



Tidelands Estates - HOA

Tidelands Estates - Newsletter

August 2012



Presidents Notes

Legal Action Phase-II Cost Share:

Your Board held an emergency Legal Board Meeting August 15th to review an offer from Phase-II to settle the legal action that has been on-going for what seems like years at this point....

Background:

As you know, we brought legal action against Centex several years ago regarding the return of property that rightly was Phase-I common area. The first lawsuit was settled in our favor. In that settlement, we signed a document saying we would not file any other action against Centex with anything related to the original suit. In our present lawsuit against Phase-II for equal control of the Cost Share, we forced all parties to supply us with the financial records from 2005 to the current date. When we received those records we found we had over-paid money into the cost share while it was controlled by Centex. We then added Centex to our lawsuit against Phase-II at the (advice of our legal counsel.) Our attorney assured us that we had every right to file another suit against Centex because what we were going after at this time was not related to the original lawsuit. When this went to Summary Judgment to determine if we had a right to file the legal action, unfortunately Centex won. The judge ruled we could still continue the action against Phase-II from 2009 forward. An appeal was filed to try and overturn the judge's ruling. Last month a three judge panel agreed with Centex that we could not take any additional action against them.

Discussion:

The original intent of the "second" lawsuit against Phase-II was to get equal control of the Cost Share

and position our community going forward so we would never be forced into any action that would not be positive for Phase-I.

With the court's decision regarding Centex, our only option was to go forward with the action against Phase-II. After careful consideration, I decided it was time to put an end to this action as long as we could get the Cost Share in our favor.

Based on the above, the Board held an emergency Board meeting to review the terms of the Settlement Agreement with Phase-II. The Board voted to accept the Settlement Agreement.

Terms of Settlement Agreement:

The Settlement Agreement requires a complete rewrite of the Cost Share to a model that is exactly what we have been asking for. Bottom line, we won on this issue. This will position our community and the Phase-II membership to go forward working together as a common community.

Phase-II has agreed to pay \$15,000 in cash.

Phase-I agrees to modify the percentage split for the Cost Share to be Phase-I 37.6% and Phase-II to be 62.4%. This is to align the cost share with actual property and owners for both associations. Another words, when a new developer builds in Phase-II, they will be responsible for the percentage for their build out. This was to happen starting with 2012, the Settlement Agreement calls for this to be effective 1/1/2013 effectively saving us approximately \$15,000 in cash for this year.

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In summary, this Settlement Agreement gives us a Cost Share Agreement that is good for Phase-I and \$15,000 in cash, and \$15,000 cash saving against this year's budget. It is time to put the Centex losses from prior to 2005 behind us and go forward from here.

Grounds and Maintenance:

Joe Golan who oversees the grounds and maintenance issues of our neighborhood has been working with Affordable Landscape & Design on the existing landscape and irrigation system. These guys have done a great job. All of our pumps are running full capacity and without problems. Many irrigation heads and sections have been repaired and brought up to a good state of repair. The guys that work for Affordable Landscape are great and thanks to Joe Golan for all his work in getting our community looking very good.

By the way, Bruce and his crew at Affordable are very appreciative when residents praise their hard work. Please compliment them when you see them.....it makes them very happy and you will feel good for doing it. They have told Lillian and myself how happy they are when they get compliments.

Joe has been working with the irrigation staff at Affordable and they installed two new electrical/timer panels that had rusted to the ground. The new panels are in-cased in plastic, so we hope they will last quite a while.

Joe oversaw the installation of a new oxygen aeration system last month. It was installed in the lake to supply oxygen to the bottom of the lake so fish can survive. This is coming online very well and tests are showing we can stock fish in the lake again.

Joe is working with Aqualytic USA a Palm Coast company recommended by the City to get a quote on a chemical free water conditioning system to control the hardness scale and other salts in the irrigation water coming from our wells. We are looking at a way to reduce the salt buildup on our plants and grass. Joe will review the proposal and see if this is something we want to consider for our community going forward. This could also save on the working parts in our pumps extending the life of our system.

Compliance Committee:

Since we have nobody jumping at the opportunity to head up the Compliance Committee, I am going to place this under the Architectural Review Committee (ARC). Jay Martindell is Chair of that Committee and he and I will oversee the Compliance, along with the existing members of the Compliance Committee. This seems to be a good fit because the two committees work together a lot to resolve issues anyway.

Architectural Review Committee (ARC):

Jay Martindell and the ARC members have been in contact with an architect from St. Augustine to review new home plans going forward. We have at least two, maybe three property owners very near submission of plans to build new homes in the community. The plan is to meet with the new architect and develop standards that we will need to follow going forward. This should make it easy for someone to build in our community.

I want to personally thank Joe Golan and Jay Martindell for all their help, support and work they do on their respective committees. There are no words to describe how thankful I am to them.

Delinquent Accounts:

We continue to work toward the magic number of 30 non paying properties. Of the two properties that we put into foreclosure one was sold and we collected the outstanding amount owed. The second is coming up soon. I have turned over two more that have clear title to our attorney to start foreclosure. Hancock Bank owes us for 8-properties. We have been to court for this three times now and won every time. It appears they are going to settle this so we should know something next week. This is a \$4,566 plus 12-months back payments for \$14,980. When this is paid we will be below our goal. This does not mean that we will stop going after the remainder. We plan to do everything we can to collect or foreclose on all remaining properties.

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Park & Pier:

New signs have been printed and will be installed this week on the pier. These are the rules and regulations and denote very clearly where the fishing area is and that there is "NO" fishing from the seating area.

The sign states that the pier is the Property of Phase-I. It also states that the pier can be used by Phase-I and Phase-II for enjoyment of the community.

Most rules are what you would expect just common sense rules. One exception; if you are not paid current on your HOA fees you cannot use the pier or park areas.

Airborne Photos:

I have posted several photos of our community and park area on the web site. I took the pictures from the air to get a little different look at the new park and pier area.



Security at the Gate:

I have been telling everyone that the new security was going to be installed this month (August). I just found out last week that Phase-II put this on hold because of everything going on with them, and nobody thought to let me know. Originally, one of their Board Members was assigned the task, but he fractured his hip and pelvis areas a few months ago. Be-

cause he has been laid up for several months, the security gate was held back. On the good side, he is up and around again and we hope to get this back on schedule quickly. When I have an update on the schedule, I will let you know.

Entry Sign:

I am working with Phase-II to add "Tidelands Estates" to the monument sign at the entry way. I just received the plans from the sign company. If Phase-II approves we will have this work done.

For your Board,

A handwritten signature in blue ink, appearing to read "John Loudermilk".

John Loudermilk
President

Projects and Goals Currently Underway or Planned

Mission: Tidelands Estates will be the community that the residents envisioned when they moved to the area, and be a model-gated community.

Board Goals:

- Establish an efficient, effective and fully funded organization in accordance with applicable regional, state and federal laws and good business practices.
- Ensure that the members of the HOA have all the information regarding activities in work, future planning, and finances required to take the community forward.
- Ensure that Tidelands Estates properties (residential and common) meet the highest standards possible using our contractors to their maximum benefit.
- Ensure that the Tidelands Estates Compliances are enforced when necessary.

Pending Items in Work: (Partial List of Major Tasks)

- Continue the legal action to get better representation on the Cost Share Board. (Settled)
- Cleanup and get 50% of the non-paying properties paying by mid year. (Done)
- Work with the new landscape contractor to up-grade our community (Complete)
- Work with Phase-II to implement the new gate security system. (In Process)
- Work with Cost Share to upgrade the street lights (Pushed until early next year)
- Work with Cost Share to get the streets and curbs repaired.(On the list for Centex to complete)
- Work to repair the lake by implementation of a new aeration system.(Complete)
- Rework the electrical system for the well pumps. (Complete)
- Design a system to support the irrigation behind the homes on the ICW. (In Process)
- Review and implement a water conditioning system to control the salt content of our water.

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