

mvickery1

From: "Margo Vickery" <mvickery1@cox.net>
To: <tcalhoun@woodlawnbaptist.com>; <phil-dirt@cox.net>; <johnny.williams@cox.net>; <jackh707@aol.com>;
"Edwin Santos" <hmd5859@cox.net>; "Darren K. Etheridge" <detheridge@clerkofcourts.cc>; "Edwin Santos"
<santose@eglin.af.mil>; "Michael Zoltek" <mzoltek@anobles.com>; "Margo Vickery" <mvickery1@cox.net>;
"Franz E Cole" <franzcole@cox.net>
Sent: Saturday, June 18, 2005 8:58 PM
Subject: Special Meeting

Fellow Board Members,

As per Article VI Section 2 of the Silver Oaks Phase 1 By-Laws, Michael Zoltek and Margo Vickery are calling a special meeting of the Board of Directors this Tuesday evening June 21st at Davidson Middle School at 6:30pm. Three days notice of this meeting is duly given.

Margo Vickery,
Secretary

|

6/20/2005

Attch. 1.

June 17, 2005

I formally rescind my resignation that was sent to the SOHIOA on June 17, 2005.

Thank You,

Darren Etheridge

A handwritten signature in black ink, appearing to read 'D. Etheridge', written over the printed name.

Attch. 2

LAW OFFICES
CHESSEY & BARR, P.A.

D. MICHAEL CHESSEY*
HARRY E. BARR***
KAREN L. ARNETT^o
LOUIS L. LONG, JR.
LESLIE D. SHEEKLEY
CHRISTA L. SWANICK
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1201 EGLIN PARKWAY
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(850) 651-9944
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March 22, 2004

email: mike@chesserbarr.com

David Shepherd
Silver Oaks Homeowner's Association
P.O. Box 1542
Crestview, FL 32539

Re: Enforcement of covenants: Silver Oaks Homeowner's Association

Dear David:

You have asked me four questions as follows:

1. Whether or not I would be available as an attorney for Silver Oaks, and if so at what fee.
2. Whether your architectural guidelines are enforceable.
3. Whether the maintenance and use restrictions in your covenants can be enforced, and how, and finally,
4. Whether a collection agency should be employed for those who fail to pay dues, or what the enforcement procedures might be.

Addressing those questions in the order presented above, I do represent homeowners, all over the county, and I generally do not require a retainer fee unless their work is such that it regularly conflicts with someone in this office and other work. I do not expect that here. No homeowners associations presently pay me a retainer fee. I work for \$200 per hour in such matters. Because I represent so many homeowner's associations, that generally works out to be a fair rate, and not generally overly costly for the association.

Your architectural standards are enforceable. You do not need written standards from the architectural committee, although I encourage them. When you adopt standards, they should not be too detailed. They should contain generalizations and you should follow them when you have them. You should always remember in enforcing covenants in your subdivision, that a court will ask whether you have been

*ALSO ADMITTED IN ALABAMA 6/18/2005

(page 1 of 2)

Attch 3

March 22, 2004
Enforcement of covenants: Silver Oaks Homeowner's Association

arbitrary or unreasonable. Any reasonable interpretation is your right to make, though when you interpret or decide to enforce your covenants, your decision must be consistent. You are never authorized to be arbitrary or discriminatory in your interpretations or enforcement procedures.


You may require owners to maintain their lots. If they do not, I would prepare a sequence of letters, as you suggested. After the third letter or after the second if you decide to send only two, I will initiate court action that requires a lot to be maintained. If there is a vacant lot, or other lot where no permission is necessary in order to enter, you could go ahead and do the maintenance work and bill the owner by imposing a lien. I prefer to have a court give you permission to go into any area whether there is any doubt about your right to enter.

Finally, as to the failure to pay dues, again two or three letters would be appropriate. I would not wait more than a month to send the first letter, and then a month for the second and third. Whatever procedure you decide to use, use it every time. Your only criticism will come at any time your use of a specific procedure depends upon the identity of the person involved.

Please let me know if you have any questions or whether there is any other way I can help you.

I include with this a contract of employment. We will require no retainer. If you sign it for the association I will keep it on file and we will of course keep your documents on file here for questions.

Sincerely yours,



Mike Chesser

MC/kmr
Enclosure

I:\dmc\Silver Oaks HOA\Shepherd ltr 3-22-04.wpd
09:47:57

6/18/2005

(page 2 of 2)

Attch. 3