

TALLAVANA HOMEOWNERS' ASSOCIATION, INC.

Minutes of the monthly Board of Directors meeting held on November 15, 2005 in the cafeteria of Tallavana Christian School, Havana, Florida.

PRESENT: Jean Wood, Tom Scott, Mike Jefferis, Don Magruder, Joe Smyth and Kimsey Helms, Board members, Debbie Robinson, Corporate Secretary. See attached list of others in attendance.

ABSENT: Mike Mapstone

The meeting called to order at 7:00 pm by President, Jean Wood.

Corporate Secretary is recording the meeting for the purpose of accurate minutes. No one else is recording.

Don Magruder introduced our visiting attorney, Ken Abele, from the law firm of Ausley & McMullen.

Approval of Agenda:

Revisions to agenda – Item #1 under Ken Abele to be clarified that the “delinquent dues” are the delinquent accounts after they have received the 30-day process letter. Also Item #4 under Ken Abele – to read: Legal options for enforcing ACC regulations, covenants and restrictions.

MOTION BY KIMSEY HELMS TO APPROVE THE AGENDA AS REVISED. SECONDED BY JOE SMYTH. MOTION CARRIED.

Visiting Attorney, Ken Abele

1. Legal options for collecting delinquent accounts that have received the 30-day process letter- Ken began by stating that the process for sending a 30-day notice prior to filing liens is an effective way to collect past dues. The accounts that refuse to pay are the ones where we can involve Ken. Mr. Abele listed several avenues that the Association can take to collect on the most severe delinquent accounts such as suing through small claims court, garnishments depending on the amount, and the ability to foreclose. Foreclosures are hard to do if there is a home involved but easier if it is only a lot. Ken suggested that we discuss case by case to determine what action should be taken to resolve the delinquency.

Ken did state that it is in our governing documents to file liens and that is the first action to take. Regarding our most delinquent accounts, Ken and Debbie Robinson will meet to give Ken some background on each account that he can determine which option would benefit in the collection of the delinquent assessments.

2. Magnolia Court – Attorney Shaw, J. Heidenreich’s attorney, sent a letter to Ken Abele with an offer that the Association take over Magnolia Court and Heidenreich would pay the Association \$5,000 to do so. The DEP has specific issues regarding the storm water retention pond that is located along Magnolia Court as well as other retention ponds in the original Ghazvinni development. Ghazvinni has already stated that he is not interested in working out the problems with the retention ponds. The DEP has issued a list of the problems with the ponds and what requirements need to be met in order that the ponds are in compliance. Ken suggested that the Association find out how much it would cost to bring the storm water retention ponds into compliance then meet with Mr. Heidenreich. When there is a settlement between the Association and Mr. Heidenreich, the settlement will be for both Magnolia Court and Pine Top Court.

MOTION BY MIKE JEFFERIS THAT THE DEP LIST BE REVIEWED BY AN ENGINEERING FIRM FOR A COST ESTIMATE IN RESTORING THE STORM WATER RETENTION PONDS TO DEP STANDARDS. SECONDED BY TOM SCOTT. MOTION CARRIED.

Minutes, Board of Directors Meeting, November 15, 2005

3. Lambert Runoff Issue – Ken has read all of the reports and letters from Sean McGlynn, DEP, Lambert and all other parties that have responded. Ken feels that there is a cause of action on both the sediments and the contaminants. Ken said that we have to determine if we have the ability to go after Lambert. He said that it is reasonable to try to collect money that the Association has spent due to the runoff problem. Ken said that Sean, selected Board members and himself should meet to determine just what we want from Lambert.

Ken does need to check with his law firm to see if there is a conflict of interest before he pursues Lambert in our behalf. Ken said he could go to the DEP to see what all they have on Lambert.

4. Enforcing ACC regulations, Tallavana Homeowners' Restrictions & Covenants – Ken started by saying that our Association is governed by Section 720 of the State Statutes and those statutes allows the Association to assess fines if those fines are provided in our governing documents. Our current governing documents do not have a provision for fines for ACC or covenant violations. The Association can amend the Articles of Incorporation to make those provisions.

There was discussion on other options that may be taken such as an injunction against the developer if they are clearing the buffers or for site damages. If the developer has already cleared on one lot but has others in the subdivision, an injunction can be placed on the other lots. Ken did remind the Board that all issues have to go to mediation first, according to state laws.

Don Magruder mentioned that the pending agreement between Cindy Lincicome and the Association is void, as Cindy no longer owns the property to grant the easement. After several attempts to contact Jack Harnett and there has been no response from Jack, it was discussed that perhaps Ken Abele could review the Easement Case.

MOTION BY MIKE JEFFERIS THAT THE BOARD ASKED KEN ABELE TO REVIEW THE LINCICOME EASEMENT FILE AND GIVE HIS OPINION ON WHAT THE ASSOCIATION SHOULD DO. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Don Magruder mentioned that the Association owed Ken Abele a debt of gratitude for his involvement on the Connelly Case. The Board and attending members were in agreement.

Approval/Corrections of October 2005 Minutes:

Corrections consisted of spelling and grammar.

MOTION BY JOE SMYTH THAT THE MINUTES BE APPROVED AS CORRECTED. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Treasurer's Report: Mike Jefferis reported the total deposit for October was \$14,978.08, expenses of \$8,615.34, combined checking account balance is \$16,914.09, and the balance in the sinking fund is \$252,117.22. The combined checking account balance is from our newer account at Focus Credit Union and our existing account at Capital City Bank. There was \$15,000.00 transferred from checking to savings. All checks have cleared the Capital City Bank account and that account will be closed.

The larger expenditures for October were for mowing and D-8 cleanout. It was also discussed that the \$5000 in the budget for engineering be used for engineer consulting on the storm water retention ponds that need to be redesigned and/or cleared.

MOTION BY TOM SCOTT THAT THE TREASURER'S REPORT BE ACCEPTED AS READ. SECONDED BY KIMSEY HELMS. MOTION CARRIED.

Minutes, Board of Directors Meeting, November 15, 2005

Correspondence/Phone Calls:

1. Attorney Ken Abele sent a letter to Mr. Ian Banks regarding the 29 acres he recently purchased from Mrs. Lincicome. The letter was to reiterate the previous agreements between Tallavana Homeowners' Association and the previous owners. Copies of those agreements accompanied the letter.
2. A letter was sent to Mr. Park Brittle with a copy of the quitclaim deed that stated the arrangement between Mr. Brittle and the Homeowners' Association regarding the maintenance on the back side of the dam.
3. Jean Wood received a copy of a letter from Chris Stahl, Florida Department of Environmental Protection to Sean McGlynn regarding additional information for the permit application. Jean will cover the details in her lake report.
4. Jean Wood received a phone call from Leonard Whatley who reported a vehicle at the ramp that did not have a decal. Other items regarding security at the lake will be discussed under Security.
5. Jean Wood received e-mail from David Trimble that explained further the lake watch data and DEP.
6. Jean Wood received a call from a resident wanting a dock. Jean referred her to ACC.
7. The Board received e-mail from Ken Abele that had the list from DEP attached. The list from DEP was a report on the condition of 7 storm water retention ponds.
8. Jean received a phone call from Christaine Guignard asking if she could put hay bales along her shoreline and also asked that the lake level be lowered. Jean contacted our lake consultant, Sean McGlynn who informed Jean that hay bails along the shoreline would deteriorate and only add more sediment to the lake that would have to be removed later. Tom Scott will write a letter to Ms. Guignard with Sean's response.

BOARD REPORTS

Legal: Don Magruder and Mike Jefferis

- A. Magnolia Court – Covered under Visit from Ken Abele.
- B. Lincicome case –Don has not been able to make contact with Jack Harnett to get an update and to set up an appointment to introduce Mike Jefferis. Also, Jack needs to know that Mrs. Lincicome sold the 29 acres that were involved in the lawsuit and now cannot legally grant an easement to access Sheffield Preserve. It was discussed that this case might be turned over to Ken Abele, as it has not been possible to come to a close with Jack Harnett. Don said he would give Ken his file for review. A decision to turn this case over to Ken Abele or keep Jack Harnett will be determined after Ken has a chance to review the case and give the board his recommendations.
- C. Sheffield Preserve – The original Memorandum of Understanding between the Association and Allen Boatright has been signed by both parties. The changes that Mr. Boatright made when he signed have been reviewed and accepted by the board.

MOTION BY DON MAGRUDER THAT THE MEMORANDUM OF UNDERSTANDING BE ACCEPTED AS CHANGED. SECONDED BY MIKE JEFFERIS. MOTION CARRIED.

Minutes, Board of Directors Meeting, November 15, 2005

President Jean Wood asked that an accounting of the total cost for the fence be attached to the memorandum. Concerning the locked gate, Don will contact Progress Energy that they might come out and provide their own lock for access to the power line easement.

D. Acquisition of Deer Pass – Unable to reach Jack Harnett, Don will contact Linda Ritchie and see if she would be willing to handle this the same as she did Quail Court.

E. Contract for Marc Cocke – It was discussed and decided to use the accepted bid as the agreement for contract work from Marc Cocke. Verbiage is to be added to the bottom of the bid that would state that THA agrees to pay the amounts of the bid and considers the bid to be a contract for the time frame agreed to on the bid. Marc is to provide a certificate of insurance naming Tallavana Homeowners' Association as additionally insured and is to maintain the said insurance for the duration of the contract.

Member Relations:

A general workday was held October 29th. Volunteers met at the pavilion at 9:00 a.m. The pavilion was pressure washed, newer dock pressure washed, restrooms pressure washed, fencing along east side of Sheffield Preserve finished, butterfly garden weeded and mulched, gate area weeded and mulched and playground raked. Ron Crawford and Larry Sellars weeded the playground earlier in the week. The Board thanked Ron and Larry as well as Saturday's volunteers; Paul & Deberah Keith, Willis & Linda Rabon, Jim DiGiulio, Jim Poss, Jim Bock, Leonard Whatley, Dave Taylor, Bobby Boatright, Debbie & Gary Robinson, Tom Scott, Kimsey Helms, Joe Smyth, and Jean & Milton Wood. The Board also thanked Pat Powell, Laura Helms and Jill Taylor for providing the workers with lunch. The pavilion and dock received water protection treatment a couple of days later by Bobby Boatright. While much was accomplished, there is still much to be done.

Future workday projects include the guardhouse at the gate. The guardhouse requires pressure washing, re-staining & carpentry repairs as well as a good cleaning out. The irrigation system controls are in the guardhouse and cannot be reached for all the stuff in the guardhouse. The gate should be added to the project list for cleaning, painting and re-taping.

There was discussion that the bulletin board on Mason Drive could be replaced with a larger one. The current bulletin board is too small. The existing bulletin board could be moved to the sign at the boat ramp and have the Lake Tallavana fishing regulations posted on it. Debbie Robinson will begin shopping for a larger, outdoor bulletin board for Mason Drive.

The Christmas Social is scheduled for December 10th, beginning at 5:00 p.m. It will be a potluck with the Social Committee providing the meat. The Social Committee will decorate the pavilion Saturday morning and ask for volunteers to help.

The newsletter deadline is today, November 15th. Laura Helms said she would call Linda with details on the Christmas Social.

Lake Management: Reported by Jean Wood & Tom Scott

Jean reported that the DEP sent a letter to Lambert stating that he had 30 days to comply with their request to remove the larger fill items. Lambert sent a letter simply stating that he would not comply. This issue has been forwarded to Marshall Seymore with the DEP in Pensacola. Gadsden County has been contacted concerning the Lambert issue. Their response was that their only interest is in the big fill items, ie. tires, appliances, etc. Jean has continued to contact various agencies to find someone who would take the responsibility to help clean up the Lambert property. The DEP said that the Water Management District and the Department of Agriculture are responsible. The Water Management District

Minutes, Board of Directors Meeting, November 15, 2005

would not really say if they had jurisdiction however, they did ask Lambert to take certain measures to stop the erosion but it is not known if they followed up. Jean will continue to attempt progress on this issue. The Association will be involving our attorney Ken Abele to see if there are other avenues we should be pursuing

Shoreline Restoration update – The DEP has requested additional information regarding our permit. One of the items requested is a letter from Gadsden County indicating that the proposed project is consistent with the local government’s comprehensive plan. Jean said she would be contacting the county to satisfy this requirement and Sean will continue to provide all other information. The 90-day period for approval does not begin until all questions and requests are satisfied. Once DEP is satisfied that all the required data is received, and then they have 90 days to approve or disapprove our permit application.

It has not yet been determined if the lake level will be dropped for the shoreline restoration work.

Lake Watch – Pat Powell: Pat is scheduling a crew for November 19th at 9:30 a.m. Pat received a letter from Lake Watch stating that we should not stop the collection of data on our lake.

Security: Joe Smyth

It was reported that Scott Ivey worked 20 hours for the Association in October as well as 20 hours on duty and performed 15 vehicle stops and 81 house checks. Billy Kemp worked 15 hours in November. Both Scott and Billy have been working some hours on the weekends. Billy worked three Saturday mornings to patrol non-resident fishing that has been occurring particularly on Saturday mornings.

Gate: No problems with the gate to report. Members of the Gate Committee were informed that when the gate is locked open for a scheduled event, a red metal part is to be attached on the lock to indicate that the gate is indeed locked open and not broken. The part is found in the control box.

Roads, Grounds & Dam: Kimsey Helms, Mike Jefferis and Tom Scott

Kimsey Helms mentioned that the gate itself does need some maintenance including cleaning and painting.

There was discussion regarding the 7 storm water ponds that DEP has written up. As mentioned above under the Visit from Ken Abele, the Association cannot accurately determine the amount from Heidenreich that would be acceptable until we know the costs for bringing the retention ponds into compliance. It was suggested that Jim Stidham & Associates be contacted to provide a cost proposal. Debbie will provide the necessary information to JSA and Mike Jefferis will be the board member contact.

It was reported that the Association would continue to pursue culvert replacements.

Kimsey reported that Marc Cocke has completed the last full mow for the year.

COMMITTEE REPORTS

ACC: Reported by Diane Sheffield

ACC meeting held for month of November and the following is being recommended for approval.

a-1. A submittal from Don Magruder, 2286 Tallavana Trail, a dog fence that will be in the back

Minutes, Board of Directors Meeting, November 15, 2005

yard. No trees to be removed and no buffers encroached.

MOTION BY KIMSEY HELMS THAT THE SUBMITTAL BE APPROVED AS RECOMMENDED BY THE ACC. SECONDED BY MIKE JEFFERIS. MOTION CARRIED.

b. Paul & Deberah Keith appeal – A submittal for a garden shed from Paul & Deberah Keith, 3445 Tallavana Trail, was rejected by the ACC for the reason of the site location. The Keith's appealed to the Board providing information on the shed and location.

In keeping with a motion at the October meeting that there be no approvals of ACC submittals that deviate until definite policies have been drafted and approved, the Keith's appeal was tabled.

MOTION BY JOE SMYTH THAT THE KEITH'S REQUEST FOR ACC APPEAL IS TABLED UNTIL THE ACC 200 POLICIES IS FINALIZED. SECONDED BY KIMSEY HELMS.

There was further discussion regarding the Keith's submittal and the following was added to the motion:

ADDED BY TOM SCOTT THAT THERE SHOULD BE A SITE VISIT BY ACC AND SELECT BOARD MEMBERS TO EVALUATE THE DESIRED LOCATION FOR THE SHED. JOE SMYTH ACCEPTED ADDITION TO MOTION. MOTION CARRIED.

c. Understanding Section 200 update – There will be a workshop at the pavilion on Sunday, November 20th, 3:00 p.m. to discuss the ACC guidelines and the formulation of the ACC Section 200 policies. The membership was informed in the October invoice mailing that an ACC meeting would take place with the date and time to be announced. Notices of the meeting will be posted Wednesday, November 16th in compliance of the 48-hour notice required by our governing documents.

d. Fines for ACC violations – Covered by Ken Abele.

Policy Committee: Reported by Joe Smyth
No Report.

OLD BUSINESS

1. Budget Workshop – Mike Jefferis – We are continuing to work on the budget with hopes to have a meeting so that a proposed budget can be presented to the Board.
2. Liability Insurance – There is still no estimate available as the new agent will not be able to acquire ownership of our policy until January 01, 2006.
3. Quail Court update – Work has begun on Quail Court. Material has been added to widen the road, which will also cover more of the culvert. The stop sign will be moved to accommodate the wider road.

NEW BUSINESS

The date for the Annual Meeting has been scheduled for Saturday, January 28, 2006. The location will be announced once it is secured.

1. Nominating Committee – The Board has appointed the following to the Nominating Committee: Pat Powell, Leonard Whatley, Gary Robinson, CeCe Smyth, Bobby Boatright and Ann Whatley as alternate. There are three board positions to fill in 2006.

Minutes, Board of Directors Meeting, November 15, 2005

2. Committee to research property management idea – It has been requested of Jean to appoint a committee to research the idea of a property management company for Lake Tallavana. The information they will be researching is cost and what services would be provided. Members appointed to the committee are: Diane Sheffield, Andrena Knicely, CeCe Smyth, Mike Jefferis and Joe Smyth. Jean asked CeCe to call Marlene Porter and Alyce Parmer to see if they also might be interested in serving on this committee.

With no further business, meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Debra Robinson
Corporate Secretary

APPROVED