

The current Evergreen community governing documents were written in 1977 and have only had minor updates to home building requirements in 1994 and 2004. In that time period, changing conditions in the community, technology and Florida statutes have made many sections of our bi-laws obsolete resulting in inconveniences, legal risks and negative financial impacts to our homeowners. A subcommittee (independent from the board) is proposing that we change four items in the governing documents which we believe are in the best interests of all homeowners in the Evergreen community:

- 1) The current documents do not provide a clearly defined process for recovering past due financial obligations during homeowner transfers. This has resulted in a substantial loss of past due homeowner fees during the sale of properties that can be used to maintain and improve our community. Our management company estimates \$8,000 last year and \$6,000 this year of delinquent POA fees and fine payments were avoided. This rate forecasts \$30,000 of lost revenue to the POA over the next 5 years. A few years ago property management companies were advised that mortgage companies and banks had found a legal loop hole to avoid paying past due fees for properties on which they have foreclosed. To this date, Evergreen has not been successful in gaining community support for making the necessary changes to our bi-laws to include an application and estoppel process. An estoppel letter is a legal document provided by the homeowner's association that outlines the current owner's financial standing, past due balances, current fees due and lists all special assessments due. A resident/homeowner would make application to receive an estoppel letter prior to selling a property in our community so any amounts owed would be paid during the closing process. This would ensure the new homeowner would take possession with no outstanding debt to the homeowners association. We propose adding an application and estoppel process to the bi-laws which protects the POA's legal rights to collect past due financial obligations.
- 2) The current address of the POA in our bi-laws does not match the legal address registered with the state. In the past, time of the essence documents have been misplaced or lost creating potential legal risks. We propose changing the bi-law so the POA address always matches the address on file with the state.
- 3) The communication methods we are confined to in our bi-law prevent us from using the most current forms of communication. As technology advances and prior methods of communicating become obsolete, we need to assure we have the ability to use the most effective means of communicating with homeowners. We are proposing the ability to ADD modern methods to our existing methods.
- 4) The time and date required for the annual meeting prevents many residents from attending. The demographics of our community are constantly changing and we now have many families that have work obligations and cannot attend at 3:00 PM. The rigid date has also created obstacles for the seasonal residents. The intention is to provide flexibility to find a time and date that is convenient for seasonal and full time residents based on the current calendar year and events. We are proposing the annual meeting take place after 6:30 PM on a day that is determined by the board.

**To make the proposed changes, each of these items must be approved individually by 80% or 240 of the**

homeowners. This is your community and your vote is needed.