

BROOKSHIRE BATH AND TENNIS CLUB

Minutes of the Board of Director Meeting

January 11, 2010 at 7:00 pm

Held at the Brookshire Clubhouse

Present: Lee Redmond, *Vice President*; Jayne Grant, *Secretary*; Vince Hayes, *Treasurer*; Glenn Barger, *Director*; Eileen Barger, *Director*; via conference call Debbie Keller, *President*; and Cheryl Sczesny representing Alliant Property Management. Vee Gee McCort, *Director* joined at 7:15 p.m.

Absent: Jeff Key, *Director*

1. **Call to Order and Establish Quorum:** The meeting was called to order at 7:05 pm and a quorum was established
2. **Approval of Minutes-** September 29, 2009

Motion: Motion made by Debbie Keller to approve the September 29, 2009 Board of Director meeting minutes. Second by Glenn Barger. **All in favor motion passes**

3. **Presidents Update:** Debbie to insert
4. **Treasurer's Update:** Vince Hayes read the October and November 2009 Treasurer's report

Treasurer's Report for Oct. 2009 submitted by V. P. Hayes. Cash position as of Oct. 31, 2009.

Operations	\$97,813
Reserves	<u>177,292</u>
Total	\$275,105

The cash position is down approximately \$17,000 from Sept. 30th. Major items of impact are a reduction of \$5,000 in Accounts Payable and an Accounts Receivable of \$7,592 for paving costs paid by the Master Association which will be repaid by the six Condo Associations in Nov.

The total due from delinquent assessments, late fees, interest, and legal fees are at an all-time high. The intensified collection efforts have front loaded legal fees; however, these efforts are starting to show results. We expect to show continued success in closing delinquent accounts in the coming months. However, collections will continue to be the number one problem impacting the Master Association in 2010.

Treasurer's Report for Nov. 30, 2009, submitted by V. P. Hayes. Cash Position as of Nov. 30, 2009.

Operations	\$ 97,940
Reserves	<u>181,510</u>
Total	\$279,450

The cash position is up \$4,345 from Oct. 31st primarily in the Reserves due to repayment of money advanced for paving in the condo areas. The Operations cash remained even with October as there were some receipts from settlements on accounts that were foreclosed and sold by the mortgage holders, November expenses were less than the budget, and Accounts Payable increased approximately \$3,700.

The delinquent accounts total for assessments, interest, late fees and legal costs totaled \$117,905, a decrease of \$8,000 in November. Intent to lien letters and liens are being filed according to the ground rules covered in the documents and the resolutions of the Board. Some of these cases will progress to foreclosure actions by the Association. It is estimated that the Association will have filed in excess of twelve foreclosure actions on units not in foreclosure by mortgage holders or in bankruptcy proceedings by the end of January

5. New Business:

A. Resolutions:

1. By Law Resolution update
2. Title for Whitehaven Lane Resolution
3. First Mortgage Holder Resolution
4. Recreational Amenities Resolution
5. Master Document revisions and errors Resolution

6.

Board discussion on Master Documents and Resolutions to put forth for vote at the Annual Membership Meeting.

- 2003 Board proposed a change to the Master Documents that raise the bar for future amendment to be approved
- Change was to require the approval of 50% + 1 of the total eligible membership totaling 285 votes needed
- Amendments have never been recorded with the State and County as required to make them effective
- Attorney Joe Adams of Becker & Poliakoff opinion is to record the amendment and amend back
- Amend Documents - update to abide with the current Statutes and Laws in which to protect the Association
- Board will ask for membership vote to pass lower percentage required to change amendments along with four (4) other Resolution questions on the 2010 Annual Membership Meeting proxy
- Tough to get votes. Have not had a quorum in the past few years. More members need to become engaged

Vince Hayes stated the Resolutions are prepared by the Attorney and the draft should be available by the end of the week. Attorney will prepare the exact legal wording for the proxy.

Resolutions: Debbie Keller read each Resolution and Board discussed

1. By Law Resolution update

Resolve to amend the Brookshire Association's Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions, and By-Laws, back to the approval levels for effecting amendments existing immediately prior to the February 2003 amendments, and thereby allow the Association Master Documents to be amended by the affirmative vote of a majority of the members eligible to vote in person or by proxy at a duly called general membership meeting at which a quorum is achieved.

- Discussion on the percentage to update the Documents. Majority of the members (50% + 1) may be too little and concerns may be raised. Agreed to 60% of the members eligible to vote in person or by proxy at a duly called general membership meeting, at which a quorum is achieved

Motion: Motion made by Debbie Keller to put forth Resolution #1 to amend back the Master Documents approval levels prior to the February 2003 to the affirmative vote of 60% (rather than 50% +1) of the members eligible to vote in person or by proxy at a duly called general membership meeting at which a quorum is achieved. Seconded by Bennett Stewart. **All in favor, motion passes.**

2. Title for Whitehaven Lane Resolution

Resolve to recognize that it has been determined that the Master Association has a clear and proper title to the Whitehaven Lane and Pentland Way ROWs, has the responsibility for the maintenance of these ROWs and the right to pass the costs of any maintenance onto the various Condominium Associations on a pro-rata basis, following the mechanism spelled out in the six Declarations of Condominium.

Motion: Motion made by Debbie Keller to put forth Resolution #2 to recognize that the Master Association has Title to Whitehaven Lane and Pentland Way ROWs and has the responsibility for maintenance and the right to pass cost to the various Condominium Associations. Seconded by Eileen Mazur. **All in favor, motion passes.**

3. First Mortgage Holder Resolution

Resolve to amend the master document provisions recognizing the superior priority of first mortgage holders to the proceeds from foreclosures to conform with the Florida Statutes, as amended from time to time.

Motion: Motion made by Debbie Keller to put forth Resolution #3 intent to update Documents with current Florida Statutes to protect the Association. Seconded by Vince Hayes. **All in favor, motion passes.**

4. Recreational Amenities Resolution

Resolve to redefine the Association's original recreational amenities to reduce the Racquetball facilities from two (2) courts to one (1) court, and convert the vacated area to a multi-faceted general use and recreational area.

Motion: Motion made by Debbie Keller to put forth Resolution #4 to reduce the racquetball courts from two (2) to one (1) and convert the resulting area into a general use and recreational facility. Seconded by Bennett Stewart. **All in favor, motion passes.**

5. Master Documents revisions and errors Resolution

Resolve to perform a general amendment of the documents to correct all scrivener's errors, make minor revisions to insure conformity among the various document's language, and that they reflect current Statutes, intent and conditions.

Motion: Motion made by Debbie Keller to put forth Resolution #5 to perform a general amendment of the documents to correct all scrivener's errors, make minor revisions to insure conformity among the various document's language, and that they reflect current Statutes, intent and conditions. Seconded by Jayne Grant.
All in favor, motion passes.

B. Donation from Mr. French

- **Donation of \$177.00 from racquetball activities**
- **Board does not wish to accept these funds, as acceptance may lead to misconceptions of support**
- **The Brookshire Association Board of Directors have never in the past, do not at present and have not intentions for a future authorization for you or anyone else to conduct a formal league/program utilizing the clubhouse racquetball facilities**

Motion: Motion made by Lee Redmond to return money of \$177.00 to Mr. French with a letter stating the Boards position. Seconded by Eileen Mazur. **All in favor, motion passes.**

6. Owner Comments: Board discussion on backyard gym/play sets

7. Adjournment: at 8:25 pm

Motion: Motion made by Debbie Keller to adjourn the January 11, 2010 Board of Director Meeting at 8:25 pm. Seconded by Eileen Mazur. **All in favor, motion passes.**

Respectfully submitted,

Cheryl Sczesny, Manager
Alliant Association Management, LLC.