



## Homeowners' Association, Inc.

P.O. Box 1773

Mango, FL 33550

[www.timberpond3.com](http://www.timberpond3.com)

### HOA Board of Directors Meeting October 19, 2011

Following introductions of attendees, the meeting was called to order and seconded at the Hubbert residence at 7:19 pm. In attendance: Tammy Hubbert, President; Curtis Brown, Vice President; Denise Skillman, Treasurer; Lee Anne Corbin, Secretary; Lisa Odorczyk, Architectural Control Committee Chairperson; Lisa Smith and Delores McKay- Architectural Committee Members; Brian O'Reilly, Homeowner; Allison Brandt, Attorney.

The HOA Board minutes from September were reviewed and approved.

#### **Follow-up on old business:**

Overgrowth of wild vines and Conservation areas: Homeowner Brian O'Reilly reported that Code Enforcement came out in the past month and told him they can't do anything about the kudzu or air potatoes. Mosquito Control also came out, tested a water sample from the conservation area but found no larvae. Mosquito Control gave Brian a brochure on mosquitoes, which Brian gave to the Board, and suggested that homeowners call Mosquito Control to ask them to spray the neighborhood. Mosquito Control said the spray will not be effective for the conservation areas. The Board agreed to e-mail the brochure to homeowners to increase awareness and to ask them to call.

Brian also reported that a wild hog has been seen recently in the area.

The Board asked Brian to summarize his communications with agencies he's dealt with regarding the kudzu and conservation areas and the Board will provide to attorney, Allison Brandt, for advice. Allison stated that the Homeowners Association does not have power to act on behalf of all residents if an issue does not affect all homeowners (e.g., not all residents live adjacent to the conservation area). For the HOA to act, there must be a matter of "common interest." She will look into the Board's authority and the responsibility of the owner of the conservation land and provide a legal opinion on the matter.

The Attorney stated that homeowners who have vines encroaching over their property line may cut them back without any liability, but she advised that homeowners should not go onto the conservation area property since it is privately owned.

Update on Stop Light at Mead and Victoria: Board member reported that a study has been completed and the installation of a stop light is still being pursued.

#### **New business:**

Homeowners Delinquent on Paying 2011 HOA Dues: The Board invited Allison Brandt ("Attorney") to this meeting to discuss nine properties within Timber Pond III that haven't paid 2011 HOA dues. Allison reviewed the properties in advance of the meeting and provided her thoughts and advice to the Board on each property, some of which are in foreclosure.

Property #1 (in foreclosure) - Attorney suggested Board file a notice for a trial (cost \$105) to get a trial date set and final judgment on case. HOA is currently paying to have the yard maintained for \$95/month. Board member suggested using the emergency fund in budget to pay legal fees to file the notice.

Attorney stated that the bank will be responsible for all fees once bank takes title and HOA can be reimbursed. Motion made and seconded to accept recommendation to file notice for trial on this property and have Attorney do this for the HOA.

Property #2- Attorney recommends that a demand letter be sent to the homeowner from Attorney. She and Board are unsure of status of this property.

Property #3- Rental property; Board has been requesting dues from renter. Attorney advised that HOA can demand that rent be paid by the tenant to the HOA, then the dues can be taken from the rent and the remaining balance can be sent to the homeowner. Board will send letter to homeowner to request dues once homeowner's address is located from the Property Appraiser's website.

Property #4- Attorney recommends HOA put lien on home, which is currently owned by an LLC. Board to send letter giving them 10 days to pay dues.

Property #5- Foreclosure pending since 2009, new attorney assigned. Attorney recommends filing notice for trial in the foreclosure case to push the case along. She stated that the bank is responsible for only 12 months of unpaid dues. Motion made and seconded to have Attorney proceed on this recommendation for the HOA.

Property #6- Foreclosure dismissed in 2009 (court closed the case when bank failed to act on it). Attorney recommends demand letter be sent and eventually a lien on the property if needed. Motion made and seconded for Attorney to do this for the HOA.

Property #7- Many liens and HOA violations on record, but no foreclosure on the home. Attorney recommends demand letter. Motion made and seconded to have Attorney send demand letter and take any further legal action needed if payment is not made within 30 days.

Property #8- Foreclosure filed in 2011. Attorney said HOA could file notice for trial. Board discussed possibility of having Attorney send a final demand letter, but decided to take no action at this time.

Property #9- No foreclosure. Attorney suggests doing a demand letter. Motion made and seconded to have Attorney do this for the HOA and take further legal action as needed.

Attorney told the Board she can provide "Enforcement Letter Services" if needed. The Board asked Attorney for an estimate of annual legal fees, which she agreed to provide. Attorney suggested that the Board include a line item for legal fees in the 2012 budget and said that some legal fees will be recovered through the legal process.

HOA newsletter: Board members to provide input to Secretary for the HOA newsletter by 10/31/11 and newsletter to be distributed by 11/13/11.

#### **Treasurer's report:**

2012 HOA dues: One payment for 2012 dues was made already. Invoices will be sent to all homeowners by U.S. mail and e-mail the first week in January 2012. Payment is due by January 31, 2012.

Regular invoices paid in the past month plus a \$750 invoice for pressure washing of Telfair wall and sidewalk.

Treasurer reported that she has contacted a vendor to do the drain inspection in the conservation areas.

#### **Architectural Control Committee report:**

Landscaping Proposal: Proposal submitted by Prime Cut Lawn Care, Inc., which includes mowing of common areas and planter maintenance. Price is competitive with current vendor (Crosscreek). Prime Cut can also do drain cleaning and landscape trimming/cut back for a separate fee as requested. Board

liked proposal and representatives of Prime Cut. Motion made and seconded to accept the proposal to have Prime Cut become the HOA's new lawn care provider. Board would like agreement with Prime Cut that includes the following terms: 1) HOA can cancel agreement if not satisfied with service; 2) rate guarantee for 18 months. Start date for Prime Cut to be determined once President talks with Crosscreek and confirms their termination date.

Garage Sale: As planned, the neighborhood garage sale will be held on October 22, 2011 from 8:00 am until 1:00 pm. Archit. Committee will post signs at entrances and the sale has been posted on Craig's List.

Welcome Kit: One welcome kit given to new homeowner at 1219 Acanthus.

Pressure Washing: Architectural Committee will obtain estimate from pressure washer to clean sidewalks in front of the conservation areas (funds are in current budget).

Fallen Tree: A tree that had fallen in the front yard of a homeowner on Daphne Dr. has been removed as requested by the Committee.

Next BOD meeting will be held on **November 3, 2011 at 7 p.m. at Tammy Hubbert's house at 1220 Acanthus**. All homeowners are welcome and encouraged to attend.

Motion to adjourn was made and seconded. Meeting adjourned at approximately 9:15 p.m.

Signed by:

Minutes approved by:

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Lee Anne Corbin, Secretary

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Tamara Hubbert, President