

Magnolia Lakes H.O.A.
Board of Directors Meeting
February 3, 2005

Pursuant to Law and the By-Laws, the meeting of the Board of Directors was held on February 3, 2005, at 6:30 P.M. at the Eau Gallie Baptist Church at 1501 W. Eau Gallie Boulevard, Melbourne, FL 32935.

Officers Present:

President: Marge Jinkens
Treasurer: Richie Engel
Secretary: Barbara Stepanian

Vice President: Marshall Potter
Asst. Treasurer: Steve Barth
Director: Ericka Boggs

Not Present:

Director Bill Cook

The president called the meeting to order, determined that a quorum was present and that business could be conducted.

A motion was made by Steve Barth and seconded to accept the November, 2004 minutes.

The treasurer's report was given by Richard Engel. Marshall Potter made a motion to accept and it was seconded.

A status report of 2005 Assessments given by Richard Engel that to date a total of 28 homeowners have paid.

The president announced that she received a written resignation dated December 1, 2004, from

B.J. LaClair, Secretary. The nomination of Barbara Stepanian to fill the position of Secretary was made. Marshall Potter made a motion to accept the nomination and it was seconded by Richard Engel. Motion was passed. A motion was made to nominate Ericka Boggs for the vacant position of Assistant Secretary. Ericka declined. The motion to nominate Marshall Potter as Assistant Secretary was made by Richard Engel and seconded. Motion was passed.

Reports:

- 1) Pool Report was given by Steve Barth. Steve stated that he repaired the deck himself. He stated the pool bathroom doors are in need of paint. A filter was damaged by vandalism and the City closed the pool because of a broken drain grate.

2) Front Entrance Sign Report was given by Richard Engel. The sign company has promised to have the work completed soon.

3) Front Entrance and Common Area Lawns Report - (Bill Cook not present) Marge Jinkens reported that the basketball/swimming pool area and Trent House Lane area needed to have pest treatment for ant hills and spraying for weeds. RainTree Pest Control (a pest, weed and fertilize) company was given a initial 6 month contract.

Steve Barth brought up the subject for the need of replacement of the fence around the lift station and that he had talked to Doug Havin, who is with the City of Melbourne, Water and Sewer Department. He stated that the City will replace existing wood fence with a chain link fence. It was discussed that the Board would consider at a later date of paying for another type of fencing. Steve is to call fencing companies to get bids.

4) Community Ponds Report was given by Ericka Boggs. She spoke with Mallard regarding small pond that had rust and algae problems. Mallard came and corrected the problem at no cost.

5) Community Watch Report was given by Richard Engel. It was decided to leave the allotment for fuel at \$100.00 a month. A further study on fuel expenses will be conducted in May.

6) Rules and Regulations Committee - it was noted that Richard Engel has resigned from this committee. Marshall Potter stated that the committee has not met. Homeowner Bob Wagner volunteered for this committee.

Unfinished Business

New Construction - report was given by Marshall Potter regarding Eagle Harbor. Spec homes construction has started and gates to the entrance are installed. Bill Jinkens reported that Eau

Gallie commercial property for Phase 1 will begin in February, 2005. Two commercial sites are approved. The fence adjoining Magnolia Lakes and the commercial complex has been purchased and will be installed in Phase 1 of the project.

Delinquent Homeowners - report was given by Richard Engel that two (2) are still delinquent for 2004 (one for 2004 and one for 2003/04). Lot #157 assessment for 2004 has been paid.

Richard Engel gave a report on additional street lighting. Lights are to be installed between 1167 and 1169 White Oak Circle and also between 1180 and 1182 White Oak Circle. One additional street light will be installed on Trent House Lane.

Appeals Committee for Homeowner Association - B.J. LaClair, Peter Hartshorne and Ralph Nygard have all agreed to serve. A motion was made by Marshall Potter and seconded.

New Business

ARC Applications - Richard Engel reported:

- 1) 4664 Blackmore ---replace oak trees with palm trees and crepe myrtles. Approved
- 2) 1300 Berryhill ---replace oak trees with palms (front yard). Approved
- 3) 1248 White Oak Cir. ---repaint exterior. Approved
- 4) 1263 White Oak Cir. ---attach Directv dish to left side (rear) of house. Approved.
- 5) 4650 Blackmore ---paint house same color. Approved
- 6) 1390 Berryhill ---install plexiglass windows in rear porch. Approved
- 7) 4669 Blackmore ---remove 4 oak trees and replace. Approved
- 8) 1201 White Oak Circle ---paint exterior light carob. trim off white - lt. beige.

Approved

- 9) 1250 White Oak Circle ---paint exterior same colors. Approved
- 10) 1139 White Oak Circle ---remove oaks and add palms, paint exterior of house rugged trail trail-base & Grecian ivory for trim. Approved. Painting of door to roasted pepper denied.

11) 1271 White Oak Cir. ---install 5 window hurricane shutters & one (1) hurricane shutter

on back patio. Approved

12) 1212 White Oak Cir. ---paint house & garage door white heron, sundance yellow - trim.

Approved.

13) 1380 Berryhill ---install plexiglass screen windows in back porch. Approved.

14) 1273 White Oak Cir.---install bertha Hi Velocity accordion hurricane shutters.

Approved

15) 1190 White Oak Cir. ---install fence. Approved.

16) 1199 White Oak Cir. ---install fence and arbor. The arbor is not to be attached to fence.

Approved.

17) 1220 White Oak Cir.---screen room. Approved

18) 1263 White Oak Cir. ---paint exterior vanilla bean with crabapple trim. Approved
Hurricane shutter color to match trim. Approved

19) 1321 Berryhill ---remove live oak and replace with 2 palm trees. Approved

20) 1285 White Oak Cir.---paint exterior with same colors. Approved

21) 1197 White Oak Cir.---paint house trim Crisp Khaki and replace oaks with palms.
Approved

2005 Community Yard Sale is scheduled for March 12, 2005. Ericka Boggs volunteered to get advertising to newspaper and to Magnolia Lakes homeowners and newsletter.

A motion made by Marshall Potter and seconded by Steve Barth to keep the Attorney Representation Agreement for 2005/2006.

Marshall Potter stated that only 20 homeowners have contacted him regarding the State Code hurricane roof/vent damage. He read a letter that he had written to local, county and state representatives from the Magnolia Lakes homeowners community.

Homeowners Association documents have been requested by two (2) homeowners. We need to respond in ten (10) days. Attachment follows minutes.

Violation letters mailed to homeowners January 31, 2005 brought homeowner questioning the validity of the letters. The President informed residents that the Board of Directors are bound by law to enforce all the covenants.



A motion was made by Steve Barth and seconded by Richard Engel to adjourn the meeting.

Respectfully submitted February 4, 2005

Barbara Stepanian, Secretary

Marge Jinkens, President

Close this window

From: "Crooks, Kyle" <kyle.crooks@ngc.com> 
Date: 2005/02/01 Tue PM 04:20:07 EST
To: <magnolialakes@magnolialakes.net>
CC: <Ken.Crooks@DeanMeadLaw.Com> 
Subject: Written Request for Information

Dated: 1 February 2005

Dear Magnolia Lakes Home Owners Association Board of Directors,

Per Florida State Statute 720.303, please make available for photocopying the following Magnolia Lakes Records within 10 days:

1. A current roster of all members and their mailing addresses and parcel identifications.
2. All meeting minutes for all meetings held within the last 7 years.
3. All Architectural Review meeting minutes for all architectural review meetings held within the last 7 years.

Thank you for your time,

//signed//

Kyle Crooks

Homeowner of 1126 White Oak Circle

Melbourne Florida 32934

3, February 2005

Copied

Board of Directors
Magnolia Lakes Homeowners Association
P.O. Box 361012
Melbourne, Fl. 32936-1012

Delivery of letter to February 3rd HOA meeting,
Certified delivery upon request to residence.

Re: Right to inspect records

Board members;

As members and parcel owners residing in the community of Magnolia Lakes and located at 1201, 1213 and 1212 White Oak Circle, Melbourne, we are hereby requesting the following documents and records to be provided to us. We are requesting only #1 be copied and request full access to the rest of the documents #2 through 9 for viewing.

1. The list of names and addresses of which "violation letters" listing Article and Section #s were sent certified mail within the past 30 days.
2. The firms, addresses, phone numbers and attorneys of any and/or all professional legal services rendering at any time legal opinions, advice and/or constructed letters to the Board of Directors of Magnolia Lakes Associations as conveyed by phone conversations with Marge Jinkens, present board member on 2/1/05 with Bruce Woerner, parcel owners. To include attorney's invoices for any and/or all legal opinions, advice and/or constructed letters servicing Magnolia Lakes Homeowners Association.
3. The firms, addresses and phone numbers and names of any and/or all professional bookkeeping or accounting firms now or at any time rendering financial aid of any kind to Magnolia Lakes Homeowners Association since the Magnolia Lakes Homeowners Association was formed by a board of directors made up of homeowners only. Not to include Maronda as the Developer/Builder and known prior Association.
4. All tax returns, financial statements, and financial reports of the association for the past 7 years.
5. Any other records that identify, measure, record, or communicate financial information.
6. Copies of the allocated insurance company(s) and policy(s) insuring Magnolia Lakes Community for the past 7 years.
7. Copy of each present board members background and experience as presented for elections on each board members "Candidate Information Statement" included with their nomination form at their first election.

FYI:

720.303 ASSOCIATION POWERS AND DUTIES; MEETINGS OF BOARD; OFFICIAL RECORDS; BUDGETS; FINANCIAL REPORTING; ASSOCIATION FUNDS; RECALLS.--
(5)INSPECTION AND COPYING OF RECORDS. --

- (a)The failure of an association to provide access to the records within 10 business days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this subsection.
- (b)A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.

We do hope you willingly cooperate with the above Florida State Statutes as your guidelines for our request as outlined above. We too believe that our Board of Directors has a responsibility to protect the investments of all members/parcel owners and as member/parcel owners with the Magnolia Lakes Community we will keep abreast of the professional services being provided to us and for us, to ensure that all "professionals" are licensed and bonded in the state of Florida and have current business occupational licenses with the city and county.

Sincerely,

Dennis & Mari Hiltz

Dennis & Mari Hiltz
1201 White Oak Circle
Melbourne, Florida 32934
321-253-6229

Bruce & Joan Woerner

Bruce & Joan Woerner
1213 White Oak Circle
Melbourne, Florida 32934
321-752-7019

Allan & Catherine Katz
1212 White Oak Circle
Melbourne, Florida 32934
321-757-8966

Catherine Katz

cc: State of Florida Statutes