

QUESTIONS & ANSWERS RE: PROPOSED EVERGREEN 80/20 RULE CHANGE

1. What documents govern the Evergreen community?	Articles of Incorporation, By Laws and Declaration of Covenants, Conditions and Restrictions (CC&R)
2. What are the Articles of Incorporation and when were they originally filed?	The Articles of Incorporation are filed with the Secretary of State of FL to create the Association of Homeowners. Each person who purchases property in the planned development automatically becomes a member of the Association. The Articles of Incorporation spell out the name, location and purpose of the Association. The purpose is to do what is best for the common good and value of the development regardless of whether all owners agree. The Articles of Incorporation for Evergreen were filed in 1977.
3. What is purpose of the Declaration of Covenants, Conditions & Restrictions (CC&R) and when were they originally approved?	The Evergreen Declaration of CC&R were outlined in 1977. They are the rules, restrictions and conditions that every owner must abide. It sets out what land is subject to the governing documents & what land is common area owned by the Association. It contains general restrictions regarding the use of property and the rights and responsibilities of owners. A copy must be provided to the buyer prior to making a purchase of a home in Evergreen.
4. What is purpose of By-laws and when were they originally approved?	The original By-laws of Evergreen were listed as exhibit C of the CC&R. The By-laws describe how the Association is run, sets out voting rights & procedures, and rules i.e. how to call a meeting how often meetings must be held, procedure for electing board members, the length of term of board members, and term limits. It also contains procedures for proposing and approving amendments to the governing documents. Amendments to the By-laws were approved in 1985.
5. How can either of these documents be changed?	A written notice is sent to owners. A formal vote is taken and 80% (240) of all 299 property owners must vote yes to any proposed changes.
6. What is meant by the 80/20 rule?	80% or more of the 299 property owners must approve for any proposed change to be made to the governing documents of Evergreen.

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7. What if all 299 property owners do not cast a vote?	Any owner who does not submit a written vote is recorded as a “no” vote (opposed) to the proposed change.
8. When was a vote of the owners last held in which a change <u>was</u> made or action taken?	When the golf club was put up for sale, in 2019, the POA had the right of first refusal (option to buy club or refuse to buy it). This went to a vote of the POA and more than 80% agreed not to buy the club.
9. What do other communities in our area have for voting language in their documents?	Of 16 Palm City communities surveyed, 1 requires 30% of owners to vote yes, 6 require 51% of owners to vote yes, 6 require 66.6% of owners to vote yes 2 require 75% of owners to vote yes 1 (Evergreen) requires 80%
10. Why is a change to the 80/20 rule being proposed at this time?	Evergreen homeowners have been surveyed and 87% are interested in changing the 80/20 rule. Our Evergreen documents are old and have many outdated terms, inaccuracies and restrictions.
11. What are some of the outdated terms, inaccuracies and restrictions?	--Current documents reference the golf club by its former name “Evergreen Golf Club”. --POA address is listed at 4225 SW Bimini Cir S which is the clubhouse. (no longer owned by the POA). --Meeting notices are stated to be sent by to address on file & special meetings can be noticed by “telegraph” (with no reference to other electronic communication now available.) --Annual meeting is required to be held on the 3 rd Thursday in March at 3 pm (which can limit participation by working owners).
12. What change is being proposed?	The proposal recommended is: “Documents may be amended upon the approval by at least 66 2/3% of those members voting, provided that at least 150 votes are cast.”
13. When will the proposed vote occur?	Owners will be notified in February 2021 of the proposed amendment change and the written ballot will be distributed.
14. Can the POA Board change the community documents on its own?	No. The POA Board must put any change to a vote of the owners.