

AQPITC Annual Meeting Minutes
August 1, 2019
Christ Church

- I. Tim Hoover called the meeting to order at 7:00 pm.
- II. Tim introduced the current BoD
- III. Tim introduced Attorney Kistemaker to the homeowners. Attorney Kistemaker specializes in Homeowner's Association Law. She was invited to the meeting to answer questions the homeowner's had from the last annual meeting. Those questions are as follows:
 1. Is the HOA legal?
Answer: Under the corporation, we are a legal corporation, but the Declaration has lapsed.
 2. Can we collect donations?
Answer: Yes, you are a voluntary association.
 3. If I donate to the HOA, can I be liable for any lawsuits?
Answer: No, but the BOD/Corporation can get sued. She advised the BOD to change the word "donation" to voluntary assessment or some other term.
 4. What about equestrian easements and right-of-way easements, are they still active?
Answer: Easements do not typically get wiped out by MARTA. If they are recorded, they are still part of the chain of title.
 5. What happened? Why are the governing documents no longer in place?
Answer: The documents were not preserved within 30 years. To preserve, we could have had a 2/3 vote at that time, however, the statues continue to change. There is an effortless procedure to preserve; there is a summary procedure for it, and only requires a majority vote of the members. Revitalization has become easier. Only the Covenants contained within the Declaration are no longer in place; those have lapsed.
 6. Can we reinstate the governing documents to protect the homeowners? If so, how?
Answer: Yes, you can reinstate the Covenants, the By-Laws still exist, and the Articles of Incorporation still exist
 7. What is our next step if the majority of the homeowners want to reinstate the Covenants?
Answer: Resend out the package, follow the FL statues, have an owners meeting, have them vote, and record it. Must now have a majority vote to pass.

Overview: Back in 2016, we tried to revitalize the association under a different board. We needed 92 owners to help revive it, and that vote failed in 2016. So the BOD at the time did not know what to do. Her advice to them was if you don't want to determine which lots lapsed under the C&R's then you essentially become a volunteer homeowners association and the corporation does not dissolve. When you look at the homeowner's association, you have a document called a Declaration. In the Declaration, it contains the C&R's, meaning what you can and cannot do with your lot. Then you have Bylaws because every association is a not for profit corporation. The corporation still exists today, which is why we are having this meeting. After the revitalization ceased and because there was not enough money to do what we needed to do which was mainly to review all deeds in the neighborhood to determine which lots, based on the root of title, were still part of the association. In this scenario, you can only dissolve the corporation if all the members vote to dissolve the corporation. Some wanted to keep the corporation alive, and at least those who wanted to be part of a volunteer association make contributions to maintain common areas – signage, landscaping, front entrances,

etc. The money belongs to the corporation, and the corporation still exists. We would need to review all the deeds to determine if the lots have indeed expired under MARTA. Thirty years from the recording date on the deed, each deed has a different date, and the first purchase from the developer to the first person who purchased the lot determines who is governed or not governed by the C&R's. In 2016, there were some lots that had not expired; however, the majority of the homeowners had expired. The members of the corporation are everyone who owns in the community. They are automatically part of the association unless there is something in the bylaws that says every owner still must be a member of the corporation. We have to figure out who are the members of the corporation. If you want to be a volunteer association, the wisest thing to do is those that want to be part of the association, let them say they do. Then we can do a consent- joinder which makes them part of the Declaration, and they consent to the language that is in the Declaration. It is a legally recorded document added to the chain of title. The downside of a voluntary association, you have no way to set a budget, so it changes every year. Having an association increases the value of your home. The BOD can amend the Bylaws

Barbara Lambert is in favor of the Covenants; she was instrumental in writing them. She asked if the donation could be called a "gift." The dues to live here are \$84.00. She wants this community to be beautiful. She asked that we all work together to keep our community beautiful.

Question: If we voted to revitalize and it passed, what would happen to all those who made changes to their property while lapsed. Answer: they would probably be grandfathered in.

Question: If the BOD knowingly violates their By-laws is the BOD liable? Answer: Possibly. However, Fraud, self-dealing, and egregious misconduct can pierce the corporate shield. Your BOD has not done any of that. Erin asked the attendees who would want to sue the individuals of the BOD. There was no response.

Question: What is the corporation? Answer: The Corporation is A Quiet Place in the Country, Inc.

Who is on the BOD? Answer: Those people sitting up here – Tim, Bill, Russ, Allison, Shannon.

Who appointed you? Answer: The former BOD

IV Accomplishments – Shannon Radwick

The Community Garage Sale is slated for October 12th from 8:00 am – 2:00 pm.

Annual Neighborhood Block Party – This was the second year we did this, and it turned out great. Shannon said she did not realize how many kids we have in this neighborhood. She loves to see all the kids and neighbors come together. The turnout was amazing.

The Holiday Lighting Contest - Thank you to Steve for volunteering his time, his tractor, and his trailer to take the kids around the neighborhood. The decorations were great. This year we had 20 kids participate. Thank you for decorating your homes; the kids truly loved it.

Tim wants to have a Halloween or fall hayride. We are looking to expand on more community opportunities and involvement.

V. Treasurer's Report – Russ

2018 Year End Treasurer's Report (July 1, 2018 – 6/30/2019.) Income primarily comes from donations - \$10,048.00. The lion's share of expenses comes from having the mowing done at our front entrances. Another large expense we had this year was getting our irrigation pump replaced at the south entrance. The Annual picnic was another expense. The annual expenses totaled out at \$8,187.00 for a net income of \$1,861.00. We pay \$ 325.00 a month for the front mowing. We have approximately 50% of homeowner participation.

Tim reiterated all money donated is on a volunteer bases. Our only mission is making this community better.

A homeowner said we don't have an accurate picture of the cost to run our community when people are paying for things out of their pocket, i.e. printing, copying, food for the block party, etc.

In regards to the attorney's fee, a homeowner asked if we revitalize with fewer restrictions would it be more economical. Answer: No, the deeds would still have to be researched.

VI. Front Entryways – Bill Maresco

Signs – need to be painted. We are gathering information on what type/kind of paint was used, and the best way to clean them. The wood is cracking and the water is getting in the wood. They should be painted every three years. The last paint job was probably five years ago.

Sprinkler Repair – Both pump and timer controls were not working at the south entrance. Bill also, got all the sprinkler heads working. He adjusted the sprinklers so the water will not hit the sign and discolor it.

Mulch – South entrance was mulched, but we did not have enough left over for the north entrance. When the weather cools off we will mulch that entrance.

New Plants – At the south entrance, the smaller plants died because they were not getting water. We decided not to replace or replant until the weather gets cooler. We are looking for some ideas and suggestions on to what the best/heartier plants to use. Any suggestions would be appreciated.

VII. New Business

Donation Requests – Will be sent out soon. We will change the verbiage "donation" on the request.

Volunteers Needed – Next year, there will be an open spot for the Secretary and Treasurer. Tim said the community could vote in new candidates or we can appoint them. It is up to the homeowners. We will address it at the next annual meeting. Also, we need volunteers to support our events and our community.

Homeowners who volunteered:

Adam & Tracy and Riley Griffin: Adam and Tracy volunteered for Halloween party and other community events. Tracy also volunteered to do the printing. Her son Riley can update and maintain our website.

(386) 334-0026

Chris Williams: Landscaping
(386) 523-6764

Website Information – Need volunteers to update/maintain the website. Use the site to get a hold of us or knock on our doors if you have any questions or want to volunteer.

The Nextdoor neighbor website is an excellent source of information for what is going on in our neighborhood.

VIII. Questions and Answers

Conversation took place regarding easements and the covered bridge among the attendees.

IX – Meeting adjourned at 9:15 pm