

**Golf Hammock Owner's Association, INC**  
**September 10, 2018**  
**Board Meeting Minutes**  
**Approved: October 8, 2018**

**Call to Order:** Acting-President, Vice President Bob Schroeder 863-402-5486  
[bobs1501@outlook.com](mailto:bobs1501@outlook.com)

**Roll Call:**

Treasurer Roger Steuer 574-529-1899 [ghoatreasurer@gmail.com](mailto:ghoatreasurer@gmail.com)  
Secretary Deb Steuer 574-529-2718 [secretary.ghoa@gmail.com](mailto:secretary.ghoa@gmail.com)  
Director Linda Fisher 863-658-1389 [linda@linakasales.com](mailto:linda@linakasales.com)  
Director Mark Walczak 863-658-1658 [markcsu@comcast.net](mailto:markcsu@comcast.net)  
Director Marge Schindewolf 863-386-4083 [margeschindewolf@comcast.net](mailto:margeschindewolf@comcast.net)  
Director: Vacant

**Absent:**

Director Nancy Beatty 863-382-6707 [nbeatty47@gmail.com](mailto:nbeatty47@gmail.com)

**Proof of Notice of Meeting:** Meeting notice/draft agenda posted in display case at activity center 09/02/18. Meeting agenda posted on the website on 08/29/18. Signage posted at front and west entrances on 09/07/18

**Meeting Minutes:** The DRAFT minutes currently posted on the website for May 14, 2018 Rev D were given approval as well as Special Meeting minutes for the June 12, 2018.

Website will report accordingly as FINAL.

**Report of Officers: Presidents Report – George Kibe, through July 3, 2018**

1. Met with Mark Breed to discuss the Golf Course restrictions. He referred us to David Schumacher since Mark was involved in the Golf Course sale.
2. Met with Mark Breed on the Marketable Title act. Mark's opinion was that we are in compliance with the law. Mr. Huber contested this opinion so I made an appointment with Lon Crow and David Schumacher for opinions.
3. Met with David Schumacher ( Mr. Huber and Mr. Steuer in attendance). Topics included the Golf Course deed restrictions and Marketable Title act. On the Golf Course issue Mr. Schumacher indicated that the GHOA has no legal standing in reference the restrictions. If reference the Marketable Title Act, Mr. Schumacher agreed with our Attorney that GHOA is in compliance with the law.
4. Worked with All Service Plumbing and EPI to clear out the drainage blockages along Dog Leg Road into the Environmental Reserve.

5. Worked with Lerma's Landscaping to clean up and remove the weeds in the inflow ditch of Lake Clara.
6. Worked with Cool and Cobb to generate the plan for a new culvert along Chip-It Way including the Water Management Permit.
7. Worked with EPI to address water issues at Eagle and Birdie Courts and installation of a pump.
8. Addressed multiple questions on standing water, drainage, and future drainage plans.

### **Acting President's Report – Bullet Points**

- ❖ Resignation of Board Members
- ❖ Drainage
  - Dog Leg Flooding - Lots 397 & 398/HOA Actions Taken
  - Eagle Court/HOA Actions Taken
  - Birdie Court/HOA Actions Taken
  - Cormorant Point Drive (North & South sides) Identify Corrective Action
    - Introduce Motion to move task from 2019 to 2018
  - Duffer Loop Lots 197-200 Re-evaluate/connect to completed Duffer Loop Project Lot 201-213
- ❖ Remaining 2018 Tasks:
  - Chip-It Way Drainage Improvement
  - Cormorant Point Drive (North & South sides of road at entry)
  - Paving – Dog Leg/Sand Wedge & Court/Lost Ball-Dog Leg-Bunker/Bunker/Pitching Wedge
- ❖ Paving
  - Letter from County
  - Paving Schedule for Remaining 2018
- ❖ Lawyer Visits
  - Visit #1 - To Mark Breed, HOA Lawyer regarding Marketable Record Title Act (MRTA) opinion received declared NO ISSUE
  - Visit #2 - To David Schmacher subject matter expert on MRTA – opinion received – declared NO ISSUE
  - Visit #3 - To Mark Breed concerning potential HOA actions with respect to Dog Leg Flooding
- ❖ Engineering Support: Cool & Cobb/EPI
  - Several meetings at various locations to discuss drainage/water accumulations

1. Resignations: George Kibe – July 3, 2018 (President)  
John Huber – July 19, 2018 (Director)

2. Drainage: During the past excessive amounts of rain in short durations but re-occurring almost nightly, the Board has reacted to resolve or attempt to resolve several issues. These issues (top 5) are detailed by the following text:

#1 Two lots on Dog Leg (399-398) experienced in-house flooding. Investigation of the situation determined the HOA had certain responsibilities that could be executed and options that would require research.

- The HOA in conjunction with engineering support executed 3 actions that would assist in at least some temporary relief.
    - Clean out of approximately 1200 feet of drainage path in wetlands on west side of Dog Leg
    - Clean out of drainage piping from grates behind properties to the wetland drainage path
    - Cut a "V" in a diffuser wall in a large grate on the west side of Dog Leg
- The Grates and Drainage piping are undocumented drainage systems discovered during the previous evaluation of the entire HOA drainage system. Any further action requires an involved legal process and the establishment of easement rights. The HOA lawyer is researching the process required to transfer the private property to easement support by the HOA. The final answer is still TBD.

#2 Flooding of Eagle Court: During the 2018 a swale/catch basin was created to relieve the water accumulation in Eagle Court. This approved engineering resolution was based on a normal rainfall system and the limitations of the surrounding property. A final resolution was the recommendation of a pump house and associated piping. Since this action would be on private property, the HOA cannot act to fund private property initiatives. Until a final resolution is determined, the natural drainage from Golf Hammock Drive will flow downhill to the bottom of Eagle Court. In the meantime, the HOA funds the use of pumps to drain or help maintain an acceptable level of water accumulation.

#3 Birdie Court: Birdie Court has a similar drainage challenge to Eagle Court. The drainage of Eagle Court has a positive effect on Birdie Court. To date, the resolution of Birdie Court issues is under study.

#4 Duffer Road Driveway Accumulation: A survey of Duffer Road projected the decline from Lots 197 to 200 would be suffice to provide relief once the Duffer Road Project from Lots 201 to 213 was completed. The past rain and related storms have appeared to prove the HOA's approach should have extended to Lots 197 thru 200. The engineers have been contacted to initiate the required action to connect Lots 197 thru 200 to the Duffer Road piping loop. Once the support documentation is created, a motion will be brought to the Board for action.

#5 Cormorant Point Drive: The study, recommendation and approved resolution for the accumulation of water in driveways on both sides of Cormorant Point Drive's first section are slated for 2019. However, funds that were not required on a different task are available to achieve the needed actions. The September Board Meeting will approve a motion to shift this task from 2019 to 2018. When approved, the required scheduling and contractor support will be determined.

The Board attempts to be considerate of all properties and their owners. Letters stating the details of the corrective action, the homeowner's responsibilities and actual dates for work will be distributed. It's important to note the HOA can act on this resolution independent of homeowner approval since all actions takes place within the right-a-way.

4. The Remaining Tasks of 2018 are being scheduled for execution and should help resolve issues around Chip-It Way/Duffer Loop. Finally, the response to the water accumulations/drainage issues relation to this past year's assessment increase is ambiguous at best. The rate increase was proposed and approved based on a 5 Year Plan to bring the original drainage system up to its original capability and some improvements. The system was ignored for several years but became an issue during this Board's past tenure. The assigned committees and Board Members performed a due diligence study and presented it to the HOA. The current status is this 5 year project is just 75% into the first year. The failures trying to be corrected occurred over several years and cannot be fixed in 1 year.

5. PAVING: The HOA has requested and received a letter from the Commissioner of Roads and Bridges. His letter clearly states that the 7 plus miles of roads in Golf Hammock are privately owned by the HOA. That said, the Board and Committee provided a recommendation in the previously mentioned 5 Year Plan to repair/repave as required. The deterioration has occurred over several years and will require time to repair/repave. The approved schedule of repair was based on the individual conditions and accepted standards used by various Florida agencies.

Below is the email correspondence:

**From:** Green, Kyle <[Kgreen@hcbcc.org](mailto:Kgreen@hcbcc.org)>  
**Sent:** Thursday, August 9, 2018 12:20 PM  
**To:** Robert Schroeder; Miller, Brian  
**Cc:** McNew, Lisa; Queen, Jerry M.; Armstead, Michele; Howerton, Clinton, Jr.; Durbin, Carolyn; Carmichael, Joy; Vosburg, Randal E.; Morgan, Tasha L.  
**Subject:** RE: GHOA

Mr. Schroeder,

*In response to your letter dated July 31, 2018, Highlands County Board of County Commissioners does not maintain any of the roads within the Golf Hammock community. To the best of my knowledge there is no documentation within the Clerk of Courts official records stating the Highlands County Board of County Commissioners took over or accepted maintenance of any roads in the Golf Hammock Subdivision. Also, anyone who reviews the plat books for this area will find the roads in the Golf Hammock Subdivision labeled as private.*

*If you have any other questions please feel free to let me know.*

*Thank you,*

**W. Kyle Green**  
**Road and Bridge Director**  
**Asphalt Plant**  
**Aquatic Weed Control**  
**Natural Resources**  
**(863) 402-6529**  
**Highlands County BCC**

6. LAWYER VISITS: 3 lawyers meetings have been conducted to protect the HOA and determined potential options, resolutions or required actions to conduct business within the authority of the HOA.

Meeting #1 Initial into Marketable Title Act and does the HOA have good standing. Mr. Breed gave a verbal answer that the HOA was okay. He also provided some insight to what is required to review the HOA's standing with respect to Florida Statue 720.

Meeting #2 To ensure the HOA was confident in the opinion of the HOA lawyer, a consultation to a SME lawyer was scheduled and transpired. The 2<sup>nd</sup> opinion from Mr. Schumacher has provided a written opinion. He also will assist when the renewal process is executed.

Additionally, Lawyer Schumacher was solicited to give the HOA an opinion dealing with the Golf Course deed and the potential limitations regarding the elimination of the amenities. The short answer is the HAO has no authority to pursue any action to prevent the elimination of amenities owned by Laman Land Development, LLC.

Meeting #3 Met with HOA lawyer (M. Breed) to discuss HOA liabilities/responsibilities with respect to the Dog Leg undocumented drainage systems. The question regarding what means maybe available to take action with respect to private property. A final opinion is TBD.

7. Engineering Support:

Several meetings at various locations were conducted with Cool & Cobb Engineers and contractor EPI. Visits provided recommendations and confirmations on the drainage/water accumulation issues.

**Vice President's Report –** Including in presidents report

**Treasurer's Report –**

By-Laws and 5 Amendments - converted original PDF version into one Microsoft Word document format.

Declaration of Covenants and Restrictions with 16 Amendments – converted original PDF version into Microsoft Word document format.

To date, 19 lots still owe 2018 GHOA assessments.

<b>Golf Hammock Owners Association May 2018 Bank Statement</b>				
<b>Checking</b>		<b>Budget</b>		
<b>Date</b>	<b>Description</b>	<b>Line#</b>	<b>Amount</b>	<b>Memo</b>
<b>5/1/2018</b>	<b>Beginning Balance</b>		<b>278,234.58</b>	
5/1/2018	RUTHIE O'NEILL - BILL PYMT - ZBC9VQF8	46	-225.00	Website maintenance
5/2/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - KB39ESHA	16	-35.68	Activity Center - Utilities
5/2/2018	DUKE ENERGY FLORIDA - BILL PYMT - 5BO95SHA	24	-24.78	Fountain
5/2/2018	DUKE ENERGY FLORIDA - BILL PYMT - XBJ94SHA	24	-31.84	West Entrance
5/2/2018	DUKE ENERGY FLORIDA - BILL PYMT - YBL9FSHA	24	-671.15	Lighting
5/3/2018	Deposit		450.00	Assessments & Estoppels
5/8/2018	Deposit		75.00	Assessments & Estoppels
5/9/2018	LAWN MASTERS OF HIGHLANDS, INC. - BILL PYMT - ABL9JS62	20	-1,010.00	Common Grounds - Mowing
5/10/2018	REVELL SPREADER SERVICE TREE INC - BILL PYMT - 2BD9MST2	44	-500.00	Special Proj - Canal cleaning
5/10/2018	GEORGE KIBE - BILL PYMT - CBL9WST2	26	-4.17	
5/14/2018	LERMA'S LANDSCAPING - BILL PYMT - RBE9RSJ3	19	-600.00	Landscaping
5/16/2018	Deposit		1,831.00	Assessments & Estoppels
5/16/2018	Deposit		1,974.96	Assessments & Estoppels
5/18/2018	AQUATIC WEED CONTROL, INC - BILL PYMT - ABS9GS6F	18	-1,101.00	Lakes & Ponds
5/21/2018	PELLA & ASSOCIATES P.A. - BILL PYMT - 7B191QQV	30	-800.00	Accounting monthly
5/23/2018	Deposit		150.00	Assessments & Estoppels
5/23/2018	Deposit		816.64	Assessments & Estoppels
5/25/2018	PELLA & ASSOCIATES P.A. - BILL PYMT - 6B89KS3H	30	-25.90	Accounting late notices
5/25/2018	EXCAVATION POINT, INC. - BILL PYMT - 5BP93S3H	37	-4,884.00	Special Proj.Culvert Judy
5/29/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - SBN97QJS	16	-400.00	Activity Center - Rent
<b>5/31/2018</b>	<b>Ending Balance</b>		<b>\$273,218.66</b>	
<b>Savings</b>				
<b>5/1/2018</b>	<b>Beginning Balance</b>		<b>\$138,609.13</b>	
<b>5/31/2018</b>	Credit Dividends		\$5.89	
<b>5/31/2018</b>	<b>Ending Balance</b>		<b>\$138,615.02</b>	

<b>Golf Hammock Owners Association June 2018 Bank Statement</b>				
<b>Checking</b>		<b>Budget</b>		
<b>Date</b>	<b>Description</b>	<b>Line#</b>	<b>Amount</b>	<b>Memo</b>
<b>6/1/2018</b>	<b>Beginning Balance</b>		<b>273,218.66</b>	
6/2/2018	RUTHIE O'NEILL - BILL PYMT - FBA9ZS7A	46	-225.00	Website maintenance
6/4/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - AB39XSWZ	16	-52.16	Activity Center - Utilities
6/4/2018	CLARK PEST CONTROL - BILL PYMT - 7BF9YSWZ	21	-305.00	Spring Fertilize & Insecticide
6/4/2018	DUKE ENERGY FLORIDA - BILL PYMT - QB19NSWZ	24	-23.88	Fountain
6/4/2018	DUKE ENERGY FLORIDA - BILL PYMT - 2BE9MSWZ	24	-31.09	West Entrance
6/4/2018	DUKE ENERGY FLORIDA - BILL PYMT - EBF9WSWZ	24	-667.18	Lighting
6/4/2018	Deposit		408.32	Assessments & Estoppels
6/4/2018	Deposit		783.32	Assessments & Estoppels
6/8/2018	E MARK BREED III, P.A. - BILL PYMT - 2BL9US8L	29	-163.50	Undocumented Drainage
6/8/2018	LAWN MASTERS OF HIGHLANDS, INC. - BILL PYMT - LB79OS8L	20	-1,830.00	Common Grounds - Mowing
6/8/2018	CLARK PEST CONTROL - BILL PYMT - 1BY9VS8L	21	-100.00	Spray & Granules Ants
6/12/2018	Deposit		300.00	Assessments & Estoppels
6/20/2018	PELLA & ASSOCIATES P.A. - BILL PYMT - FBL96SRG	30	-800.00	Accounting monthly
6/25/2018	ALL SERVICE PLUMBING INC. - BILL PYMT - EBF9KSLT	41	-3,400.00	Project Reserve Ditch
6/25/2018	LERMA'S LANDSCAPING - BILL PYMT - 5BM9NSKT	19	-600.00	Landscaping
6/25/2018	AQUATIC WEED CONTROL, INC - BILL PYMT - TBF9OSKT	18	-1,101.00	Lakes & Ponds
6/25/2018	AUTO-OWNERS INSURANCE COMPANY - BILL PYMT - PBL9SSKT	23	-6,954.86	Yearly Assoc. Insurance
6/28/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - RBF9XS3I	16	-400.00	Activity Center - Rent
6/28/2018	Deposit		816.64	Assessments & Estoppels
6/28/2018	Deposit		150.00	Assessments & Estoppels
<b>6/30/2018</b>	<b>Ending Balance</b>		<b>\$259,023.27</b>	
<b>Savings</b>				
<b>6/1/2018</b>	<b>Beginning Balance</b>		<b>\$138,615.02</b>	
<b>6/30/2018</b>	Credit Dividends		\$5.70	
<b>6/30/2018</b>	<b>Ending Balance</b>		<b>\$138,620.72</b>	



<b>Golf Hammock Owners Association July 2018 Bank Statement</b>				
<b>Checking</b>		<b>Budget</b>		
<b>Date</b>	<b>Description</b>	<b>Line#</b>	<b>Amount</b>	<b>Memo</b>
<b>7/1/2018</b>	<b>Beginning Balance</b>		<b>259,023.27</b>	
7/2/2018	RUTHIE O'NEILL - BILL PYMT - DBQ92SOJ	46	-225.00	Website maintenance
7/5/2018	DUKE ENERGY FLORIDA - BILL PYMT - 5B8CNAGR	24	-25.44	Fountain
7/5/2018	DUKE ENERGY FLORIDA - BILL PYMT - 9B6CMAGR	24	-31.46	West Entrance
7/5/2018	DUKE ENERGY FLORIDA - BILL PYMT - VB8CWAGR	24	-613.69	Lighting
7/5/2018	REVELL SPREADER SERVICE TREE INC - BILL PYMT - JBQCAA6R	44	-300.00	Special Proj - Canal cleaning
7/5/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - 3BRCUAGR	16	-72.11	Activity Center - Utilities
7/5/2018	LAWN MASTERS OF HIGHLANDS, INC. - BILL PYMT - GB6CTAGR	20	-2,120.00	Common Grounds - Mowing
7/5/2018	DEBORAH STEUER - BILL PYMT - KBGCVAGR	28	-42.57	Paper shreading
7/5/2018	CRYSTAL CLEAR FOUNTAINS LLC - BILL PYMT - MB2CCA6R	18	-485.00	Pond aeration maintenance
7/10/2018	LON WORTH CROW IV, PA - BILL PYMT - 2BGCLAG3	29	-187.50	Attorney review golf deeds
7/10/2018	DEBORAH STEUER - BILL PYMT - TBDC8AG3	26	-7.90	Certified mailing assessments
7/10/2018	DC IRRIGATION, INC. - BILL PYMT - JBLCJAG3	17	-394.00	Common Grounds - Irrigation
7/11/2018	Deposit		300.00	Assessments & Estoppels
7/16/2018	AQUATIC WEED CONTROL, INC - BILL PYMT - EB5CCAYF	18	-1,101.00	Lakes & Ponds
7/19/2018	Deposit		558.32	Assessments & Estoppels
7/20/2018	PELLA & ASSOCIATES P.A. - BILL PYMT - JBC9DSYU	30	-800.00	Accounting monthly
7/30/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - KBACVARA	16	-400.00	Activity Center - Rent
7/30/2018	LERMA'S LANDSCAPING - BILL PYMT - 5BWC6ARJ	19	-600.00	Landscaping
7/31/2018	EXCAVATION POINT, INC. - BILL PYMT - LBSCNAHZ	41	-1,200.00	Project Reserve Ditch
<b>7/31/2018</b>	<b>Ending Balance</b>		<b>\$251,275.92</b>	
<b>Savings</b>				
<b>7/1/2018</b>	<b>Beginning Balance</b>		<b>\$138,620.72</b>	
<b>7/31/2018</b>	Credit Dividends		\$5.89	
<b>7/31/2018</b>	<b>Ending Balance</b>		<b>\$138,626.61</b>	

<b>Golf Hammock Owners Association August 2018 Bank Statement</b>				
<b>Checking</b>		<b>Budget</b>		
<b>Date</b>	<b>Description</b>	<b>Line#</b>	<b>Amount</b>	<b>Memo</b>
<b>8/1/2018</b>	<b>Beginning Balance</b>		<b>251,275.92</b>	
8/1/2018	RUTHIE O'NEILL - BILL PYMT - PBSCOAQC	46	-225.00	Website maintenance
8/3/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - IBHCVAPY	16	-96.30	Activity Center - Utilities
8/3/2018	DUKE ENERGY FLORIDA - BILL PYMT - SB8CYAPY	24	-24.67	Fountain
8/3/2018	DUKE ENERGY FLORIDA - BILL PYMT - MBKC7APY	24	-31.72	West Entrance
8/3/2018	DUKE ENERGY FLORIDA - BILL PYMT - UBOCZAPY	24	-633.68	Lighting
8/8/2018	LAWN MASTERS OF HIGHLANDS, INC. - BILL PYMT - 8BHC9AVM	20	-2,020.00	Common Grounds - Mowing
8/9/2018	Deposit		375.00	Assessments & Estoppels
8/14/2018	BOGUS PRINTING, INC. - BILL PYMT - MBUCUATV	25	-2,552.44	Directory Printing
8/14/2018	CLARK PEST CONTROL - BILL PYMT - LBKCCQAYV	21	-230.00	Common Pest
8/14/2018	CLARK PEST CONTROL - BILL PYMT - XBMCSAYV	21	-75.00	Common Pest
8/20/2018	PELLA & ASSOCIATES P.A. - BILL PYMT - QBOCGAW6	30	-800.00	Accounting monthly
8/20/2018	LERMA'S LANDSCAPING - BILL PYMT - 4B2CEAVP	19	-600.00	Common Landscaping
8/21/2018	Deposit		1,014.24	Assessments & Estoppels
8/21/2018	Deposit		150.00	Assessments & Estoppels
8/23/2018	LERMA'S LANDSCAPING - BILL PYMT - EBUCSAIQ	34	-2,472.50	Special Prj. Culverts
8/27/2018	COOL & COBB ENGINEERING COMPANY - BILL PYMT - LB7CC9HA	42	-2,170.00	Special Prj. Engineering
8/27/2018	AQUATIC WEED CONTROL, INC - BILL PYMT - 6BWC99HA	18	-1,101.00	Lakes & Ponds
8/28/2018	DEBORAH STEUER - BILL PYMT - 9BNC2959	27	-18.90	Greeting folders, labels
8/28/2018	GOLF HAMMOCK GOLF & COUNTRY CL - BILL PYMT - GBKCWACZ	16	-400.00	Activity Center - Rent
8/28/2018	Deposit		225.00	Assessments & Estoppels
8/31/2018	Paper Statement Fee		-2.00	
<b>8/31/2018</b>	<b>Ending Balance</b>		<b>\$239,586.95</b>	
<b>Savings</b>				
<b>8/1/2018</b>	<b>Beginning Balance</b>		<b>\$138,626.61</b>	
<b>8/31/2018</b>	Credit Dividends		\$5.89	
<b>8/31/2018</b>	<b>Ending Balance</b>		<b>\$138,632.50</b>	

## **Secretary's Report**

Preliminary agenda and minutes to the May 14, 2018 monthly board meeting and June 12, 2018 Special Board Meeting were compiled, posted to the website and sent via email to all board members. The summer newsletter was composed, posted and published mid-July. The community challenge was initiated and reminders were posted. There were only a few responses which were received and were forwarded to Mark, committee chair. June 12, 2018 meeting's approval of 6 questions was answered by attorney David Floyd Schumacher. His report in is included within these minutes. Resignation notifications were received from George Kibe, president on July 3, 2018 and John Huber, board member on July 19, 2018. A meeting took place between Roger and me with both welcoming committees, Joyce Rowe GHOA and Lillian Kachelries Cormorant Point, with the main purposes of communication with new residents as to their status in the community AKA year round, seasonal etc. for billing purposes. Communications between both welcoming committee chairs regarding publications that is distributed was also discussed as well as how information should be presented to all residents is ongoing. On behalf of new residents, GHOA will host, a "Meet and Greet" for all new residents from January 2018 to current. An invitation type mailing was created along with a history type informational document. Both were mailed out. This mailing will be hand delivered to those residents who have moved into the community after mailing via the welcoming committee. The Meet and Greet gathering will be hosted on Saturday, October 6, 2018 in the club house 9 AM. Board members from both communities are encouraged to be present as well as club house management.

In addition to all of the above, moving forward within the transition of roles, various meetings have taken place in preparation for continuation of projects, the monthly board meetings prep etc.

Attended the Cormorant Point monthly board meeting on September 5, 2018

With the newsletter being the means of communication throughout our community, I continue to gather information for its publication. Any input for positive community involvement is welcomed.

## **Community Report:**

In talking with various community members, I have gotten a positive feed-back on having a "farm to table" vegetable/fruit vender come into our community one day a week. I have worked out an arrangement with the golf course/pro shop/restaurant management to make this happen. I have a vendor who is willing to come in at no cost to either, golf course or the GHOA for a 2 hour window on Wednesday, starting September 5. This would be a get community event for everyone within Golf Hammock and surrounding areas.

A Kids Golf Clinic and Lunch is also being sponsored by the Golf Hammock Golf/Country Club on Saturdays, with the first 2 dates set: September 1 and October 1. All kids 12 and under can

join for a free clinic at the driving range. After wards, come with the parents to the restaurant for a free hot dog and coke.

A Welcome Back Golf Hammock event, sponsored by the Golf Course is in the planning stages for November 9. The restaurant will be offering a sampling of their new menu items at no charge for the GHOA community. The restaurant will be open daily for lunch/dinner. More information will be up and coming.

**Website Report for Month of September 2018 – (Information provided by Ruthie) –**

No. of page views: 1,310

New Visitors month of April : 73.1%

Return Users: 26.9%

**Subscribers**

New Subscribers: 28

Total number of Subscribers: 505

Total number of Inactive subscribers: 60

**Newsletter Stats (June/July 2018 Newsletter)**

Total number of opened emails: 74%

Total number of views: 1+K

Total number of website clicks: 130

In the process of converting current complaint/violation form into an electronic format on our website. This form will be able to be filled out online, so the form can be sent via through the website routed to the proper person handling complaints and violations. Many complaint forms have been received that are not in compliance with needed information. New format with ensure all information is received.

**Committee Updates:**

**Common grounds, including road, culverts, drainage ditches:**

*Included in the president' report*

**Common grounds, including landscape, irrigate, trees, lighting/electrical, signs fences:  
Mark Walczak**

Regularly scheduled lawn care continued without incident during the summer months. Heavily into the growing season, Common lawns are cut more frequently and so associated expenses become higher at this time of the year. Landscape maintenance of Common areas continued without incident during the summer months. Front entrances were trimmed and weeded monthly. Quarterly applications of fertilizer and pest control products were completed on schedule for this reporting period.

The Committee completed monthly checks of our two front entrance irrigations systems, and DC Irrigation provided their quarterly maintenance service in July. Several rotary and spray sprinkler heads were replaced, but the overall systems were confirmed to be in good working order.

Over the summer months, and in conjunction with Board Secretary Deb, a Community Challenge was introduced to our members, asking for input on how to address our mature and deteriorating front entrances. Response to this challenge was modest, generating a few suggestions and design ideas that might be incorporated into a landscape design plan. One of the contributors to the challenge, Member Albert Smith, has an educational and experience background in landscape management and has graciously volunteered to assist GHOA in developing a plan.

In order to develop a credible and unbiased landscape plan, two landscape architectural firms have been contacted and provided information regarding our front entrances. They have agreed to review our front entrances and provide some preliminary ideas about how we might proceed in upgrading the image and appearance. With the Board's approval of any of these ideas, it would then be possible to develop a budget item for 2019.

The Committee is currently developing a task list for the annual fall tree trimming within our Common Grounds. Member suggestions on how or what to address for this annual task are welcome.

**Violations/Complaints: Bob Schroeder-**

6/11/18 thur 9/10/18	Written:	Open
Landscape	5	2
Trailer/RV Parking	3	1
Dwelling repairs	1	1

**Architectural Reviews: Roger Steuer-**

- Approvals April 2018:
- Lot 099 New Solar Panel
- Lot 190 New Solar Panels
- Lot 490 Widen Driveway
- Lot 027 House Remodel
- Lot 439 New Generators

Lot 341 New Garage Unattached

Approvals May 2018:

Lot 345 New Generator  
Lot 452 Install Underground Propane Tank  
Lot 179 Replace Driveway  
Lot 205 Extend Driveway & Back Porch

Approvals June 2018:

Lot 162 New Pool & Cage  
Lot 439 Pool & Cage Replacement

Approvals August 2018:

Lot 478 New Generator  
Lot 248 Paint House

**Lakes/Ponds: Nancy Beatty-**

June: Ponds were inspected, Lake Judy and Cormorant Pond had algae flow out of ponds was slight

July: Ponds were inspected; Lake Judy and Lake Elaine have algae and submersed weeds, Columba. Lake Marlene sprayed for grasses and brush, Lake Clara and Mills pond inspected – water level (high)

August: Lots of rain - Lake Marlene, grasses and brush, Lake Judy, algae, Lake Elaine algae and submersed weeds, Lake Clara, Cormorant Pond, Mills Pond inspected, Mills Pond had growth in middle, will get attention next month. Water levels very high and then rained after Aquatic Weed left area.

**Activity Center: Linda Fisher-**

During the summer months June, July and August all activities continued and were well attended, including (1) rental in June and (1) rental in July.

Game nights: 2nd, 3rd & 4th Tuesdays 7:00pm - 9:00pm.

Mah Jongg 9:30am-12:30pm. Tuesday and Friday:

Bridge players meet on Thursday 9:00am-12:00pm.

Book Club on 3rd Wednesday 7:00pm-9:00pm.

Craft Day at Golf Hammock on 1st and 3rd Thursday from 8:00am-6:00pm.

Please contact Kathy Saleeba: [kathyk2@centurylink.net](mailto:kathyk2@centurylink.net) to reserve a table.

Euchre group will begin again in November on 3rd Monday contact Judy Trier or by sign-up sheet in activity center. (October 22, will be the exception)

Stop on by the new library, the library is open with a good supply of books for community to use - as always, Activity Center seeking more suggestions or ideas for future activities to be offered.

**Welcoming: Joyce Rowe~ 863-214-6517 [jannrowe65@gmail.com](mailto:jannrowe65@gmail.com)** 8 in home visits. 3 drop off info, license plate, and/ or directory. Flyers have been left, or will be left, at addresses Roger sends me, once the sale is recorded on the tax assessor's website. If the resident is a snowbird not in residence, I do not leave any flyer.

**Street Captains: Co-Chairs:** Cindy Bowser - [clb1919@yahoo.com](mailto:clb1919@yahoo.com)  
Linda Schroeder - [lindasfl70@yahoo.com](mailto:lindasfl70@yahoo.com)

Informational meeting planned for 9/11/2018 at 10:30AM to take place involving street captains, data base, welcoming and secretary/communication committees to organize information and duties of each committee with a chain of communication outlined.

**Data Base/Directory: Marge Schindewolf-** we had 26 new residents for the period of May thru August.

### **Old Business**

- Report from David Schumacher, regarding the HOA documents and Laman Land Development, LLC previously approved in special meeting of June 12, 2018 – answering the 6 questions stated in those meeting notes Report following next 3 pages.

A brief discussion took place regarding the Marketable Title Act:

Roger has the opinion that members need to understand the importance on how the Marketable Title Act has a 30 year limitation of restrictions on deed and how this could impact the future golf course property and amenities.



# McCLURE & LOBOZZO

ATTORNEYS AT LAW

211 South Ridgewood Drive  
Sebring, Florida 33870


JOHN K. McCLURE  
JAMES V. LOBOZZO, JR.  
DAVID F. SCHUMACHER

Ph: (863) 402-1888  
Fax: (863) 402-2436  
www.mllaw.net

## MEMORANDUM

**DATE:** August 15, 2018

**TO:** Golf Hammock HOA Board of Directors

**FROM:** David F. Schumacher 

**SUBJECT:** HOA documents and Laman Land Development, LLC questions

The six (6) questions presented are answered as follows:

1) Is the 1993 covenant likely binding on Jason, on Jason’s ultimate grantee, and on subsequent grantees in chain of title?

**Answer:** The 1993 Warranty Deed from American Home Service Corporation to Golf Hammock Club, Inc. recorded in Official Records Book 1230, Page 160, of the Public Records of Highlands County, Florida (the “1993 Deed”) includes the following language:

**SUBJECT TO: 1) Taxes for the year 1993 and subsequent years; 2) Restrictions, reservations, easements, conditions and limitations of record; 3) Restrictive covenant that the property shall remain as a golf course/country club and related facilities and amenities.**

Golf Hammock Club, Inc. thereafter transferred the property to Laman Land Development, LLC (“LLD”) on February 28, 2011 by Warranty Deed recorded in Official Records Book 2273, Page 899, of the Public Records of Highlands County, Florida (the “2011 Deed”) which includes the following language:

**Subject to restrictions, reservations, conditions and easements of record, if an, and real estate taxes for 2011 and subsequent years.**

Based on my conversations with title examiners at Attorney’s Title Fund Services (the underwriter this firm uses to issue title insurance), the restrictions on the 1993 deed are valid and enforceable.



2) To the extent the swimming pool and the tennis court were a part of Golf Hammock in 1993, are they likely included within the “related facilities and amenities” mentioned in the 1993 covenant?

**Answer:** While it appears the restrictive covenant from the 1993 Deed is likely valid, it is also a bit vague. It is possible that a court could determine that the “shall remain” language would prevent the owner from removing the pool and tennis courts. However, it is also possible that “related facilities and amenities” could be anything reasonably associated with the operation of the golf course/country club. In my opinion, as long as the owner is not using the property for a purpose obviously not a facility or amenity to the golf course/country club, a court will likely find the owner to be in compliance with the restriction.

3) Who has standing to assert rights under the covenant?

**Answer:** Any property owner within the boundaries covered by the GHOA.

4) Assuming our Board has authority under our charter and bylaws to act on behalf of Golf Hammock residents in these matters, does our Association also have any authority under Florida Rules of Civil Procedure to bring any legal action, or participate as a party litigant, or even negotiate a resolution on behalf of our residents?

**Answer:** The original Declaration of Covenants and Restrictions of Golf Hammock – Phase I, dated February 2, 1977 and recorded in Official Records Book 541, Page 733 (the “Original Covenants”), states as follows:

**A corporation known as GOLF HAMMOCK OWNERS ASSOCIATION, INC., has been incorporated for the purpose of maintenance and administration of the property and facilities, and to enforce the covenants and restrictions herein contained or which are otherwise applicable to such property.**

However, the golf course/country club and related facilities and amenities are not part of the “property and facilities” covered by the Original Covenants. Article V – Maintenance: Assessments of the Original Covenants details five (5) items, labeled A through E, which specifically details what the GHOA shall have a duty and responsibility to do, and two (2) items, labeled F and G, which the GHOA may do, but none of these describe any ability to enforce covenants and restrictions related to the golf course/country club and related facilities and amenities. Based on the foregoing, it is my opinion that the GHOA does not have authority to act on behalf of the owners with regard to the enforcement of the restrictions detailed in the 1993 Deed. However, the GHOA covenants could be amended to include such authority per Article XXII Section 2.

5) Under what set of facts would those who would otherwise have standing to complain about the demolition of the pool, be deemed to have waived those complaints by having failed to object at some point during the demolition, if they were aware that it was happening?

**Answer:** It is my opinion any property owner in GHOA would have standing to sue to enforce the 1993 Deed restrictions. However, LLD would have affirmative defenses based on the owners' knowledge and failure to object. These affirmative defenses could reduce LLD's obligations under the 1993 Deed restriction, but I doubt a court would determine any such defenses raised would remove them completely.

6) Would the GHOA have the right to serve as a representative of those who have standing to complain, or provide financial backing for them, or would our role boil down to doing the initial investigation, and then stepping aside while those individuals with standing carry the ball from that point forward?

**Answer:** Similar response to question #4. In my opinion, GHOA does not currently have authority to serve as representative for owners who have standing – this would require an amendment to the covenants and restrictions. As such, I would advise against using any GHOA funds to assist owners interested in filing a complaint without such an amendment or a vote of the majority of the owners specifically granting such authority to the GHOA.

**Regarding the Marketable Record Title Act (MRTA):**

Based on the case law I have reviewed, it is likely that the MRTA has extinguished the restrictive covenants on the parcels within GHOA unless they are expressly referenced in a muniment of title (a deed, will, or court judgment which passes title) less than thirty (30) years old. Unfortunately, the only way to definitively determine this would be to do a title search on each and every property within the GHOA – a process not economically feasible. As such, it is my recommendation that GHOA begin the process of reviving the covenants and restrictions as detailed in part 3 of Chapter 720, *Florida Statutes*. GHOA's current attorney, Mr. Breed, has the experience necessary to assist in this process, but if he is unable to do so, this firm is willing to represent GHOA in this matter.

END OF MEMO

**New Business:**

- A motion by Roger, second by Bob - to move special project Eagle Court \$5,650 to special project Culverts. After a discussion, a vote was taken, ALL approve, Motion carries.
- A motion by Bob, second by Marge - to shift Cormorant Point Drainage Correction from 2019 to 2018. A discussion takes place, Mark was questioning the actual drainage project solution and concluded base on EPI's documented proposal solutions, on reviewing the options, a vote was taken ALL approve, Motion carries.
- A motion by Mark, second by Bob – a upon email request from Judy Trier and fellow neighbors, to remove 2 palm trees and level the existing ground on Milligan Court East. A discussion takes place; board members need more information about the cul-de-sac. A motion was made by Linda; second by Roger to table this above motion until more information is gathered for next meeting. A vote was taken, ALL approve, Motion carries

**Member Comments:** (using best judgement on spelling, signed in to speak)

Joyce Rowe, Noritta Harris, Don Whittaken, Rose Cookman, John McAnlus

Resident's comments included but not limited to Architectural guidelines due to remodeling of a resident, the understanding rules and regulations of being a new resident to Cormorant Point, what his responsibilities are to GHOA, concern over information getting to residents that don't have computer access.

**Next Meeting:** Monday, October 8, 2018 workshop 6:30PM, meeting 7:00PM

**Adjourn:** Motion by Bob, second Linda all approved - Time 9:10PM