

Southcreek

HOA Board Meeting Minutes

Meeting held on September 5, 2017 at
Michaelson Real Estate Group, LLC
12443 San Jose Boulevard
Suite 604
Jacksonville, Florida 32223

Due notice given: Yes

Regular or Special meeting: Regular

Quorum present: Yes

Officers Present: 3 of 4

Directors present:

President –

Vice-President – Mike Moses (by conference call)

Secretary –

Treasurer – Chris Webber (by conference call)

Director - Natalie Hunter (by conference call)

Quorum of Board is present.

Also Present: Attorney Rosanne P. Perrine, Esq.

Meeting is called to order by Vice-President Mike Moses at: 2:04 pm

The purpose of meeting is to determine whether to certify the recall based on the 28 ballots which were sent to the attorney for Southcreek Homeowners Association, Inc. as part of the currently pending arbitration on the recall agreement served on the board on July 31, 2017.

The ballots were received by the attorney for Southcreek as an exhibit to the Answer to Petition filed by Mary Stewart in Arbitration Case No. 2017-03-9253 on August 29, 2017. No member of the Board was served with the ballots. The ballots do not appear to be a part of a separate recall attempt and the board does not believe they should be treated as such. However, in an abundance of caution, the board wanted to address the ballots pursuant to the rules and statutes, just in case.

The Board acknowledges:

- (a) A majority of the voting interests entitled to vote in favor of recall is sufficient to recall a director, regardless of any provision to the contrary in the governing documents.

- (b) The failure of the association to enforce a voting certificate requirement in past association elections and homeowner votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement.
- (c) A total of 28 "Form for Homeowners Written Recall Agreement/Ballots" were attached as Exhibit 1 to the Answer to Arbitration Petition filed by Mary Stewart referenced above. The total number of voting interests in Southcreek according to the Second Declaration is 51 (one vote per lot). A majority of 51 is 26.
- (d) After motion made by Mike Moses, the board present unanimously voted not to certify a recall which might be represented by the ballots that were served with the Answer to Petition due to the fact that there were a sufficient number of ballots signed by lots owners in those 28 ballots who were delinquent in their assessments and thus there were not a majority of votes represented by the remaining ballots.
- (e) Delinquent lot owners who signed the ballots include Lot 2, Lot 8, Lot 12, and Lot 28.

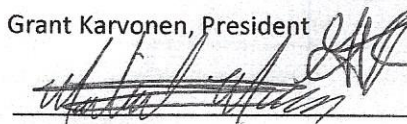
The board had determined prior to the annual election in June 2017, which was prior to service of these ballots, that due to the delinquency for assessments due from June 2016 the voting rights of these lot owners were suspended per Declaration – 3.1.2 and such delinquency was still in effect at time these ballots were served on 8/29/2017 because the delinquencies were still in existence. The owners of these lots were notified of the suspension.

- (e) Based on these ballots being invalid, there are not a majority of total voting interests represented by the remaining ballots, even assuming these ballots were part of a separate recall attempt.

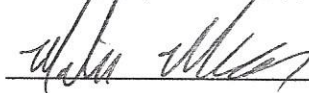
Time meeting is adjourned: 2:10 pm.

The above minutes and actions described therein are ratified and approved by:

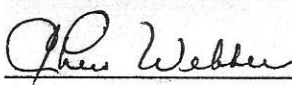
Grant Karvonen, President


Date: 9-18-17

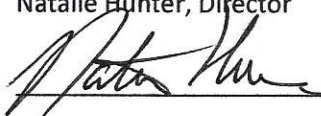
Mike Moses, Vice-President


Date: 9/18/17

Chris Webber, Treasurer


Date: 9/18/17

Natalie Hunter, Director


Date: 9/18/17