

Walden Shores Property Owners' Association, Inc Meeting Minutes of the Board of Directors

Date: May 13, 2014

Time: 7:00 p.m.

Location: Walden Oaks Clubhouse, Naples, Florida

Directors present: Allen Butler, James Calamari, Joe Gardner, and Ken Paa.

Also Present: Tom Krieser, as Property Manager and Recording Secretary, and approx. 8 other owners, including Jocelyn LaRoche and Bruce MacLaren for the Landscape Committee.

Call to order: Ken Paa called the meeting to order at 7:00 p.m. and offered his warm welcome to everyone.

Certifying Quorum for Directors. A quorum was established.

Proof of Notice: Notice of the meeting and Agenda was posted, in accordance with Florida Statutes, and our Documents.

On a motion by Allen, seconded by Joe the minutes of the Board Meetings dated April 8, 2014 and previously circulated were unanimously approved.

Allen then gave a short financial report. We do not have the official financials to the end of April but all appears in good order and for the first 4 month of the year we have a good surplus (this is a preliminary number) of about \$9,000.

Delinquent Accounts. The largest problem continues to be 6997 Lone Oak where the amount owed is now \$9,175. We are hoping that this will be resolved this summer with a new and paying owner (probably the bank). We have one new delinquency (7058 Lone Oak) that should have been paid April 1 2014. The owner (from Germany) has a good record of paying. Ken agreed to follow up with the home-watch person to see if there might be a reasonable explanation before we turn the matter over to our Attorney for collection, as per our policy adopted by the Board on February 8, 2011.

Rentals. The following list was given for action by Tom; a.) 7001 current lease expired August 2013 b.) 7083 lease expired March 31 2014 c.) 7050 there has been no response from the owner to the demand letter from our Attorney. The board wants this case to be escalated to the next level d.) 6936 lease expired April 2013 no renewal. Tom suggested that a generic letter be also written to all owners explaining leasing registration/renewal procedures. This was agreed to by the Board.

President's report. On a motion by Joe seconded by Allen and approved the board agreed with the requested lanai extension at 7014. The request can now be forwarded to the Master Association's ARC. We have a purchase application for 6945 and the interview with the prospective purchases is set for 6:30 tomorrow (May 14, 2014, at the Club-house). Roof cleaning was discussed and the Clean-Up Group is walking on the roofs despite their original "sales pitch" promising no walking on the roofs. On a motion by Joe, seconded by Ken, Tom

was instructed to fire the Clean-Up Group. Ken also informed the board and owners present that the Master has decided to change management companies from Guardian to Ability effective May 21, 2014.

Landscape Committee. Both Bruce and Jocelyne were present and reported:

- There appears to be many dry-spots. Jocelyn will discuss this with Juarez as they do regular wet checks and these kinds of problems should not happen. Generally speaking when owners have landscaping issues they should direct their concerns either to the Committee or Ability. Tom will incorporate something about this in the generic letter to all owners.
- At 7053 we now have a simple proposal from Juarez to solve the drainage issue (\$364).
- Tom was reminded that letters need to be written to 6933 and copy 6933 about removing the eureka palms and sodding the area.
- On a motion by Ken, seconded by James and approved, Tom to write to 7085 explaining that the landscape committee will chose the trees to be planted and that the homeowner should not touch them.

Questions from owners / Other business. Jocelyne wanted to know what can be done about the basketball hoop that has been there for many years. Unless there is written evidence that the owner committed to remove the basketball hoop there is nothing that can be done about this due to the fact that after a number of years of no action to ask for its removal it becomes an un-enforceable violation.

Next meeting: The next Board meeting shall be held on November 11, 2014 unless an earlier meeting is needed. Ken wished everyone a happy summer.

Adjourn: Ken made a motion to adjourn. Joe seconded the motion, and all other present Directors concurred.

The meeting was adjourned at 8:06 p.m.

Executive Session.

There followed an Executive Session of the board to discuss some legal issues. There were two opinions requested from our Attorney. The first concerned restricting tenants or guests from having pets, and the other about conditions that must exist for denying a purchase. Those opinions are attached for reference. Basically it is within the legal right of the Association to restrict pets for tenants but exceptions must be made for service animal or a comfort animal under the provisions of the Fair Housing Act. Regarding a DUI or possession of drugs within the limit of a misdemeanor (as opposed to a felony) these do not constitute good cause for denying a purchase.

Ken then read a prepared note about the Determann case (7086 Lone Oak). This is attached for reference. After due discussion and on a motion by Joe, seconded by Allen and approved it was resolved that in the future any statements (either by e-mail or at meetings) challenging legal issues either by Board members or home-owners such challenges must be accompanied by properly documented references to Florida or Federal Laws.

Recording Secretary,

Tom Krieser, May 14, 2014



WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

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May 9, 2014

CRAIG R. WOODWARD
Board Certified: Real Estate

MARK J. WOODWARD
Board Certified: Real Estate

ANTHONY P. PIRES, JR.
Board Certified: City, County,
and Local Government

J. CHRISTOPHER LOMBARDO
Board Certified: Marital
and Family Law

ELEANOR W. TAFT
Admitted to Rhode Is. Bar
Of Counsel

ROBERT E. MURRELL
Of Counsel

JENNIFER L. DEVRIES
JENNIFER M. TENNEY

MATTHEW P. FLORES

J. TODD MURRELL

Board of Directors
Walden Shores Property Owner's Association, Inc.
c/o Tom Krieser, Manager
Ability Management, Inc.
6736 Lone Oak Boulevard
Naples, FL 34109-6834

RE: Restriction on Pets For Tenants Within Walden Shores

Dear Board Members:

Our firm has been requested to render its opinion regarding the ability of the Association to restrict pets in the properties that are rented by a tenant. The ability to keep an animal in a unit within Walden Shores is controlled by Section 7.6 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Walden Shores (hereinafter the "Declaration").

Section 7.6 provides in pertinent part as follows: "... No pets of any kind are permitted to be kept by lessees or guests in leased units or guest suites ..."

This provision in the Declaration is very clear and is not ambiguous. A lessee (tenant) or guest may not have, keep or store any kind of pets in a leased unit or in a guest suite. It is that simple. There are no special rights granted by the Constitution of the United States, Federal laws, the Constitution of Florida or Florida laws, for lessees with pets, or guests with pets or pets themselves. Therefore, the restriction can be upheld.

The only protected class where an animal must be permitted in a leased unit or in a guest suite would be for a service animal or for a comfort animal under the provisions of the Fair Housing Act. In that case, after application is made, if necessary, then the pet would have to be permitted if the request is for a qualifying individual and a qualifying pet. Other than that exception, which is provided by Federal law for individuals with disabilities, pets may be excluded from rental units or guest suites.

I hope this letter has answered all of the questions raised by the Board. However, if, after considering this matter further the Board should have any additional questions, please do not hesitate to contact me.

Very truly yours,
WOODWARD, PIRES & LOMBARDO, P.A.

Robert E. Murrell
For the Firm

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REM/tm

Recently I have been told by a couple of board members that I was acting "autonomously on behalf of the Board" for making a decision concerning the application of Barbara Jackson who is leasing the villa at 7086 Lone Oak from owner Joan Determann, her sister.

Our Documents state "The Board may require a personal interview" for renters or lessees. And there is nothing in our Documents that requires the whole Board to participate in an interview, although it has been our practice to do so.

On Monday May 12, 2014 at 1:00 PM myself and Board member Allen Butler visited Ms. Jackson at 7086 Lone Oak. I presented the original application to her and had her fill in the term of the lease. I also asked her if she actually had a lease or is just renting from her sister the owner Ms. Determann, and if there was a contract for payment. She has been living here since August, 2013. Her response was that she did not know what to put in because she is a family member and there is no contract of any sort. She so stated and initialed it. She also said that sometime before, Joan sent an e-mail to Ability requesting how to handle the application but did not receive a response, therefore Joan figured there are no requirements.

I asked her if she had a cat. She stated that she took in a stray that was hanging around the neighborhood. I stated to her that according to our Documents, which were given to her, she has to remove the cat.

I then asked her about the dog. She presented a federal ID # BR561509 and Collier County License #010963 that states this dog is an Emotional Support Dog. All of which, she documented on her application and initialed it. In the opinion of our Attorney, by Federal Law, we are required to accommodate service or emotional support dogs, if properly documented, even if we have restrictions for renters about pets.

Since she has been here since August, 2013, she was asked what her long term intentions are. She stated that she will be living in the villa hopefully for a very long time. She has no plans on moving out. She transferred from Wal-Mart in NY to down here with a part/time job. She has applied for a 2nd job. She is also looking a renewing her license as a hair dresser. She said her sister, (owner), should be retiring from her second profession within a year and will then move into the house and it will be occupied by both from then on.

With all this said, I am having a hard time understanding why some board members think that I was acting "autonomously" on behalf of the Board. As President and Chief Executive Officer, I have the duty to have an active interest in the management of our Association.

In this issue, I needed to diffuse a situation created entirely by too many unproductive and unnecessary exchanges that have led to a division within the Board that I have never seen in all the years I have attended previous Board Meetings.

In order to prevent reoccurrence of un-necessary heated exchanges, I request that from now on, any statements by Board members or home owners relative to the operation of our Association at meetings or e-mails which references Florida or Federal laws be only made if the proper section of the law and subsequent wording is provided at the time to support the initial statement.

The Board has the right and privilege to vote me out as President at any time. Until that is done, I will continue to do the best that I can to preserve unity and peace without making any compromising decisions that would not be respectful of our Documents, any laws or our Board.

Kenneth Paa