

Siesta Shores POA  
Board Meeting  
2/8/2007

Board Members Present: Jenny Worthington, Claude Garrett, Elizabeth Blount  
Community Members: Scott Jones, Dan Perry, Mike Worthington

Jenny opened meeting by reading a letter addressed to SSPOA Board & community from Robert Freytag thanking the Board for all of their hard work.

Discussed the results of the vote to combine the two sections:

- Only received 44 votes (with each lot counting as one vote), with the majority voting favorably for combining the sections
- Next discussion revolved around the path forward. Jenny suggested that the real estate attorney should make the necessary changes to the deed restrictions to enact the change. Then the Board could hold a community wide meeting to approve (vote) on the exact changes and wording being made to the deed restrictions. After additional discussion, it was agreed that the second vote could not “undo” the first vote, but only make changes to the wording that the lawyer drafted.
- Additional comments were then made revolving around whether a simple majority of the votes received counts as an official vote or if there must be a majority of all 110 lots regardless of whether the lot owners voted or not. After reading through the Section I deed restrictions, it was agreed that for a vote to be effective, it must have 56 similar votes (i.e. either 56 yeses or 56 nos). The By-Laws, on the other hand, explicitly states that a vote only needs a majority of those who respond for it to go into effect.
- The question was asked whether the Section I deed restrictions even needed to be changed and it was found in the 5<sup>th</sup> Amendment that Section II owners cannot vote.
- Scott questioned the wording of the ballot. If Section II gains the right to vote, does that mean Section II owners also receive an equal share of ownership in the parks? While it was agreed that ownership is implied, no one was sure whether that would be legally binding if an issue came up down the road. His concern is without equal ownership, if the two sections join, the Section II park is sold and then the two Sections later decide to split again, the Section II owners have lost something while the Section I owners reaped the benefits of selling the Section II park.
- Everyone agreed that since this vote did not receive enough participation, a second vote should be held that states that 56 common votes have to be received in order for the vote to count. The new ballot should explicitly state that both Sections have equal ownership in both Section I & II parks. Claude added that this also means both Sections have equal liability in all parks too.
- Decided that the attorney should be consulted in the creation of the new ballot to ensure the vote is legally binding in all of the above issues (and written in plain-speak, not lawyerese)

- Summary: send out a second ballot that has been reworded to eliminate some of this confusion. Include a letter that explains why the Board could not make a ruling in either direction on the first vote. Have the lawyer write the ballot, the board review it, and then the lawyer make necessary changes until finalized. Jenny will work with the lawyer to create the first draft of the new ballot.

Next board meeting will be contingent on the lawyer's schedule and when the first draft of the new ballot is created.

Several people had to leave at this point, so the meeting was officially ended.

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