled to \$971. Great work RDI.
- We used \$6,537 from road reserves to cover the work done by Mike's Masonry on the curbs and cracks in the roads. He did a great job.
- The roofs of 1765, 1785 and 1795 were cleaned by a company to eliminate the mold and give a longer life to the roofs.
- Painting took place on Buildings 1765, 1785 and 1795 and half of building 1745 this year by Anchor Painting. This painting included the stairs and walkways where needed and the front doors. This was quite a process, but with the help of management coordinating with the crew and our maintenance man, it was very successful.
- We had the roof of Building 1685 repaired at a cost of \$1,700.
- We had a committee give input on the Rules and Regulations, which were then sent to the attorney for finalizing. These rules have gone to the membership and will be voted on today. There are some new rules to help the community, especially the Doggie DNA rule. Extra copies of the rules are

located in the clubhouse if you need them. Thanks go to Evelyn Bourke, Doris McDowell and Linda Beckwith who volunteered many hours to assist with this task.

- An interview committee was set up and they now handle interviewing all the new owners and tenants that come into Village Square. A complete background and credit check are done so that no felons can move into our community. Thanks to Dennis Filler, Linda Beckwith, and Brenda Dowd for their hours in interviewing.
- We established a fining committee this year to uphold our rules. Geraldine Polk and two others offered to serve. Let's hope they don't have to work too hard because everyone is following the rules this year.
- Thank you to all in our community who help watch out for all of our safety. Joe Biggi saw a suspicious car, called the police and we found out that it was a stolen car, so with this type of caring we all can help look out for one another.
- Lastly, we were able to again keep our monthly dues at \$200 per month, not raising it in over 4 years, and yet we are still able to complete major tasks and upkeep maintenance on the buildings and roads.

Upcoming Projects for 2014:

We will obtain bids and repair the roof issues that our inspector found.

Installation of the security lights on building 1765 and 1785 will be finalized.

We obtained a legal opinion from attorney Frank Ruggieri with The Ruggieri Law Firm regarding the west wall that separates Spanish Oaks and Village Square. Michelle was asked to read the attorney opinion letter to the audience:

Per the Board's request, I am submitting this correspondence to address the concern raised by some Village Square Residents regarding the approximate \$7,000 expenditure the Association made to repair the east side of the privacy wall situated parallel to Demaret Avenue which faces the Village Square Community. My understanding is that the work consisted primarily of stucco, painting and cleaning of our side of the wall. The owners who have challenged this take the position that the wall is owned and wholly situated on Spanish Oaks property and is therefore their responsibility.

Let me first address the ownership issue. I attempted to locate online property appraiser maps of the area to determine if the wall does indeed sit completely within Spanish Oaks property but was unable to do so. Lynn also forwarded a pdf of a survey of the area. Unfortunately, the best I can say after my review of the survey is that the wall actually appears to be situated squarely **on** the property line with half on Spanish Oaks property and half on ours. I would need a precise ground level survey of the area to determine precisely where the wall sits. This is crucial as it would indeed be our responsibility to maintain our side of the wall if it sits squarely on the property line.

I'll next discuss the typical development of real property in situations such as this where a privacy wall separates two communities. I typically see what's referred to as a cross access, shared maintenance and easement agreement which spells out each community's maintenance responsibility for the wall and grants access easements to each community to do their maintenance. I have not done a title search and I therefore cannot rule out that there might indeed be one recorded which obligates us to maintain our side. That is very typical and that's what I would have done had I represented one of the developers. Consequently, we may very well have the obligation to maintain our side by virtue of such an agreement.

Lastly, let's assume the scenario is exactly what these owners claim, being Spanish Oaks owns the wall in its entirety with no maintenance agreement in place. It is my understanding that Spanish Oaks refused to pay for any of the repairs we did. I also understand that the appearance of our side of the wall was in a significant state of disrepair and numerous owners had complained about its appearance. The first question

to be asked is, what could we have done to force them to maintain it? It would have been a lawsuit seeking an injunction to force them to maintain it. The attorney's fees would have quickly exceeded what we spent and that sort of remedy is fairly difficult to establish. Also, assuming we did get an injunction, a Judge would not force them to paint the wall unless we were able to prove that they had the ability to pay. Lastly, you have to have either a statutory or contractual basis to recover attorney's fees and costs. Even if we prevailed and forced them to paint the wall, I don't see a basis to recover attorney's fees and costs. They easily could have exceeded what we spent and I feel it was actually cheaper for us to maintain it ourselves instead of trying to force them to do the maintenance.

Based upon the foregoing, I actually think it was a prudent decision to maintain the wall ourselves. It only benefits our community and the Board has the absolute discretion to expend funds in the best interests of the health, safety and welfare of the residents. I view this as a sound decision and I actually am surprised the wall sits on their property as it provides very little benefit to them and a great deal of benefit to us. Plus, it's across the street from their community. This area was developed in a way I've never seen in my fourteen years of representing Community Associations. Let me know if I can be of further assistance. FR.

Speaker: Sean Gallagher with Alron Construction: Alron is a company that looks for ways to trigger insurance claims to assist with repairing damage to roofs by hail. The neighboring homes on all three sides, which had significant golf ball sized hail damage, led him to Village Square. He completed a 152 page report with color photos, which is available to any owner who would like to view it in the office. Building 1685 building was scoped to be replaced in 2014, but in his professional opinion only a small repair is needed. It was noted that this condition report was at no cost to the association, just informational. It was determined that there was not significant damage for an insurance claim on any of the Village Square roofs.

Voting Results on Vote #1: **The Board of Directors proposes to amend Section 19.8 of the Declaration to read as follows: (Words underlined are the changes being voted on)**

19.8 Pets. No pet shall be permitted on any of the common elements not specifically designated by the Board of Directors. Pets which are a nuisance to other unit owners may be required to be permanently removed by action of the Board of Directors. Unit owners may not have more than two (2) domesticated pets. No pet shall weigh more than twenty (20) pounds or be over fourteen (14) inches in height at the shoulders at maturity. The following types of animals are strictly prohibited on Condominium Property: Canines other than dogs; felines other than cats; and insects, reptiles, amphibians, and fish provided they are confined in an aquarium or terrarium. The following dog breeds are considered aggressive and are strictly prohibited: Akita; Alaskan Malamute; Chow; Doberman Pinscher; German Shepard, Pit Bull; Staffordshire Bull Terrier; Presa Camario; Rottweiler; Siberian Husky; Wolf Hybrid or any variation of the foregoing which are of a mixed breed. The foregoing restriction shall in no event be applied retroactively after its adoption.

There were 40 votes in favor of passing this amendment to Section 19.8 of the Declaration and 9 votes not in favor. This did not pass as we needed 74 votes from the 98 units able to vote.

2. The Board of Directors proposes to amend Section 20.1 A of the Declaration to read as follows:

A. Sale. No unit may dispose of a unit or any interest therein by sale without approval of the Association, except to his or her spouse or another unit owner. No one individual, corporate entity, partnership, or other form of business entity shall own more than two (2) units at any given time.

There were 36 votes in favor of passing this amendment to Section 20.1 of the Declaration and 13 votes not in favor. This did not pass.

3. The Board of Directors proposes to accept title to a small piece of land upon which a portion of a privacy wall which bounds the Village Square Community is situated. This privacy wall does assist in providing privacy to the Village Square Community. The current owner proposes to convey title to this real property to the Association for free. The current property taxes on this property are \$2.00 per year. The

Association estimates that it will incur charges in the neighborhood of \$50.00 annually to maintain this portion of the wall. Vote "Yes" if you are in favor of getting title to this property. Vote "No" if you are not in favor of getting title to this property.

There were 37 votes in favor of passing this amendment to accept the privacy wall and 12 votes not in favor. This did not pass.

Brenda made a motion to table these issues and send a mail away ballot with clearer instructions and reconvene in 30 days to try and get owners who did not respond to vote. Dennis seconded, all in favor.

Open Forum-Comments and Discussion by Homeowners: An owner questioned a rule about cameras and not being able to install them to the outer wall. He stated that these cameras have to be installed on the outside wall to see and record clearly. Michelle reported that the rule could be amended with the addition of the words "without Board approval". With that addition, if the Board approves in writing, it could be done. Another owner questioned why an owner must carry their pet to the walk area and asked if a fish aquarium is allowed. Management stated that carrying the pet is an old rule that was not modified, and the aquarium wording in the pet amendment should be re-written more clearly before being re-sent.

A resident asked why DNA samples need to be taken from pets. Dennis explained that several owners allow their dogs to defecate without cleaning up and some just open their doors and allow the pets to go out without oversight. The DNA rule will help with pet owner accountability in the long run.

Approval of Rules and Regulations: Michelle reminded all that revised rules are approved and adopted by the Board. The membership can give their suggestions and comments, however, ultimately it is up to the Board to approve. There will be changes made to the rules based on input at this meeting, which will then be mailed out again to the entire membership for input before the board approves them at a Board meeting.

Introduction of New Board:

There had been a problem with ballot counts, and a hurried addition of tallies, so Manager Lynn Hiott was in error with her first report. Some people did leave before a re-count was done, but once certified, of the 10 people running for Board positions, the top vote getter was David Mark with 35 votes, Brenda Dowd with 32 votes, Evelyn Bourke with 28 votes, and Dennis Filler with 27 votes. There was a two-way tie for the fifth position between Betty Conant and Paulette Guthrie with 23 votes each. Therefore, there will have to be a run off between the two for the 5th seat. Management will send out a new proxy with revised amendments, rules and regulations, and ballots with only Betty and Paulette's names. The meeting will be held in 30 days.

Set next meeting date: The meeting was scheduled for Friday, February 28, 2014 at 3 pm.

Adjournment: There being no further business, the meeting adjourned at 12:55 pm.

Respectfully,

Michelle Davis, LCAM #17226 and Lynn Hiott, LCAM #35322
