

Magnolia Terrace Homeowners Association  
Minutes  
Board of Directors Meeting  
Wednesday, September 6, 2017  
Kirk Community Building, Montverde

The meeting was called to order at 7 PM by HOA President Steve Smith

Board members Steve Smith, Steve Berk, Candi Keys and Richard Collins were present, constituting a quorum. Member Joseph Martin also attended.

The minutes of the July 19, 2017 Board meeting were read. Steve Smith move to approve the minutes as read. Steve Berk seconded. Smith, Berk, Keys and Collins voted affirmatively.

Candi Keys gave the treasurer's report. As of September 6, the bank balance is \$49,724.72 with \$3,223.06 in accounts receivable. To date for 2017, income has exceeded expenses by \$31,493.65.

The fine committee met on August 7 and voted to affirm the Board's fine of the owners of Lot 55, Phase II. No work to fix deficiencies had transpired. The owners have not contacted the HOA.

After the town was contacted, the town did put up some fencing around the pool. A bank rep overseeing the property was provided photos of grass on the hill behind the property and rep said it was unacceptable. It should be mowed in September. Bank rep said status of ownership is in "limbo" with no projected date for resolution. On September 5, Richard Collins received an email from a company doing work from bank. He was asked to check property as work had been done. Screens had been replaced on all sides, but not the top. He informed the company that the door still needed repair as there was neither latch nor lock.

The new landscape contractor had mowed the water retention area at Ridgewood and Alpha as promised (to extent possible given standing water). The exchange regarding billing cycle was reviewed. Some trees in that area will need to be trimmed and this could be combined with an offer for lot owners to use HOA contractor for work on lots at owners expense early next year.

Richard Collins handed out some ideas on possible amendments to by-laws and covenants. They can be discussed at next Board meeting.

There was a brief discussion of utility of HOA phone. No one answers it and no one makes calls on it. Messages are sometimes garbled due to quality of software. Not much money would be saved but it does not really provide a useful function. HOA should also look at moving control of email site and webpage from individuals to the HOA.

Richard Collins provided a summary of the new law regarding estoppels. The website has been updated to comply with the law. The law also requires that the Board vote on charges. Steve Berk moved that the HOA charge \$140 for estoppel letters (certificates). Richard Collins seconded. Smith, Berk, Keys and Collins voted for the motion. The Board did not see a need to establish an additional charge for expedited requests.

The HOA received an email from a member complaining that there were 2 sheds on a property. Richard Collins reported that there had been no request. Owners were contacted and said the shed had been installed over Memorial Day weekend and that they had thought a request was not necessary. During give and take with owners, the owners mentioned another lot in Magnolia Terrace with a shed. Richard Collins provided the file of the property which showed that the owners of that property in 2005 had requested permission from the HOA to install a shed but the HOA rejected the request. The file also contained a letter from those owners at a later date in response to a complaint about the shed. Those owners admitted installing a shed behind a fence and provided pictures of it. The file contained no record of the HOA taking any action based on those owners acting in defiance of the HOA even with photographic evidence provided by the owners. Magnolia Terrace HOA had known about the shed for 12 years and had accepted the situation. Given that Florida courts have ruled that HOAs cannot be selective in the enforcement of rules, the HOA could not deny the current (belated) request, require removal of the sheds and win a legal challenge. Consequently, the consensus of the Board was to accept the new sheds and to ask the community for its views on sheds at the next membership meeting.

Steve Berk moved to adjourn. Candi Keys seconded. Smith, Berk, Keys and Collins voted in favor of the motion. Meeting adjourned at 7:50 PM.