

PORT MALABAR HOLIDAY PARK MOBILE HOME PARK RECREATION DISTRICT

A community intended and operated for persons 55 and older

215 Holiday Park Blvd. NE

Palm Bay, Florida 32907

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To: All Registered Holiday Park Property Owners

Re: **Election Ballot for Resolution 2017-02**

The attached Ballot is being sent to you to resolve the current issue of properties in Holiday Park being invested in and sold as rental units by individuals, corporations and "offshore" investors who have little interest in our community as a residential District.

Deed Restriction Article III, Restrictions on use of lot, Section 2 Limitation on Residential Lot Ownership was originally written with NO restrictions on the number of lots which could be purchased by an individual resident or investor.

When the park was developed in the early 1970's, it was presumably established as a **RESIDENTIAL** community of both "seasonal" and "full time" occupants without concern for multiple purchases for investment purposes, hence, the no restriction on properties owned by an individual or corporation.

When the park became a "District" in 1983, the members of the first board (presumably formed from members of the then HPPOA), visited our North Port, FL "sister" park, which was formed as a "District" in 1982, for guidance on creating our Deed Restrictions. At that time, the DR had no restrictions on ownership as described above.

In 2012 we made two major changes to the DR. The first change was the requirement to have the majority of the people who participate in any DR change as the passing factor as opposed to the original requirement of having 51% of all registered owners required to effect a change to the DR. The second change was to limit ownership of any one lot owner to a maximum of four (4) lots. The second change was made to limit the voting rights of any property owner to a maximum of four (4) in any election with the owners "grandfathered" for multiple ownerships prior to this DR change.

That being said, the attached Resolution 2017-02 is written to change the maximum lot ownership by any owner to a maximum of one (1) lot with the ownership prior to this revision being "grandfathered" as stated above.

Resolution 2017-02 is an attempt to limit the properties in the District to RESIDENTIAL ownership instead of allowing future ownership for investment purposes. Based on future property sales by current multiple property owners, this change will result in fewer commercial investments.

PLEASE read the Resolution carefully. Enter your vote as YES or NO, FILL IN the Property Owners information and return your Ballot to the District Office by mail or in person. Mail your response to: Resolution 2017-02, c/o Port Malabar Holiday Park Mobile Home Park Recreation District, 215 Holiday Park Blvd., Palm Bay, FL 32907

ALL BALLOTS MUST BE RECEIVED AT THE ABOVE ADDRESS BY NOON ON WEDNESDAY, MAY 10TH, 2017.

Counting of the votes will be performed beginning at 1:00 PM on May 10, 2017 in the Recreation Hall.

Your vote is extremely important in maintaining our community in a manner acceptable to all residents.

Thanks for your cooperation in this matter,

William E. "Bud" Getz, Jr.
Chairman, Board of Trustees

BALLOT

Port Malabar Holiday Park Mobile Home Park Recreation District,
Brevard County, Florida

QUESTION 1: Shall the **AMENDED, CONSOLIDATED AND RESTATED DECLARATION OF RESTRICTIONS, CONDITIONS, COVENANTS, AND RESERVATIONS AFFECTING PROPERTY LOCATED IN PORT MALABAR HOLIDAY PARK, UNIT ONE AND UNIT TWO** be amended to approve changes to Article III, Section 2?

(In all cases, words underlined are to be added, all words not underlined remain enforce and effect.)

ARTICLE III RESTRICTIONS ON USE OF LOT

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Section 2. Limitation on Residential Lot Ownership

In order to maintain a community of congenial property owners who are agreeable to abide by the "housing for older persons" restrictions and all other applicable terms, conditions, restrictions and other provisions contained in the Districts AMENDED, CONSOLIDATED AND RESTATED DECLARATION OF RESTRICTIONS, CONDITIONS, COVENANTS, AND RESERVATIONS AFFECTING PROPERTY LOCATED IN PORT MALABAR HOLIDAY PARK, UNIT ONE AND UNIT TWO and the provisions of Section 418 and 189 Florida Statutes, and Ordinance No. 83-52 of the City of Palm Bay (hereinafter collectively "Restrictions"), the transfer of a lot or lots by any owner shall be subject to the conditions hereinafter set forth for as long as said Restrictions shall remain in force and effect: It shall be necessary for the District's Board of Trustees, or its duly authorized officers, agents or committee, to approve in writing all sales, transfers of title, leases or subleases of a lot, or other occupation of a dwelling unit on a lot, before such sale, transfer, lease, sublease or other occupation shall be valid and effective. Written application for such approval shall contain such information and supporting documentation (including, but not limited to, verifiable proof(s) of age(s) of proposed occupant(s)) as may be reasonably required in application forms promulgated by the District's Board of Trustees and shall be accompanied by a transfer fee to cover the District's Board of Trustees' reasonable expenses as shall be determined by further resolution(s) of the District's Board of Trustee from time to time; provided, however, the District's Board of Trustees shall not be authorized to charge an application fee in excess of Fifty Dollars (\$50.00).

The number of residential lots owned by an owner of a lot in Port Malabar Holiday Park, Unit One and Unit Two is hereby limited to ~~four~~(4) one(1). The owner must make an "APPLICATION FOR PURCHASE / REGISTRATION" with the District Office prior to purchase with the registered owner being the primary resident of the property. After registration as a "resident", the owner may elect to "Rent Out" the property with the stipulation that the owner shall not be permitted to purchase another property per the limitation of one (1) property per owner. Any person renting a unit or part of a unit shall first make an "APPLICATION FOR RENTAL or NON-OWNER" with the District Office prior to renting / occupancy.