

Minutes of Meeting in Attorney Frank Greenman's Office  
Wednesday, April 18, 2007, 1:30 p.m.

Attendees Richard Breeze  
Harriet Arndt (via conference phone)  
Larry Gateau  
Don Way  
Arlene Way  
Maryann Yentzer

Mr. Greenman gave us an update on Mr. Snellinger's unpaid homeowner dues. A certified letter had been sent on March 19, 2007 and we had received no response. It is now in the Small Claims court's hands which is set for May 10<sup>th</sup> at 2 p.m. Mr. Greenman was asked how do we collect and after the 2<sup>nd</sup> judgement it becomes a lien against his property. It would become a cloud on his title and it would be on all his properties.

Our Deed Restrictions for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Additions were discussed and further research is being

#### DUES

Combined properties for tax purposes – ½ lot combined with whole lots. Some individuals with combined lots are paying one lot dues and others are paying two lot dues. Mr. Greenman said it is still 2 lots even if the 2 lots are into one deed. The Deed Restrictions say that there should be fixed at uniform lots. The fact that you combine them for taxes is smart, but you still owe for 2 lots. ½ lots should be charged for the ½ lot. Mr. Greenman will be dictating a letter to clarify this which would be sent out in our Newsletter by Maryann Yentzer.

Affordable lot dedication –

Contribution of monies to help with mowing expenses of vacant lots  
We have a provision in the Deed Restrictions for special assessments. Mr. Greenman would not suggest taking it to court for this. A vote to pass a special assessment could be enforceable and to take it to court would be a

50/50 chance. This could be done by a vote ballot of 51%. Mr. Greenman dictated a draft on what we can do with the mowing.

#### Volunteer Mowing

Mr. Greenman said be prepared to be sued by the volunteer. It is a very high risk to have a volunteer. We should hire a contract whereby we will have no risk.

Mr. Greenman feels we should as an Association have a simple "business" coverage because we don't have any insurance. We have a boat trailer lot which is considered an asset as well as our own personal assets.

#### CAN THE ASSOCIATION CHARGE A FINE

Mr. Greenman would suggest against it. Social pressure is about the only recourse.

# TROPICAL BAY PROPERTY OWNERS ASSOCIATION



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18 June 2007

## Newsletter notes:

First let's hope our Hurricane Season is a repetition of last year. Can we not be optimistic? Also your are enjoying the summer regardless where you may be.

The following is the activity of your Board of Directors and Officers for the first six months of 2007.

1. By our request our lawyer gave us the legal opinion on the dues situation on lots, plats that have been combined into a single lot as recognized as a single lot by Monroe County. Because Tropical Bay Estates original plat submitted to the county when it was organized it remains listed as individual lots. Therefore annual dues are required for each original lot.
2. Along with this request of the lawyer we asked for clarification on the splitting of a single lot between two owners. The legal ruling is that each owner is responsible for one half [1/2] of the annual dues for that lot.
3. Items 1 & 2 will be noted on the 2008 invoice for the annual dues in December.
4. Over the past several years there were complaints about the cost of the vacant lot mowing and mangrove cutting from owners that do not own a vacant lot in Tropical Bay. They question why Tropical Bay Property Owners have to pay dues that support these expenses when as residential owners have to mow their own lot or have a lawn cutting service. The same argument applies to the mangrove trimming is some respects.  
Again the lawyer advised TBPOA that an additional assessment can be made against the vacant lot owners for these expenses. At this time no value has been made. The special assessment will be made on the 2008 invoice.
5. Your Board and Officers are working the vacant lot mowing issue. Sam Cassel has a contract to mow the lots until December. At that time the Board and Officers will consider having the lots mowed by volunteers from Tropical Bay Estates. NOTE. The lawyer is against this for liability reasons. The trimming of the mangroves is still under discussion.
6. We are pleased to report we are making progress on collection of past dues.