

# Schalamar Creek Mobile Homeowner's Association

## Member Meeting December 11, 2017

The evening began at 6:00 pm with an Ice Cream Social provided by the HOA. At 7:00 pm, Chris Eaton introduced the speaker for the evening, Beverly Putnam for Northeast Polk Literacy Council. She told us that Polk County has a serious need for reading tutors since many residents here cannot read. 28% of the adults in Polk County read below the third grade level. She asked for any of us to volunteer our time to work in her program. The Laubach Reading System is used for one on one tutoring of adults who read below the third grade level. Students are age 18 and older who will meet for one – two hours a week with a volunteer at a library or other public place. Materials are free.

**President** Dick Rae then called the business meeting to order.

**Secretary**, Norma Miller- The November minutes were approved as written.

**Treasurer**, Barb Griffin gave a summary of the November treasurer's report. The General Fund has \$20,074.79 in it; Recreation/Maintenance- \$3,488.12; Loan Closet- \$951.75; and Legal Fund- \$10,000. Income and Expenses for November were reviewed.

### **Committees-**

**Membership-** Linda Gledhill reported that there are 248 members at the present time which is lower than last year at this time.

**Crafts-** Sandy Slack announced the Crafts Committee monthly meeting on December 14 at 10:30 am. The annual Christmas Party potluck will follow with a Cookie Exchange for dessert. All are welcome.

**Schalamar Players-** Felicity Gregg will be having auditions for the March 23,24, 25 production on December 28 at 7:00 pm. This year there will be two evening performances and one matinee performance. The play hasn't been selected yet.

**Activities-** Sue Knapp reported on the upcoming activities:

December 12- House Decoration Judging

“ 16- Coffee/Donuts- 7:30 am – 10:00 am.

“ 18- Cart Parade- Meet at 5:00 pm in the parking lot, parade at 6:00 pm.

“ 31- New Year's Eve Dance- Table reservations, minimum of 8 people, begin December 16

January 12- Murder Mystery Dinner Theatre- 5:00, pasta dinner; show at 6:00 pm.

“ 26- Link Union family musical show

“ 28- Scavenger Hunt

Christmas trees in the ballroom must be taken down on Saturday, December 16- 10 – 5 or Sunday, 17<sup>th</sup>- 12 – 5. She also stated that ticket sales for upcoming events will always be sold from three weeks prior to the event.

**Newsletter/Directory-** Ginny Reid asked that information for the Newsletter and Directory be given to her by December 20. The Newsletter will go to print on Dec. 21 or 22. She will be sending the 2018 Directory to the printers on January 9. She asked all new residents to give her their address, phone number and email to be included in it.

New residents in the community were recognized.

## Old Business-

**Nominating Committee-** Marge Short gave the list of nominees as follows:

President- Stan Kubik,; Vice President- Carol Black, Ray Mitchell; Secretary- Norma Miller; Directors (3 to be elected)- Sherry Atwood, James Driskell, Chris Eaton, Linda Gledhill, Ed Meyers, Shelly Smith.

There being no other nominations, a **motion** was made and seconded to close nominations. Passed. Stan Kubik gave his Bio and plans for his presidency since he had been absent at the last meeting.

Norma Miller gave a rundown on our Election proceedings. There will be All-Day Voting on Monday, January 8 from 8:00 am to 5:00 pm in the Ballroom. One vote per household allowed. Absentee Ballots can be gotten from her at 1627 Champion Dr. and must be returned by Saturday, January 6.

**Comments** from the floor followed:

Lot # 865- asked about the current lawn mowing rules, still the same. Also asked if there were rules on the color of lot light globe colors. Comments followed from #456 & 698.

#467- Pool access- It is hard for some residents to get into and out of the pools, railings are too low.

#234- still concerned about the safety issue of the sidewalk breaking up and the ducks are back. Dick said the sidewalk and cart path breaking up issue had been brought up to management at the recent board/management meeting. It is necessary that everyone walking dogs at night carry a flashlight!

#416- Dog walkers should walk on the correct side of the street.

A break was taken until our lawyer, Dan Perry, arrived to speak to us. He gave us an overview of his work with mobile home communities/home owners for the past 25 years. He presented three issues that he gave his opinions on:

1. The unsolicited offer to purchase our community by Northwestern, which could be investigated. In his experience, most park sales are solicited. Since the park is aging and residents probably wouldn't want to buy it, he recommends not to pursue that.
2. The full Ad Valorem tax amount should not have been passed on to us, only the contractual pass-on.
3. Management providing a Prospectus 6, a false document, for home buyers to sign which includes a 3% annual rent increase. SS723 states that a prospectus stays with the existing house in a sale.

For these reasons, Perry recommends that we bring a lawsuit against the park owners and management in Federal court which would be settled within three years. Seniors have every right to sue due to fraud.

He then took questions from the audience as follows:

#478- Are civil lawsuits usually settled prior to going to court?

"Yes," Perry stated. He would charge \$10,000 plus a \$2,500 litigation fee to us if we join a suit by the end of the year. There are four other communities interested in this same lawsuit.

#416 - Gave her example of what took place when she made her home purchase here recently.

Perry told us that signing a prospectus does not say we accept it but only that we have received it.

#727- Would we be suing both the park owner and the park manager.

Perry said we would.

#652- Prospectus question- on new and/or used homes having an existing prospectus.

Perry said SS723 states that only new homes should receive a new prospectus.

# - Can individuals hire Perry?

Yes, but Perry recommends not doing that. It would cost individuals much more.

# - What is the current Ad Valorem pass through?

Our ad Valorem has doubled since the park purchase, currently \$810.75, however, our pass-on fee should be the same as that prior to the park purchase plus any current increase.

#726- What number of residents need to agree to a lawsuit?

The HOA Board acts for all the residents in a community and is able to make this decision. Perry stated that SS723 does not require a community to have a majority of homeowners to make a claim. However, he supports having the residents' agreement on it.

#478- Does the HOA only represent those who have paid dues to it?

No, they represent all residents in the community. Perry said our annual dues are ridiculously low!

#708- What is the proper prospectus on each home here?

They are kept in Tallahassee and can be requested, but Russ Weiderman, Schalamar resident, has them all on disc.

#681- Could there be retaliation by the owners and management?

Perry stated that SS723 rules against this happening. If it did occur, they could be sued. Seniors will not be hurt if they would lose the case.

#118- What is the basis for our Ad Valorem?

Perry noted that no increase should have been charged due to the park sale. We should be paying only the "pass-on", not the whole tax amount. The valuation of the park hasn't changed since the purchase so the Ad Valorem shouldn't increase. He referred to SS723 that shows we were not treated in good faith and fair dealing.

The Meeting adjourned at 9:35 pm.

Norma Miller, Secretary