

DANIELS PRESERVE HOMEOWNER'S ASSOCIATION, INC.

BOARD OF DIRECTORS MEETING

MINUTES

The meeting was held on Monday, June 15, 2009 at 6:30 p.m. in the conference room at Gateway Services District Offices 13240 Griffin Drive Fort Myers, FL 33913.

In attendance: Richard Vause, Jr., (RV) President
 Kinley Engvalson, (KE) Vice President
 Mike Lewis, (ML) Secretary
 Harry Hansen, (HH) Treasurer
 Wanda Davies, (WD) Director
 3 homeowners (list attached)
 Alden K. Williams (AKW) of Sterling Property Services

Meeting Called to Order by President Vause (RV) at 6:35 p.m. Proof of Notice and a Quorum present were affirmed by Alden Williams (AKW).

Minutes from May 18, 2009 Board meeting were approved on motion by WD, seconded by KE and unanimous vote.

Financials from April 30th. and May 31st. were approved on motion by KE, second by HH, and unanimous vote. AKW provided an overview of finances as of May 31st. Attorney James Costello provided a brief report on the status of collections. Both reports are appended.

OLD BUSINESS

Rule violations - The owner of 11908 Country Day Circle has been notified by certified and regular mail that a fine of \$100 per day will start on Friday, June 12th. and continue for each day that landscape is not improved up to a total of \$1000. 29 letters have been mailed to owners advising them to move satellite dishes to come into compliance with assoc. documents. A total of 71 letters have been sent to all owners during May and June for various landscape, basketball hoops, parking, and sat. dish violations. On motion by KE, second by HH, the vote was unanimous to send 15 day letters notifying owners who have ignored violations that the association will hire a landscaper to provide landscape services on their properties and bill their assessment account.

Lake bubblers - HH reported that Gateway Services will provide information after Thursday, June 18th. regarding the takeover of bubbler maintenance.

Signage – bike rack - A No U-turn sign was recently installed on the entrance center island and new bike rack inside gate.

Landscape - Landscape issues were discussed under Rule Violations. Pillar Landscape will be having the stump ground down and a new foxtail palm planted on the center island inside the gate this week.

Gate repairs - AKW reported on two incidents causing gate and vehicle damage. May 23rd - a vehicle was damaged exiting the community - gate damage of \$726.10 and vehicle of \$1975 plus car rental. On June 10th, an unknown vehicle damaged the entrance gate - repairs of \$525.00. Vehicle owner will be asked to submit claim to his insurance company as assoc. insurance may deny claim for property damage. AKW was asked to obtain quotes for adding property coverage. On motion by ML, second by HH, the vote was unanimous to have the gate company install photo beams on all lanes to help prevent future vehicle damage.

ARC recommendations - On motion by RV, second by HH, the vote was unanimous to accept the ARC committee recommendation and approve installation of the swimming pool at 12876 Pastures Way (Lockett).

NEW BUSINESS

Sales - lease applications - On motion by KE, second by HH, the vote was unanimous to approve the sales applications for 12381 and 12218 Country Day Circle, and the one-year lease of 11982 Country Day Circle.

An incomplete application, submitted for 12453 Country Day Circle, was tabled for later consideration.

Chinese drywall - No additional reports of Chinese wallboard have been received to date.

Other New Business:

Lease and sales application fees - On motion by WD, second by ML, the vote was unanimous to increase the lease application fee to \$100, and to establish a new sales application fee of \$150. These fees will be effective July 1, 2009.

The next Board meeting will be on July 20, 2009 6:30 p.m. at Gateway Services District Office.

With no other business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 7:30 p.m.

Respectfully submitted
Alden K. Williams
Alden K. Williams
Property Manager/CAM

Daniels Preserve

Board meeting Monday June 15, 2009 6:30pm

Owners' Names

Kim & Mike Lewis

M & D FLORES

KINLEY + CAROLYN ENGBALSON

DANIELS PRESERVE HOA

May 31, 2009 Financial Statement Overview

The operating account currently shows a balance of \$107,452 of which, \$36,021 is owed to the reserve account and \$11,643.67 was collected in prepaid assessments, making the working cash around \$59,787

The May YTD P&L is currently \$30,138 under budget. Most line items are running on plan but there are a few notable exceptions:

Income

Owner Interest Charges are \$12,926 higher than planned

Expenses

Cable TV charges are \$8,731 under plan and we are projecting an annual 2009 save of around \$28,000 to budget based on the continuation of the current Comcast charging structure through May 2010.

Legal Fees are \$2,668 under budget

Contingency shows zero expense to date against a budget of \$3,526

Alden Williams

From: Jamie's Laptop [jamieslaptop@jmclaw.com]
Sent: Monday, June 15, 2009 5:22 PM
To: 'Alden Williams'; 'James M. Costello'; kengvalson@hotmail.com; Mike Lewis; rvausejr@comcast.net; wcdavies@embarqmail.com
Subject: Daniels Preserve - Collection update/summary

Alden and Board:

We are pursuing the collections that we can (against those delinquent owners NOT in lender foreclosure) and are in the process of filing three more foreclosures. The pace of new lender foreclosures seems to be slowing and I would note that only 9 new foreclosures have been filed against the association in 2009 to date, compared to the same period in 2008 when 13 were filed. We are not usually made aware of foreclosures where the association is not named and there are always some of those (see below) – we find out about those when the Owner stops paying and the lender has already commenced foreclosure.

As you may be aware, the Association has recently collected some large arrearages (>\$4,000) as title to lots has passed from Lender to new homeowner. There are two reasons for this:

1. In many cases, this comes about because the Lender “forgot” to include the Association in the foreclosure and so the Association’s lien is technically still able to be enforced. Even a recently-filed foreclosure from this past March neglected to name (and serve) the Association – the oversight by the Lender’s attorneys is difficult to understand, especially in light of the liability for his client, the lender. In those cases, I take the position that the Lender is liable for all of it – some don’t agree – but we have been paid in full on every one. We wish this would happen more often, but we should be thankful for the stroke of good luck.
2. In others, the foreclosing lender may not end up being the entity that takes title on the courthouse steps, but may instead assign its “bid rights” to another entity (FNMA, FHLMC, or some other REO-type entity). It has always been my position that this new entity is not protected from liability for the whole amount due (since it has “held” the mortgage) and I have been routinely demanding payment of all arrearages from these assignment entities. We do get resistance from some of these lenders, but we have held firm and every one to date has paid.

If there are any other questions I can answer, I would be happy to.

Jamie

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JMC•LAW