



**PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT**

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

REGULAR MEETING MINUTES

January 8, 2018 - 7:00 PM

Allison Kelly
Chairman

Donna Matton
1st Vice-Chairman

Bob Shortlidge
2nd Vice-Chairman

Keith Rittscher
Secretary

Assistant Secretary

Kendra Bender
Treasurer

Helen Ferguson
Assistant Treasurer

Bob Eldridge
Trustee

Trustee

Traci DelGaudio
District Manager

Karl Bohne, Jr.
District's Attorney

*** To comment on an item, after you have been recognized by the Chair, please go to the microphone and clearly give your name and address for the record. You may speak for up to three minutes. Note: If formal action is to be taken on an item by the Board, public comment will be requested prior to the vote.**

NOTE: MINUTES OF BOARD MEETINGS ARE PREPARED IN SUMMARY FORM ONLY. PER CHAPTER 286.0105 FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL A DECISION OF THE BOARD HE/SHE SHOULD ARRANGE FOR A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY IN EVIDENCE ON WHICH THE APPEAL IS MADE.

"A community intended and operated for persons 55 and older"



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1. **Meeting call to order** by Allison Kelly

2. **Invocation** by Keith Rittscher

3. **Pledge of Allegiance**

4. **Roll Call** by Keith Rittscher

Present were Allison Kelly, Chairman; Donna Matton, 1st Vice-Chairman; Bob Shortlidge, 2nd Vice-Chairman, Keith Rittscher, Secretary; Kendra Bender, Treasurer; Helen Ferguson, Assistant Treasurer; Bob Eldridge, Trustee; Traci DelGaudio, District Manager

5. **Announcements by Chairman**

Allison would like to thank Moira Washington and Kay Barclay for cleaning up the Styrofoam in the canal by Moonlight.

The cement drainage canals will be cleaned, the park maintenance is waiting for the water levels to go down so they so they can get in there and work.

The fire department has provided 46 Vials of Life to us and they are available to be picked up at the District office

I am going to try and dispel some rumors. In December we had 2 instances where police were in the park. One was for a family disturbance and the second one was for a resident that passed away. As we know it, I will try and give it to you. There is a rumor going around the park that I want to squash. Someone asked me "Is it true when snowbirds leave they have to park in the compound? They can't park them in their carport?" That is totally false. If you have a question or hear a rumor that's totally off the wall, it probably is. You can park your cars in your carport. Not a problem.

All the changes to the DOR'S, Rules & Regulations, and By-Laws have been updated. If you would like a copy, please come to the office.

6. **Old Business**

Our insurance deductible after a major storm is 5% all others have individual deductibles. That can be anywhere from \$2,500 to \$25,000. It depends on what happens during the storm. If you would like any more information on this, I am willing to share it with you.

7. **Approval of meeting minutes**

Attachment: 1/2/18 Minutes

Action: Motion to Approve made by Bob Shortlidge, Kendra Bender seconds
Trustee Comment

Allison Kelly would like to see Bud Getz and Marilyn Spall added under "Resignations"



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Public Comment

Becky Earnest, 205 Borel Ct: Did Bob make a motion to approve January 2nd meeting minutes? Or did he just say January? **Donna Matton;** I thought he said the date. **Bob Shortlidge;** January 2nd, yea. **Allison Kelly:** I thought he said the date too.

Call for vote; motion passed

8. Treasurer's Report

As you can see we have a healthy cash balance of almost \$1.8 million. Notable if you look at our year to date income statement, we've collected almost 85% of our assessments for the year, a pretty good figure. We have \$178,000 left to collect. That's about 83 to 84 residents. Our expenses for the month ran at \$81,000 we budget \$94,000 a month so we are almost \$13,000 under budget. I was asked why we have so much cash in the bank and why we don't just pay off the loan. It's good business practice to leverage yourself. What's most important to this park is that we have the cash flow for the year. We never want to give away all our cash because we don't have any more income without the assessments. If you bring up the profit and loss, year to date, this is October through December. We just completed the first quarter of our financial year. If you go down the expenses under gross profit we are looking for the numbers to be about 25% of budget. This means, we've got a pretty smooth run going, no excess expense. If you look at the road and street our number is 37%, a little high. We've done a lot of road work. We are looking good so far on all of our expenses. Everything's running smooth and we'll watch our road work.

Attachment: Revenues & Expense Report: Budget

Performance, Balance Sheet and Loan Balances

Action: Motion to Approve made by Keith Rittscher, Donna Matton seconds

Trustee Comment: none

Public Comment:

Bob Shearer, 382 Holiday Park Blvd: In talking with Traci, I just had a question, in our budget numbers for our income does that include the discounts everybody gets when they pay early? Or is that based on the 704 homes? **Kendra Bender;** The discounts weren't factored in but we factored in a bad debts percentage plus the discounts. Instead of budgeting 704 times \$2,097, we took out about \$170,000 for the discounts. **Bob Shearer;** I don't know if that was ever explained to people. That we are not actually collecting the full price. **Kendra Bender;** No, that's a good question. When I do the budget I am going to do a harder factor of the discounts. A lot of people in this park pay before December.

Call for vote; motion passed

9. Discussion on lights in Bocce/Shuffleboard courts

Allison Kelly; We had approved over \$6,000 to put lights at the Bocce court. I have had conversations with Rod Lindsey and other people, we don't have a nighttime league. We don't have people that use the courts at night. So why



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would we pay \$6,000 to put up a light? I would like to have a motion to rescind that so we can put that money back in the budget so it can be better spent.

Action: Motion to Approve rescinding lights at the Bocce court made by Donna Matton, Helen Ferguson seconds.

Trustee Comment: none

Public Comment:

Karen Carreiro, 181 Holiday Park Blvd: Can we put that money towards a new roof for the Bocce court? **Allison Kelly;** We would have to get a quote and it would have to be approved. If that's what people would like to do, we can do that. \$6,600 will be going back into our budget. **Jim Gahan, 464**

Holiday Park Blvd: I am head of the shuffle board. I heard you were going to put money back from the shuffle. What was the money for? **Allison Kelly;** \$6,600 to put lights at the Bocce court.

Call for vote; motion passed

10. Discussion on 9 TV panel

Allison Kelly; I would like to also rescind this. We do not need to have a 9 TV panel screen. For a total of \$6,000! If we want a bigger TV, we can go buy a 65inch. 9 panels is not worth the money. I want to rescind this and put the \$6,000 back into the budget.

Action: Motion to Approve rescinding 9 TV panel made by Keith Rittscher, Kendra Bender seconds

Trustee Comment:

Bob Shortlidge; Can we just modify that? Instead of rescinding it change it to getting an 80inch screen? **Allison Kelly;** Let's do it the right way. Let's rescind this and if the public would like to have that kind of TV here, we will bring it before the board and get it approved at that time. **Bob Shortlidge;** According to Robert's Rules of Order you can modify it, you don't have to rescind it. **Allison Kelly;** I don't want there to be any confusion. I would rather have a new motion presented to this board. **Keith Rittscher;** I agree with you. Instead of doing a quick change, people need to know about what we're doing and have a discussion on it.

Public Comment:

Steve Ambrose, 241 Blossom Ct: Regardless of what kind of TV we get, we need it hooked up to cable. I know Super Bowl is coming up so it needs to be worked on quickly so people that want to watch the Super Bowl can. **Allison Kelly;** Do you know Steve if the box was moved? **Steve Ambrose;** We couldn't find the box.

Call for vote; motion passed

10a. Discussion on Compound Truck

Allison Kelly; When Mike was here there was talk about possibly spending \$20,000. I've



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been doing research, we can get a good used pickup for under \$10,000. I would like a motion to approve up \$10,000 for truck.

Action: Motion to Approve up to \$10,000 for a truck made by Kendra Bender, Keith Rittscher seconds.

Trustee Comment:

Donna Matton; Has this truck been looked over? **Allison Kelly;** We haven't found a truck yet. We've been looking at trucks. We will either get a guarantee or take it in to be looked over. **Kendra Bender;** When you say "we" who is looking? **Allison Kelly;** I have been talking to Jody. Traci has been looking and I have been looking. I would like someone to volunteer to help Jody look for a truck. Look at the truck, drive the truck, anyone with mechanical experience please come to the office so we can sign you up.

Keith Rittscher; Is there a list of what we need for the truck? **Allison Kelly;** Just a basic truck to haul branches and that can haul our long trailer.

Public Comment:

Sal Cursi, 1107 Keystone Ct: When we first has this discussion, I thought it was \$20,000? I thought we all agreed a dump truck was the way to go. If you're going to pick up branches it makes more work if you can't dump it. Just buying something with a 10ft bed is counterproductive. Getting something that is a little more expensive is worth it. A dump truck pays for itself in the long run. I also had a suggestion that we could get a fueler that's 100 to 150 gallons. Instead of sending employees to the gas station. It would save a lot of money. **Allison Kelly;** It was never approved we were spending \$20,000 it was recommended. The fuel in the back of the truck, there are concerns. There are also concerns with storing that much fuel at the compound. We are waiting to hear back from Palm Bay. Every time we try to get an answer we get the run around. We can't decide on that right now. How often are we gonna dump? I have asked the guys and they say "We don't think we need a dump truck." **Sal Cursi;** If those fuelers were dangerous, they would be illegal. You're asking employees with all due respect, that are new to this job. They're going around with 2 people in a John Deer that has a 3x4 bed driving over to the compound, and shoveling it off. **Allison Kelly;** There are things we can approve upon and things we cannot. The truck will be driven around the park unless we have a hurricane. **Sal Cursi;** What are you going to do with the old one? **Allison Kelly;** I'm not sure. We have to see how much we can get for it. **Phil Matton, 265 Holiday Park Blvd:** We don't need a dump truck. We don't need a machine to use once a year. We can rent equipment if we need it. We need a rugged pickup that can pull a trailer. Get a trailer that dumps. That makes a lot more sense. **Bob Shearer, 382 Holiday Park Blvd;** Both people said we need some kind of dump vehicle. Just put that into the budget. Palm Bay has their own fuel onsite for all their equipment so if they can do it, we can do it. Palm Bay has their own fuel on site all the time. We can put a tank out there. We don't need one on the truck. **Allison Kelly;**



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Last time we tried to do that they shut us down. **Bob Shearer**; I'm not sure what Palm Bay can do about it at that point. **Allison Kelly**; Let's get the truck approved first and we can talk about all this later.
Call for vote; motion passed, 1 nay

11. Adding Verbiage to Rental Applications

Allison Kelly; What I've been trying to do is make things equal for everybody. We have people that rent out their mobiles and could care less about what the outside looks like. I'm proposing adding verbiage to our rental application. This will prevent someone coming in, buying a property, then turning around and renting out a dirty property. Everyone should abide by the rules.

[Properties applying for rental status MUST be cleared by the District Manager as to the property being in compliance with our Deed of Restriction's and Rules and Regulations. If the mobile or property is found to be non-compliant, the property will not be approved for rental status until violations are cured. A re-inspection by the District Manager will be necessary and the District Manager will sign off on the violations that were cured. Once all violations have been cured the rental application will then move forward with the approval process. The owner of the property acknowledges this process when signing the rental application]

Action: Motion to Approve made by Helen Ferguson, Keith Rittscher seconds.

Trustee Comment:

Keith Rittscher; This will help us get things into compliance quicker. **Donna Matton**; Will this also include, because some owners leave taking care of the property to their renters, will it now be the owner who does this?

Allison Kelly; What this is for is, someone coming in to rent their property cannot get approved until their property is in compliance. **Keith Rittscher**; Once we have signed that they can rent we go back to the old rules. We just can't kick the renter out. **Allison Kelly**; Absolutely. It's just making the owner responsible for their property.

Public Comment:

Charles Hartley, 411 Holiday Park Blvd; Are we talking inspection of inside the property or outside the property? **Allison Kelly**; We can't inspect the inside of properties. **Charles Hartley**; If you're not in compliance would you not have already received a letter that you're not in compliance? **Allison Kelly**; It will be part of the application. **Keith Rittscher**; Will application being processed now be affected? **Allison Kelly**; If they're in process we have to continue the process.

Call for vote; motion passed

12. Adding Verbiage to Storage Compound rules

Allison Kelly; This also needed to be said because if you are not compliant with your property you should not be allowed to have a perk in this park.



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We have people on the waiting list that have clean properties.

[Any resident who has a space in the RV Compound MUST be in compliance with all Deed of Restriction's and Rules and Regulations. If there are any violations outstanding on the Residents home OR vehicle in the Compound, the resident will be notified of said violation(s) and an expected end date to cure violation(s) per District Violation Policy. If violation(s) are NOT CURED IN SPECIFIED TIMEFRAME the resident will have 10 Days to remove said vehicle from the compound and will lose their assigned place in the compound. If vehicle is NOT removed within specified timeframe, the vehicle will then be towed at owners expense. Their name can be placed on the waiting list once all violations have been cured and signed off by District Manager.”]

Action: Motion to Approve made by Kendra Bender, Helen Ferguson seconds.

Trustee Comment:

Keith Rittscher; The time that you have to do it, will that follow the rules we already have set up? **Allison Kelly**; That's correct. **Keith Rittscher**; So basically you would get a second notice **Allison Kelly**; Yes, we have to follow the rules.

Public Comment: none

Call for vote; motion passed

13. Discussion on changing Board of Trustee Meeting start time to 6 PM for 6 months

Action: Motion to Approve; no motion was made

Trustee Comment:

Allison Kelly; I couldn't get a motion. The meeting stays at 7.

Public Comment; none

Call for vote; none

14. Discussion on District's Attorney

Allison Kelly; I have not been pleased with what I have been finding from our attorney. I have been talking to 3 attorneys. I have information on an attorney that is familiar with the Sunshine Law and special districts. We had a discussion on our district; he does not see where he won't know how to address the issues we've had. He finds several things that can be fixed. This attorney writes the articles in the Florida Today, Sunday paper. There are 6 full time partners, 2 associates, collections Department, and paralegals. 80 years of experience all together. I have all the attorney's backgrounds. I've talked to 3 of them. You get what you pay for. Our attorney charges anywhere from \$150 to \$250 for what he does. This organization charges \$300 an hour and they only charge for the time they are actually working on the case. I am able to get free advice from them when it's needed. They have their own in house collections department that deals with properties that do not pay their maintenance fees. It's about time we have a solid attorney on our side. Initially there will be expense but in less than 3 months we will be golden. We don't have to be going to the attorney every time we have a rule change. I have a contract he faxed me. If we have to go to collections with anybody, we don't get charged. We only get charged for certified mail. **Keith Rittscher**; They don't take a percentage? **Allison Kelly**; No, it's just actual cost. **Keith Rittscher**; Can work with



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our maintenance fees since it's considered a tax? **Allison Kelly**; He's got to look into that. When I brought up changing from a Special District to an HOA, he said there are things we can do right now to help us. If our charter does expire in 3 years, he can help us out no matter what. I am really for getting a better qualified representation for this park. **Keith Rittscher**; Is there any retainer fee? **Allison Kelly**; No, no retainer fee. We can use anybody in that office.

Action: Motion to Approve a 1 year contract with Backer Aboud made by Kendra Bender, Helen Ferguson seconds

Trustee Comment:

Kendra Bender; Allison as the Chairman, deals mostly with the attorney she has the right to deal with someone she's comfortable with. **Keith Rittscher**; We don't need to look for any other ones? **Allison Kelly**; I talked to 2 others and I wasn't impressed. By the way, for collections, foreclosures and liens he drops his rate to \$150 an hour. The client, us, does not pay attorney fees as they're incurred.

Public Comment:

Becky Earnest, 205 Borel Cir; Do we have to do anything with Karl Bohne? Do we have to keep him for a certain period of time? **Allison Kelly**; We have gotten a request and we will still have to deal with him on a certain level. I will get into that. **Joe Little, 1043 Maple Ct**; Will we adjust our budget to meet the higher costs? **Allison Kelly**; We will look at where we can have some money. We have money in the budget for attorney fees still and if that changes we will let you know. **Keith Rittscher**; When you have a good attorney it actually costs you less. **Allison Kelly**; That's the message he gave me.

Call for vote; motion passed

15. BSE Stormwater report

Attachment: Report from BSE

Allison Kelly; We got the report back from BSE back, we do not qualify. We are not moving forward and paying \$8,000 for a losing cause. Dead in the water.

Allison Kelly; Regarding our attorney, I told you I would be forthcoming. We have gotten a 3 page request from Sharon Johnson for hundreds of documents. We will fill that request, we have to by law which is fine. I just want you to know we still have to work with Karl Bohne.

16. Public comments

Gary Valentine, 1057 Maple Ct; The microphones we have are terrible. **Allison Kelly**; Are you volunteering to help us? **Gary Valentine**; Yes, I will. **Barbara Hoffman 1021 Little Ct**; Most of our board members are not elected, they are appointed. My big concern is, over the past year is that we were shut out or we are not listened to. When people go on the Board do they have to sign something? I just don't think their personal preferences should count. I really want all the board members to realize that we are who you represent. **Allison Kelly**; The state does not make us sign anything. The oath to office is your qualifications. We are here to represent the community and not personal opinions. **Keith Rittscher**; If you want the board to run the way that you want it to run, get on the board. You gotta step up. I am not here to run my own agenda. I can't please



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everyone. **Allison Kelly**; Feel free to talk to trustees about your opinion. We can only do so much. Try to bring us new ideas. **Keith Rittscher**; Add one word: respectfully. **Donna Matton**; I was on the ACC. Someone needed to take over, that needs to do a good job and no one wanted to do it. Let's work for our park. **Kendra Bender**; There was not a single motion for meeting times at 6pm. I heard from a lot of people that didn't want it so I didn't vote for it. **Barbara Hoffman**; I have never seen so many people work together. **Keith Rittscher**; Thank you for bringing up the subject. **Jim Gahan, 464 Holiday Park Blvd**; Shuffle Board started today, member tickets will be on sale tomorrow. I have receipts from refurbishing the shuffle board courts. I would like to thank Joe Little for being so helpful. I would like a new set of discs for the shuffle board. **Allison Kelly**; Ask HPPOA for disks. And we will reimburse you for the refurbishing. **Penny Phanuef, 452 Holiday Park Blvd**; I haven't heard anything about the sign outside the park? **Allison Kelly**; Jean Beach has volunteered to help get all the information for the sign. I need a volunteer from the audience and the board to pick the sign out and get this moving. **Joanne Gaughan 241 Berry Ct**; All trustees should know how many hours the agenda should be posted prior to a public meeting? The answer is 72 hours. It is always posted 3pm, Friday before the meeting. **Allison Kelly**; I do apologize. I was in the office alone on Friday due to illness in the office and a personal emergency. **Joanne Gaughan**; Can anybody tell me what you do with letters of resignation from the board? **Traci DelGaudio**; I put them in the Trustee folders we have in the office. **Joanne Gaughan**; One copy must go to Tallahassee and one goes to the supervisor of elections. **Traci**; A copy is sent to the supervisor of elections. I was not aware one needed to go to Tallahassee. **Joanne Gaughan**; If you look back, you will see that that's what happens. You should take care of that in case we are audited. **Allison Kelly**; Thank you. **Bob Shearer 382 Holiday park Blvd**; The November 27th meeting, there was discussion on changes to the District Managers job description. I don't think that was ever voted on. **Allison Kelly**; Yes it was. **Joanne Gaughan**; When we get the new attorney he should look into the gazebo property. Because our current attorney is the one that told us we don't own it, and now he says we do own it. **Traci**; If you look up on the property appraisers website, and click on that parcel of land, it states that the owner of that property is Holiday Park. **Patti Peck**; We talked about redesigning the website. What happened to the gentleman that was going to be coming in? **Traci**; To be honest, I am not sure. I had been in contact with him prior to the meeting and I have not been able to contact him since. In the meantime, I have been in contact with several different people and we are trying to get someone locally. I also spoke to InMotion hosting, our current website provider and it would cost \$4,000. Working with someone locally would let us personally sit down and convey what we want. I am still working on that. **Allison Kelly**; The manager's report with only be at Workshop meetings. **Traci**; The light at the compound is now a solar light. We had a quote from the electrician that was over \$960 to fix it. Speaking with Allison we opted for a solar light so there's no wiring it's just mounted in the same spot. It was \$36 for the light and there will be no ongoing cost because it charges itself. The past concerns we had regarding underage residents living in the park is still an ongoing situation. Every time I go by I am told they are just helping clean the owners house and are not living there. I have not heard anything else about 383 Holiday Park Blvd. but if you see anything please let me know so I can check it out. On the FPL light poles, I have seen the light pole on Parkview is still down. The last response I got from FPL in regard to that light pole that it would be taking them the 1st quarter of their year to address damage from the hurricane. If you see a light pole that is out or down please get the number off the light pole and call the office. We would be happy to report it for you. The mowing schedule has gone to a 2 days per section of the park. This is because we are



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working on cleaning green spaces and trimming shrubs. We are posting the mowing schedule on 732 and our website. We have hired another person for the lawn crew, his name is Ashton. He is still in training. Chris Brush will be leaving, his last day is January 19th. He is going to get his CDL license. I have ordered signs for the Cheswick and Americana gate. They state that it is a fire lane, no parking, and tow away zone. The cameras that are going in at the Americana gate, the electricity has been done. I spoke with Apex, he told me I needed to contact Spectrum. Waiting to hear back from Apex about what our next step is. **Elaine Wilde, 1181 Lindsay Ct:** I've been reading the minutes from 2016. I have spoken to some people about the state of our minutes. The boards secretary's notes are the official legal notes from the meetings. The recording and office clerks notes are secondary. I was appalled how many times 'inaudible' was typed. So we don't know what was said. These are legal documents. I saw Sharon when I was having dinner last week. She told me the park owes her money. So I started reading the minutes. Sharon was fired for being a whistleblower. I wasn't here, I am going by the minutes. It makes me sad to talk to this lady. Because people in the office were committing fraud and she didn't want to do it she got fired by that person. I got the minutes out and it says, and this is from Bud our previous Chairman "We are continuing to pay the salary and benefits package until October 31st". Sharon says she never got anything from the park. I asked for records in the office. I was shown a letter from Jody, and according to Sharon, Traci fired her. Traci, the secretary, fired her coworker. I believe a Trustee and the District Manager are supposed to handle that. So many things went wrong. I think we owe her money, let's pay her. **Allison Kelly;** Let's see what's going on. If we owe her, we will pay her.

17. Trustee comments

Helen Ferguson; Thank you very much. This is my first meeting and I thought it was wonderful. \ **Kendra Bender;** Great job Allison, great meeting. **Donna Matton;** Allison did a wonderful job! Please ask us questions. **Keith Rittchser;** We will try to do the best we can. **Allison Kelly;** Thank you for coming I appreciate the support. I hope we can turn a lot of things around we need to prove ourselves to you. This situation I will get back. There will be nothing hidden. You need to know what's going on.

18. Adjournment Keith makes a motion to adjourn, Donna seconds. Adjourned at 8:39

	Nov. 2017	Monthly Budget	\$ Over Budget
Bank Balance - TD -			
Checking	145,153	N/A	
TD Savings	1,553,531	N/A	
Petty Cash	150	N/A	
SBA	<u>82,968</u>	N/A	
Total Bank	<u>1,781,802</u>	N/A	
Assessments Received for Month	558,640	93,482	465,158
Other Revenue	1,347	875	472
Total Revenue/Income	559,987	94,357	465,630
Transferred to Loans	<u>(21,849)</u>	<u>(21,850)</u>	0
Revenue Received	559,987	94,357	465,630
Expenses for the Month/	<u>(81,587)</u>	<u>(94,357)</u>	<u>12,770</u>
Over/Under for Month	<u>478,400</u>	0	478,400
Loan #1 Loan #2 Loan #3			
	5455	2055	9155
Original Interest Rate	4.84	5.63	5.23
Current Interest Rate *	2.42	2.77	1.60
Current Estimated Payoff			
Date	5/31/2019	12/31/2020	9/30/2021
11/30/2017	115,472	329,759	218,280
Payments Made	<u>(7,445)</u>	<u>(5,846)</u>	<u>(4,669)</u>
12/31/2017	<u>122,917</u>	<u>335,605</u>	<u>222,949</u>

10:09 AM

01/04/18

Accrual Basis

Port Malabar Holiday Park
Profit & Loss Budget vs. Actual
 October through December 2017

	<u>Oct - Dec 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
325 · Special Assessments	943,659.81	1,121,788.00	-178,128.19	84.1%
334-389 · Other Revenue Sources	4,309.17	10,500.00	-6,190.83	41.0%
Total Income	<u>947,968.98</u>	<u>1,132,288.00</u>	<u>-184,319.02</u>	<u>83.7%</u>
Gross Profit	947,968.98	1,132,288.00	-184,319.02	83.7%
Expense				
511 · Gen Govt- Legislative	0.00	2,600.00	-2,600.00	0.0%
512-513 · Gen Govt- Exec, Fin & Admin	35,237.68	178,134.89	-142,897.21	19.8%
514 · Gen Govt- Legal Counsel	2,506.10	12,000.00	-9,493.90	20.9%
519 · Gen Govt- Other Gen Govt	87,073.76	324,927.15	-237,853.39	26.8%
529 · Public Safety- Other Public Saf	30,669.58	111,031.93	-80,362.35	27.6%
539 · Physical Env- Other Phys Env	29,328.00	115,425.37	-86,097.37	25.4%
541 · Transportation- Road & Street	3,893.46	10,500.00	-6,606.54	37.1%
572 · Culture/Rec- Parks & Recreation	57,047.80	282,629.96	-225,582.16	20.2%
701 · Capital Outlay	6,775.00	39,000.00	-32,225.00	17.4%
8000099 · Contingency Expense	5,000.00	56,038.70	-51,038.70	8.9%
Total Expense	<u>257,531.38</u>	<u>1,132,288.00</u>	<u>-874,756.62</u>	<u>22.7%</u>
Net Ordinary Income	690,437.60	0.00	690,437.60	100.0%
Other Income/Expense				
Other Income				
2325200 · From Gross Assessments- DebtSvc	65,547.75	262,200.00	-196,652.25	25.0%
Total Other Income	<u>65,547.75</u>	<u>262,200.00</u>	<u>-196,652.25</u>	<u>25.0%</u>
Other Expense				
517 · Gen Govt Svcs- Debt Svc Payment	71,753.15	262,200.00	-190,446.85	27.4%
Total Other Expense	<u>71,753.15</u>	<u>262,200.00</u>	<u>-190,446.85</u>	<u>27.4%</u>
Net Other Income	<u>-6,205.40</u>	<u>0.00</u>	<u>-6,205.40</u>	<u>100.0%</u>
Net Income	<u><u>684,232.20</u></u>	<u><u>0.00</u></u>	<u><u>684,232.20</u></u>	<u><u>100.0%</u></u>

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Accrual Basis

Port Malabar Holiday Park
Profit & Loss Budget vs. Actual
October through December 2017

	Oct - Dec 17	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
325 • Special Assessments	943,659.81	1,121,788.00	-178,128.19	84.1%
334-389 • Other Revenue Sources	4,309.17	10,500.00	-6,190.83	41.0%
Total Income	947,968.98	1,132,288.00	-184,319.02	83.7%
Gross Profit	947,968.98	1,132,288.00	-184,319.02	83.7%
Expense				
511 • Gen Govt- Legislative	0.00	2,600.00	-2,600.00	0.0%
512-513 • Gen Govt- Exec, Fin & Admin	35,237.68	178,134.89	-142,897.21	19.8%
514 • Gen Govt- Legal Counsel	2,506.10	12,000.00	-9,493.90	20.9%
519 • Gen Govt- Other Gen Govt	87,073.76	324,927.15	-237,853.39	26.8%
529 • Public Safety- Other Public Saf	30,669.58	111,031.93	-80,362.35	27.6%
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Total Expense	257,531.38	1,132,288.00	-874,756.62	22.7%
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Net Other Income	<u>-6,205.40</u>	<u>0.00</u>	<u>-6,205.40</u>	<u>100.0%</u>
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514 • Gen Govt- Legal Counsel	2,506.10	12,000.00	-9,493.90	20.9%
519 • Gen Govt- Other Gen Govt	87,073.76	324,927.15	-237,853.39	26.8%
529 • Public Safety- Other Public Saf	30,669.58	111,031.93	-80,362.35	27.6%
539 • Physical Env- Other Phys Env	29,328.00	115,425.37	-86,097.37	25.4%
541 • Transportation- Road & Street	3,893.46	10,500.00	-6,606.54	37.1%
572 • Culture/Rec- Parks & Recreation	57,047.80	282,629.96	-225,582.16	20.2%
701 • Capital Outlay	6,775.00	39,000.00	-32,225.00	17.4%
8000099 • Contingency Expense	5,000.00	56,038.70	-51,038.70	8.9%
Total Expense	257,531.38	1,132,288.00	-874,756.62	22.7%
Net Ordinary Income	690,437.60	0.00	690,437.60	100.0%
Other Income/Expense				
Other Income				
2325200 • From Gross Assessments- DebtSvc	65,547.75	262,200.00	-196,652.25	25.0%
Total Other Income	65,547.75	262,200.00	-196,652.25	25.0%
Other Expense				
517 • Gen Govt Svcs- Debt Svc Payment	71,753.15	262,200.00	-190,446.85	27.4%
Total Other Expense	71,753.15	262,200.00	-190,446.85	27.4%
Net Other Income	-6,205.40	0.00	-6,205.40	100.0%
Net Income	684,232.20	0.00	684,232.20	100.0%

10:09 AM

01/04/18

Accrual Basis

Port Malabar Holiday Park
Profit & Loss Budget vs. Actual
October through December 2017

	<u>Oct - Dec 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
325 · Special Assessments	943,659.81	1,121,788.00	-178,128.19	84.1%
334-389 · Other Revenue Sources	4,309.17	10,500.00	-6,190.83	41.0%
Total Income	947,968.98	1,132,288.00	-184,319.02	83.7%
Gross Profit	947,968.98	1,132,288.00	-184,319.02	83.7%
Expense				
511 · Gen Govt- Legislative	0.00	2,600.00	-2,600.00	0.0%
512-513 · Gen Govt- Exec, Fin & Admin	35,237.68	178,134.89	-142,897.21	19.8%
514 · Gen Govt- Legal Counsel	2,506.10	12,000.00	-9,493.90	20.9%
519 · Gen Govt- Other Gen Govt	87,073.76	324,927.15	-237,853.39	26.8%
529 · Public Safety- Other Public Saf	30,669.58	111,031.93	-80,362.35	27.6%
539 · Physical Env- Other Phys Env	29,328.00	115,425.37	-86,097.37	25.4%
541 · Transportation- Road & Street	3,893.46	10,500.00	-6,606.54	37.1%
572 · Culture/Rec- Parks & Recreation	57,047.80	282,629.96	-225,582.16	20.2%
701 · Capital Outlay	6,775.00	39,000.00	-32,225.00	17.4%
8000099 · Contingency Expense	5,000.00	56,038.70	-51,038.70	8.9%
Total Expense	257,531.38	1,132,288.00	-874,756.62	22.7%
Net Ordinary Income	690,437.60	0.00	690,437.60	100.0%
Other Income/Expense				
Other Income				
2325200 · From Gross Assessments- DebtSvc	65,547.75	262,200.00	-196,652.25	25.0%
Total Other Income	65,547.75	262,200.00	-196,652.25	25.0%
Other Expense				
517 · Gen Govt Svcs- Debt Svc Payment	71,753.15	262,200.00	-190,446.85	27.4%
Total Other Expense	71,753.15	262,200.00	-190,446.85	27.4%
Net Other Income	-6,205.40	0.00	-6,205.40	100.0%
Net Income	684,232.20	0.00	684,232.20	100.0%

Holiday Park of Florida/Introduction to BAPF

To ALLISON <akelly50@comcast.net>

Dear Allison,

It was a pleasure speaking with you Thursday, and thank you for allowing me to introduce our firm to Holiday Park. I have attached PDF files containing information about our firm for your and the Board's review.

Just to provide you again with a brief overview, we are a full-service condominium/HOA law practice with six experienced partners, and an associate who oversees our collections department and paralegals. While I would serve as the Association's primary counsel and would be available to the Directors and management whenever needed, we are also set up in a way that ensures that any of our partners can assist the Association in the event that I am not available, or in the event that a particular partner's expertise and experience is more appropriate for a given project. Broadly stated, I concentrate my practice on general counsel and advice to my association clients, including corporate governance, rules and enforcement, amending documents, and dealing with other day-to-day issues such as fair housing concerns. Keith Backer, the firm's original founder and managing partner, is both a generalist and an extremely experienced litigator. Our partner Ryan Aboud also litigates cases and handles the more complicated collections matters, such as those that involve bankruptcy proceedings. Michael Foelster specializes in transactional work such as drafting complex contracts, realty documents (leases and sale contracts) and loan documents. Michael can also do title work if ever needed. Jonathan Yellin and Kenneth Zeilberger, our newest partners, both have decades of experience litigating and representing condominiums and HOAs.

Our rate for all general work and litigation is \$300 per hour, billed in tenths of an hour, for any attorney in the firm. We charge a reduced rate of \$150 per hour for collections work, and we defer billing of our legal fees on collections matters, and collect those fees directly from the Unit Owner (in certain instances the Association becomes responsible for the fees, including bankruptcy, and upon taking title to a foreclosure Unit—the specifics are in the attached information).

Once the Board has had an opportunity to review our information, I would be happy to answer any further questions that you may have. I have also attached an engagement letter for your review.

Sincerely,

Ryan

Ryan D. Poliakoff, Attorney at Law



400 South Dixie Highway, Suite 420
Boca Raton, FL 33432

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(800) 251-3562 – Toll Free
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Click here for latest *BackerReport* Newsletter [BackerReport Statutory Update](#)

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Agreement to Retain Legal Counsel

Backer About Poliakoff & Foelster, LLP, (the Firm) and Port Malobar Holiday Park Mobile Home Recreation District (Client), in exchange of mutual promises and other valuable consideration receipt of which is acknowledged, enter into this Agreement to Retain Legal Counsel to describe the terms of their attorney/client relationship.

1. This agreement is for a term of one year from the date hereof and renewable automatically for additional consecutive years, but subject to termination by either the client or the Firm at any time upon providing of written notice of such termination.

2. Unlike with some other firms, Client **will not** be obliged to pay a "retainer fee" to secure the services of the Firm. Client will be responsible only for paying for the services rendered. Periodic newsletters prepared for all of this firm's clients with updates of the law, as necessary, in the sole opinion of the Firm, will be provided at no charge.

3. Legal services consisting of general counsel (legal advice, whether written or otherwise, other than during litigation in court or in an alternative dispute resolution forum) will be provided to the client at an hourly rate of **\$300.00**. The time will be billed in increments of tenths of an hour.

4. Litigation of covenant enforcement matters, foreclosures and contract disputes will be provided at the hourly rate of **\$300.00**. The time will be billed in increments of tenths of an hour. Costs incurred in litigation matters will be paid from a sum deposited with the Firm in an amount determined to be appropriate for the individual matter by the Firm. The Firm is not responsible for advancing costs on behalf of the Client.

5. Litigation of construction defect matters and other cases not described above will be determined on a case-by-case basis among the Client and Firm.

6. Legal services for collections and foreclosures of liens will be performed on a modified contingency basis at an hourly rate of **\$150.00**. **In most cases, the Client does not pay the attorneys' fees as they are incurred;** the Firm is paid by the property owner when the debt to the Client is paid. The client may be asked to advance costs incurred in collections and foreclosure matters or the Firm may advance such costs in its discretion. Where payments are made by debtors and the sums are deposited in the Firm's trust account, upon disbursement of the amounts paid, the Firm may retain sufficient sums to pay for attorneys' fee and advanced costs incurred in pursuing collection from that debtor. Client hereby authorizes employees of the Firm to execute claims of lien and satisfactions of claims of lien on Client's behalf.

The Client does not become responsible for paying the attorneys' fees incurred before payment is received from the owner except under the following circumstances:

A. The Client accepts payment directly from the owner without collecting the attorneys fee, agrees to enter into a payment arrangement over a period of time or otherwise decides not to promptly pursue recovery of unpaid attorneys' fees;

B. A mortgagee with a superior interest to the Client is foreclosing on the property or the Client otherwise provides instructions to stop pursuing foreclosure or collection;

THE ARBOR, SUITE 420, 400 SOUTH DIXIE HIGHWAY, BOCA RATON FL 33432

PHONE (561) 361-8535 FAX (561) 361-3491

WWW.BAPFLAW.COM

- C. The property owner files a petition in bankruptcy;
- D. 60 days passes from the date a lien is recorded and the Client has, for any reason, not instructed the Firm to proceed with foreclosure; or
- E. The relationship between the Client and Firm is terminated.

The attorneys fee rates described in this agreement are subject to adjustment periodically. In the event the Client does not elect to terminate its relationship with Firm in writing, Client agrees that services will be billed at the adjusted rate.

- 7. Client will be billed for services rendered on a monthly basis (except in collection/foreclosure matters). Client agrees to pay bills within 30 days of receipt. Unpaid invoices accrue interest at the highest rate permissible under the law. Any attorney fees and costs incurred in efforts to collect unpaid invoices will likewise be the Client's responsibility.
- 8. Client acknowledges that it is imperative for the Firm to have a full and complete set of those documents recorded in the public records or which are otherwise the governing documents of the community. Client authorizes Firm to order the complete document set from the public records and bill the Client for this service.
- 9. In addition to attorneys' fees and court costs, Client acknowledges it will pay the Firm for costs such postage, fax charges, long distance telephone and photocopies.
- 10. Client authorizes the Firm to register as Client's registered agent with the Florida Department of State, Division of Corporations. The Firm does not charge the Association for the service of acting as Client's registered agent. Only the fee charged by the State to make the change is billed to Client.

The Undersigned officer of the Client hereby represents and certifies that he/she is authorized by the board of directors to execute this agreement and, on behalf of the Client, agrees to the terms of this agreement.

Port Malobar Holiday Park Mobile Home Recreation District

By: _____ / _____
Date

Print: _____
Authorized Officer

The above engagement is accepted on the terms set forth above without modification unless in writing executed by the undersigned.

BACKER ABOUD POLIAKOFF & FOELSTER, LLP

By:  1/8/18
Date



FREQUENTLY ASKED QUESTIONS

- **What is the size of Backer Aboud Poliakoff & Foelster?**

- The firm currently consists of seven attorneys practicing community association law with support from three collection paralegals and two administrative personnel.

- **How experienced are the attorneys?**

- The attorneys at Backer Aboud Poliakoff & Foelster have the combined experience of more than 80 years' counseling community associations. Over the years, we have tackled clients' issues in both routine matters as well as those where the law is unsettled. We have participated in a number of appellate cases that have contributed to the body of law that guides all practitioners in this field. When a lawyer from Backer Aboud Poliakoff & Foelster appears before a court for a community association client, the court knows that we have come prepared and that we know the law. One judge who had previously ruled against one of our clients and whose decision we had reversed on appeal told an opposing party in another case recently "If I were you, I would consider working this out because these guys will not give up."

- **How are collections handled by Backer Aboud Poliakoff & Foelster?**

- Collections and foreclosures are handled on a modified contingency basis. We do not bill the Association for the attorney fees we incur in preparing demands, liens and lien foreclosure actions; we pursue those fees from the property owners. There are limited times when the Association will become responsible for the fees (such as if the Board compromises the claim or the owner files for bankruptcy, for example).

- We have invested in a sophisticated online status reporting system that tracks our progress in collection cases in real time as the work is done and includes comments about communications we receive from debtor lot owners. The system is accessible by clients online 24/7 with password protection. This service is provided at no cost to our clients.

- **What are the typical attorney fees charged for collection services?**

- We bill at the hourly rate of \$150.00 for collections and foreclosure work.

- An initial demand letter will typically cost \$210.00.

- A second statutorily required demand letter and lien will typically add another \$195.00 to the owner's fees.

- We only bill the Association for our actual out-of-pocket costs such as certified mail, process server charges, clerk's filing fees, title services, etc. These costs are not fixed since they are charged by others, not the law firm, and we do not control these costs. We add no premium to the costs and bill our clients only the amount that we are charged.

- **What charges are billed to the Association as the work is done and what charges are billed to the property owner?**

- Out-of-pocket costs are billed to the Association as they are incurred. Attorney fees are not billed to the Association as long as we are able to pursue collection from the lot owner.

- **Are directors and our managers able to get prompt status of the collection work we have sent to Backer Aboud Poliakoff & Foelster?**

- Yes, status reports are easily accessible to authorized directors and management from anywhere internet access is available. We have invested in an online status reporting system that tracks our progress in collection cases in real time as the work is done. The reports include comments about communications we receive from debtor lot owners and log payments. The system is accessible online 24/7 with password protection.

- **What does the firm charge for attendance at meetings with the board of directors annually and for legal services on non-collection-related legal matters?**

- Regular non-collection work is billed at \$300.00 per hour.
- We do not charge for travel time to reach the meeting site.

- **Does the firm provide newsletters/advisories on changes to Florida statutes, case law and legal procedures?**

- Yes, Backer Aboud Poliakoff & Foelster publishes *BackerReport*, an e-newsletter that is available to all of our clients. It is not published at any specific intervals, but is published when an issue of importance to our clients is the subject of an appellate court decision or legislative action.

- Our attorneys also lecture periodically do groups involved in community association matters and the firm is approved to provide continuing education to licensed property managers and to certification for community association directors.

COLLECTION OF DEBTS: A part of our practice involves the collection of debts for our clients. This notice is for those from whom we are seeking to collect a claimed debt. This communication is from a debt collector, is an attempt to collect a debt and any information obtained as a result of this letter or further communications with this office will be used for the purpose of collection of a debt.

- BAPF Collections Information 12192017.pdf (6 MB)
- BAPF General Information and CVs 12192017.pdf (15 MB)
- BAPF FAQ and Rate Sheet 12192017.pdf (5 MB)
- Holiday Park Engagement Letter BAPF 01082018.pdf (4 MB)
- image001.png (9 KB)
- image002.png (7 KB)



About Our Community Association Practice

Backer About Poliakoff & Foelster is led by Managing Partner Keith F. Backer, an attorney with more than 30 years legal experience in Florida. Mr. Backer was formerly a partner with one of Florida's largest community association law firms. Mr. Backer created Backer Law Firm in 1995 as an antidote to the big-firm-syndrome; the experience clients endure when they are considered just one among many others and where there is little continuity and personal attention from their assigned lawyer. Backer About Poliakoff & Foelster does not try to compete with the large institutional law firms and the firm does not seek to emulate the way those firms serve their clients. Backer About Poliakoff & Foelster's goal is to provide personalized legal services and establish long-term personal relationships with a select group of clients, something larger firms often cannot provide because of frequent lawyer turnover. Clients of Backer About Poliakoff & Foelster will never be shuttled from one lawyer to another and the firm will not grow to the point where the lawyers will not know their clients. The firm is committed to using technology that will improve the lawyers' and staff's ability to communicate and serve the firm's clients efficiently. *BAPF HiTechCollect* and *Backer Report* are examples of those efforts.

The Firm's community association practice includes representation in the collection of delinquent accounts, enforcement, drafting and interpretation of governing documents and rules, negotiation of contracts with vendors and contractors and litigation. The firm currently represents communities of all sizes; from condominiums with 12 units to homeowners associations with more than 2000 residences to master association country club communities with more than 3000 residences.



BAPF HiTechCollect

Backer Aboud Poliakoff & Foelster proudly provides its clients and their managers with 24/7 access to its internet-based community association collections system, *BAPF*

HiTECHCOLLECT ©. The primary goal of this system is to recover delinquent sums faster and more efficiently and provide clients and their managers with immediate updates of the status of the firm's collection efforts.

We recognize the importance of recovering unpaid funds for community associations. None of a community's goals can be met without the required financial resources. We are pleased to provide this service to our clients at no charge. Nothing about this service changes our fee arrangements; in nearly all cases, the Association will still not have to pay for the attorney fees incurred in the collection process until the money is collected from the property owner.

24 - Hour Access to Account Status

Have you wondered whether the delinquent accounts you sent into collection by mail, email or fax were received and processed? With *BAPF HiTECHCOLLECT* ©, clients and their managers are able to log on to the internet from home, office, smart phone or anywhere with an internet connection and check on the status of any collection account sent. Because *BAPF HiTECHCOLLECT* © is a web-based application, information is accessible 24 hours per day, 7 days per week, 365 days per year to anyone provided with your community's password, from wherever there is internet access. All of the information is provided in **real-time**. That means, when a demand letter is created and sent to a property owner from our office, that fact is immediately reflected on the on-line status report. All of us know how quickly things can change in a matter of a few hours. The information contained in monthly status reports is nearly always stale and inaccurate before it even reaches the Board or property manager. Inaccurate reports are useless and a waste of time for everyone involved in the collection process. With our system, managers and directors do not need to plan to call our office days in advance of the next Board meeting for a current status report of pending collections matters; a simple log in to your account

will allow the user to read and print the status report and run out the door to the meeting. Providing instant, real-time information is a critical part of successful assessment collection. The reports may be easily printed and provided to the directors at their meetings.

Going Paperless

Many of our clients have expressed the desire to eliminate the need for paper files. We share that goal and now have the ability to allow you to avoid paper collection files through the document attachment feature of *BAPF HiTECHCOLLECT* ©. This feature allows users to view important collection documents related to a particular delinquent owner's account without having to search files or wait for us to manually send a document. We attach ledgers, correspondence, collection policies and other critical collection documents to the system for our users' convenience.

Sign Up

To get access to *BAPF HiTECHCOLLECT* ©, please contact Karen Smilen at our office (ksmilen@bapflaw.com) to request a user name and password.



Backer Aboud Poliakoff & Foelster offers all of the legal services needed by Florida community associations. From general counsel, transition and document revisions through collections, foreclosure, arbitrations and construction defect matters. For more than three decades, lawyers with the firm have represented hundreds of community associations in South Florida. There is no annual retainer fee required; our clients pay only for services they use.

General Counsel including all non-litigation matters	\$300.00 per hour
Litigation of covenant enforcement matters and contract disputes.	\$300.00 per hour
Foreclosures & Collections	\$150.00 per hour

In collections and foreclosures, **the Association does not pay the attorney fees as the fee is incurred; the attorney fee is paid by the property owner when the debt to the Association is paid.** If the owner pays directly to the Association, the Association is billed only after it receives payment. If payment is made to our firm, we deduct our fee and send the balance to the Association. The Association only advances costs such as those for recording a claim of lien, filing suit, title services, service of process, postage, etc. The Association does not become responsible for the attorneys fees incurred before payment is received from the owner except under the following circumstances:

The Association accepts payment directly from the owner without collecting the attorney fee, agrees to a payment arrangement over a period of time or elects to stop pursuing collection for any reason;

Upon notice that a mortgagee with a superior interest is foreclosing on the property or the Association otherwise provides instructions to stop the proceedings;

Upon notice the owner has filed for bankruptcy;

After 60 days passes from the date a lien is recorded and the Association has, for any reason, not instructed the firm to pursue foreclosure; or

If the Association terminates its relationship with this office; or

A court of law determines the Association is not entitled to recover its attorney fee from the property owner.



Delinquent Account Collections Policy (after account is referred to the firm)

1. First Attorney's Letter

If payment has not been made timely and the Association's management (or Board) has sent a reminder (if required by the governing documents or simply sent as a courtesy), the matter is referred to Backer Aboud Poliakoff & Foelster and a letter required by applicable Florida law is sent certified mail advising the owner that the matter is now being handled at the law firm office and advising that the Association will pursue its legal remedies if the sums claimed are not paid within thirty (30) or forty-five (45) days (30 days for Condos, 45 days for HOAs required by statute).

The attorney fee charged to the owner is \$210.00 plus costs of certified mail. **The attorney fee is NOT billed to the Association at the time the work is performed; we pursue payment of the attorney fee from the property owner.**

2. Second Attorney's Letter - Intent to Foreclose Lien

If payment has not been made and no request to verify the debt is pending, we prepare, sign and record a lien on the Association's behalf if such rights are provided in its governing documents or otherwise provided by law. The letter advises the owner that an action to foreclose the claim of lien will be filed if payment of the sums due, including the attorney's fees and costs, are not paid within thirty (30) or forty-five (45) days (30 days for Condos, 45 days for HOAs required by statute). The notice is sent by certified mail, return receipt requested.

The attorney fee charged to the owner is an additional \$195.00 plus costs of certified mail, recording and deed. **The attorney fee is NOT billed to the Association at the time the work is performed; we pursue payment of the attorney fee from the property owner.**

3. Foreclosure

If the series of letters have failed to prompt payment, an action seeking to foreclose the lien is commenced. The law firm advances the costs of the filing fee, service of process charges and title service, but those charges will be billed to the Association when they are incurred. These costs total roughly \$500.00.

The attorney fee charged to the owner depends upon how far along in the action we must proceed before the owner agrees to pay. **The attorney fee is NOT billed to the Association at the time the work is performed; we pursue payment of the attorney fee from the property owner.**

Attorney Fee Agreement

Our fee agreement with the Association provides that the Association does not become responsible for paying the attorney fees incurred before payment is received from the owner except under the following circumstances:

- A. The Association accepts payment directly from the owner without collecting the attorney fees, agrees to enter into a payment arrangement over a period of time or otherwise decides not to promptly pursue recovery of unpaid attorneys fees;
- B. A mortgagee with a superior interest to the Association is foreclosing on the property or the Client otherwise provides instructions to stop pursuing foreclosure or collection;
- C. The property owner files a petition in bankruptcy;
- D. Sixty (60) days pass from the date a lien is recorded and the Association has, for any reason, not instructed the Firm to proceed with foreclosure; or
- E. The relationship between the Association and Firm is terminated.

The procedures and attorney fee amounts described in this policy are effective as of the date of this update, but are subject to change. If there is a question about whether any of the procedures, costs or attorney fees have changed, please contact our offices.

From: ALLISON <akelly50@comcast.net>
Sent: Friday, December 08, 2017 7:06 AM
To: Traci DelGaudio
Subject: Rentals

Traci

Please call either the real estate co and owner of the recent rental application and tell them they gave 45 Day to cure all violations or a daily fine of \$50/day will be placed. Also we need to add a statement on the rental application that states that once the DM clears the rental in compliance with Dor/ RR the rental application will be approved. Otherwise it will be held until all violation are cured. We will then have to send out to owners that have rentals a letter with this verbiage.

Please add to agenda and type up the verbiage as an attachment so we can vote on it .

Thanks

Allison

Sent from XFINITY Connect App



B.S.E. CONSULTANTS, INC.

Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.
President

Hassan Kamal, P.E.
Vice President

December 12, 2017

Via-Courier

Ms Traci DelGaudio
Port Malabar Holiday Park
215 Holiday Park Blvd.
Palm Bay, Florida 32907
E-mail: traci@holidayparkfl.com

Re: Holiday Park Stormwater Fees
B.S.E. File # 11450

Dear Traci:

Pursuant to the HOA's request to analyze the Park's Existing Stormwater System for potential exemption from the City's Stormwater Fee, below please find the following:

- A. Criteria required to qualify for exemption from the City Stormwater Fee;
1. Having a Functioning Detention System for a 25-year, 24-hour storm event (9.5 inches).
 2. Having a Functioning Extended Detention System for a 25-year, 24-hour storm event (9.5 inches).
 3. Having a Functioning Retention System for a 25-year, 24-hour storm event (9.5 inches).
 4. Having a Functioning Extended Retention System for a 100-year, 24-hour storm event (12.3 inches).
 5. Having No offsite stormwater discharge (100% Credit).
 6. Land consisting of Wetlands/Conservation (100% Credit).

A "Detention System" detains stormwater runoff and discharges at the pre-development flow rate. A "Retention System" has no discharge. Stormwater either percolates or evaporates. These two definitions are often misunderstood and/or are misused. **The Park cannot qualify under items 3-6 above.**

Holiday Park was designed in the later part of the 1970's, constructed with as-builts dated +/- 1982. The stormwater criteria for these developments were much less rigorous than it was by the mid 1980's.

We spent several hours viewing the Park's stormwater system in the field and several hours reviewing plans of record and as-builts of the existing drainage system. As a visual aid, we marked up the drainage system on enlarged aerial photographs.

10:35 AM

01/05/18

Accrual Basis

Port Malabar Holiday Park

Profit & Loss Budget vs. Actual

December 2017

	Dec 17	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
325 · Special Assessments	558,640.24	0.00	558,640.24	100.0%
334-389 · Other Revenue Sources	1,347.39	0.00	1,347.39	100.0%
Total Income	559,987.63	0.00	559,987.63	100.0%
Gross Profit	559,987.63	0.00	559,987.63	100.0%
Expense				
512-513 · Gen Govt- Exec, Fin & Admin	8,856.92	0.00	8,856.92	100.0%
519 · Gen Govt- Other Gen Govt	21,681.22	0.00	21,681.22	100.0%
529 · Public Safety- Other Public Saf	15,579.83	0.00	15,579.83	100.0%
539 · Physical Env- Other Phys Env	13,085.17	0.00	13,085.17	100.0%
541 · Transportation- Road & Street	2,750.00	0.00	2,750.00	100.0%
572 · Culture/Rec- Parks & Recreation	18,084.10	0.00	18,084.10	100.0%
701 · Capital Outlay	1,550.00	0.00	1,550.00	100.0%
Total Expense	81,587.24	0.00	81,587.24	100.0%
Net Ordinary Income	478,400.39	0.00	478,400.39	100.0%
Other Income/Expense				
Other Income				
2325200 · From Gross Assessments- DebtSvc	21,849.25	0.00	21,849.25	100.0%
Total Other Income	21,849.25	0.00	21,849.25	100.0%
Other Expense				
517 · Gen Govt Svcs- Debt Svc Payment	14,414.31	0.00	14,414.31	100.0%
Total Other Expense	14,414.31	0.00	14,414.31	100.0%
Net Other Income	7,434.94	0.00	7,434.94	100.0%
Net Income	485,835.33	0.00	485,835.33	100.0%