

# COMPILED: A Few Facts to Consider Before Voting

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- 1) The 1979 underdrains life span is 30 years. We are now 5 years beyond that. Assuming maintenance of the underdrain system will create an ongoing and growing liability for the homeowners.
- 2) Since 2006 trustees have kept the underdrains work “under wraps”; no transparency
- 3) trustees are **increasing annual dues** to “establish a reserve” however, the purpose of creating an immediate \$60,000 “reserve” might better be explained as the funds to pay for underdrains work next spring, thereby circumventing the required 2/3 majority Homeowners vote;
- 4) trustees used Association resources to fund repairs on private property without proper authority;
- 5) On **January 27, 2014 the HOA Trustees and PMA recorded our SSSFHOA as a dba** of the developer’s 1979 SSHA. **The only apparent reason would be to ease their assumption of the underdrain liabilities.**
- 6) trustees have not produced a **cost analysis** for the “**ignore or fix**” scenario of the underdrain system; have not documented the **benefits vs the liabilities** to the whole tract and all the property owners;
- 7) the **trustees have ignored established policy voted by the Homeowners (TWICE)** to not include the underdrains under the auspices of the Association; Homeowners confirmed their vote for a **THIRD** time.
- 8) Trustees have received a \$91,000 proposal **for a report of condition** without informing the Homeowners. The backhoe work **will swell that cost even higher. The backhoe work would entail clearing a 10’+ swath along property lines. Everything from old growth trees to sprinklers goes!**
- 9) Underdrains as a budget item are becoming “usual” without definitive answer on assignment of responsibility by our Association or by the Master Association if these are “common areas.”
- 10) The trustees have not solicited or obtained the Homeowners’ requisite 2/3 (66%) majority approval and vote before commencing on a potentially serious liability, increased state government rules, and the creation of perpetual costs for the Association homeowners.
- 11) The trustees have **hired several attorneys’ for advice** that has been inconclusive (over \$10,000 this year), **while NEVER** receiving approval from their source of authority, the Homeowners.
- 12) **The trustees should understand and adhere to the contents of our Association charter documents.**

### Homeowners' Meetings Recommendations:

1. **Completely stop** all work on the underdrain system for the next two years.
2. Form an independent committee composed of homeowners, without ground water issues on their property, to perform
  - (a) An analysis of causes of the 3 different types of water issues and their effects
  - (b) A complete survey of all homeowners to determine how many are experiencing water issues, how many have remedied their own water issues, how many have no issues
  - (c) A survey of **alternative** treatment methods and cost analysis of each type
  - (d) An analysis of benefits vs damage assessment
  - (e) An analysis of effects on ground water by climate change and increased construction
  - (f) Determine whether underdrain investment be put on hold until CCRs are updated and continue to not include the underdrains as an Association responsibility
  - (g) Produce a report including all the above findings
  - (h) Distribute hard copies of this report to all the homeowners
  - (i) Homeowners to Vote on “ignore or fix” or other possibilities presented by this committee at an Annual HOA Meeting
  - (j) Determine the extent of responsibility the Master Association has for what the attorney Ted Barnes calls the underdrain system, “common areas.”
3. **PLACE A FREEZE ON ANY INCREASE IN HOA DUES FOR THE NEXT TWO YEARS.**
4. **REGISTER THE SILVER SPRINGS SINGLE FAMILY HOMEOWNERS ASSOCIATION AS A STAND-ALONE CORPORATION, REMOVE DBA, AND END REGISTRATION OF SILVER SPRINGS HOMEOWNERS ASSOCIATION ENTITY**

This is a compilation of the underdrain dispute between the SSSF Homeowners and the Board, produced during neighborhood meetings in Homeowner homes between October 13, 2014 and November 3, 2014. Delivered to each member of the Board prior to the Replacement Meeting.