

Silver Oaks Home Owner's Association - Phase I
Board Meeting

March 10, 2009

Location:

Davidson Middle School

In Attendance:

Barbara Cole
Margo Vickery
Lee Sterman
Joyce Johnson
Thomas Frame
Terry Frame

Pre-meeting 6:30 PM. Barbara Cole welcomed guest speaker Wayne Harris, Okaloosa County Commissioner. Wayne addressed the SOHOA prior to the start of business. Highlights of what he said, 2009 is going to be a tight year financially. His three main priorities are: (1) Infrastructure (2) Public Safety (3) Essential Services. A short question and answer session followed.

Meeting: Barbara Cole called meeting to order at 7:05 PM.

Secretary's Report: Terry Frame

Minutes for February 10, 2009 meeting, Terry asked that a motion to accept minutes as written be made to save time.

Motion to accept - Tom.

Second - Lee.

Vote - Unanimous - Motion passed.

Treasurer's Report: Margo Vickery

Income for February \$5,613. Expenses \$1,870.24. Net Income \$3,742.76.

Motion to accept - Terry.

Second - Joyce.

Vote - Unanimous - Motion passed.

Old Business/ Action Items

1) Petition for sidewalks from Silver Oaks to DMS, Discussion.

Motion to table- Terry

Second - Tom

Vote - Unanimous - Motion passed.

2) Liens for two homes filed in June for unpaid dues remain unsatisfied. OPEN

3) Waiting on funds to replace stop signs. PENDING

- 4) Follow-up to 5831 Buckskin Court. (attachment # 1) PENDING
- 5) Letter to Okaloosa County Sheriff's Department. (attachment # 2)
 Motion to accept - Tom
 Second - Joyce
 Vote - Unanimous - Motion passed.
- 6) Pro-Built, NOW Triple R Construction. Status unknown.
- 7) Staining ^{Stains} wood bridges, received two quotes, waiting on certificate of insurance and copy of license.
- 8) Campbell's complaint on lot # 32-4N-23-2233-000A- 0380. PENDING
- 9) Mailboxes - Waiting for additional parts. PENDING
- 10) ARC - Lee reported that 5851 Calumet Court will be planting scrubs when the weather improves. 2608 Palamino Trail has submitted ARC package. PENDING
- 11) ^A Thank you notes sent to all homeowners that are no longer in violation.
 Sent registered first letters to on 2-14-09 to the seven homeowners still in violation. Submitted for approval a second letter to be sent on 3-14 -09 to remaining homeowners still in violation. (attachment # 3) ^{1/1-08} Per discussion United States Post Office ' Certificate of Mailing ' to be method of delivery.
 Motion made to accept letter as written - Joyce
 Second - Terry
 Vote - Motion carried. Lee Sterman went on record that he opposed.

New Business

- 1) Community Yard Sale Phase I & II April 18, rain date April 25th. Ads to be placed in local Newspapers. Sign will be placed at front entrance one week prior to sale.
 Signs will placed throughout neighborhood the morning of Sale. FYI
- 2) Next newsletter to include a request for homeowners to help us update the neighborhood directory. FYI
- 3) Discussion of lawn contract and mowing of retention ponds. PENDING
- 4) Discussion took place regarding a complaint made to SOHOA regarding a barking dog kept at 5849 Calumet Court. ALL DOGS BARK. Since barking is during the day the homeowner is probably not home and unaware.
 Motion to send a neighborly letter to homeowner - Lee
 Second _ Tom
 Vote - Unanimous - Motion passed.
- 5) Joyce reported that there was not a Yard of the Month for March but there will be one for April. After discussion the Board talked about suspending Yard of the Month for January and February.
 Motion - Yard of the Month to be March through December - Joyce
 Second - Tom
 Vote - Unanimous - Motion Passed.
- 6) Clarification of two SOHOA C&R. regarding Signs and Inoperable Vehicles.
 PENDING

7) Barbara, referencing letter from attorney dated March 22, 2004 (attachment #4) recommends SOHOA Board draft written ' Standards and Guidelines' for the ARC review process.

Motion to accept Barb's recommendation - Joyce

Second - Margo

Vote - Unanimous - Motion passed. (*note Lee Sterman absent for vote*)

Motion to adjourn - Margo

Second - Joyce

Adjourned - 8:15 PM

* attachment (4)



Silver Oaks Subdivision, Phase I, Home Owner's Association
P.O. Box 1542
Crestview FL 32536
March 9, 2009

Mr. William Erb
5831 Buckskin Court
Crestview, FL 32536

Dear Mr. Erb,

In May 2008 you made an appearance before the Board regarding the erection of a shed on your property without the Architectural Review Committee's approval. At that meeting nothing was resolved.

We then followed up in writing. As of today we have received nothing in writing from you in reference to our 12 July 2008 letter, or our 12 December 2008 letter, resent to you by way of FedEx on 20 January 2009, along with a letter dated 20 January 2009, all letters asking you to comply with the Covenants, Conditions, and Restrictions of Silver Oaks Owners Association Phase 1. You did call me after receipt of the 12 July letter telling me that you were experiencing personal problems and that you would take care of it ASAP.

We requested in those previous letters that you would send an initial package to our Architectural Review Committee with the required \$50.00 application fee stating size of shed, where it will be placed, and what type of fencing and/or what type of shrubbery will be used to conceal the shed to meet the requirement of Article VIII, Section of our Covenants, Conditions, and Restrictions.

The Grievance Committee and the Board would like closure on this matter, which has been going on now for almost a year. We as a Board have followed the advice of our Association Attorney as outlined in a policy letter he wrote.

If you feel that you do not have to follow the Covenants and Restrictions of Silver Oaks Phase 1, we invite you to meet with the Grievance Committee in a Public Place, preferably before or after the monthly Board Meeting.

At this time the Board is agreed on sending this matter to the Association Attorney for Resolution after the 14 April Board Meeting, if said package has not been presented to the Board and the fencing/shrubbery are not in place.

Please be aware that you will be responsible for any legal monies incurred by the Association while pursuing this matter.

We ask that you reply to this letter in writing as to your intent by 7 April 2009 and if you have any questions about this matter I would be happy to help. I'm at 423-0996.

Respectfully,

For the SOHOA Grievance Committee



Silver Oaks Subdivision, Phase I, Home Owner's Association
P.O. Box 1542
Crestview FL 32536

March 11, 2009

Sheriff Edward Spooner
Okaloosa County Sheriff's Dept.
52nd Street
Shalimar, FL 32579

Dear Sir:

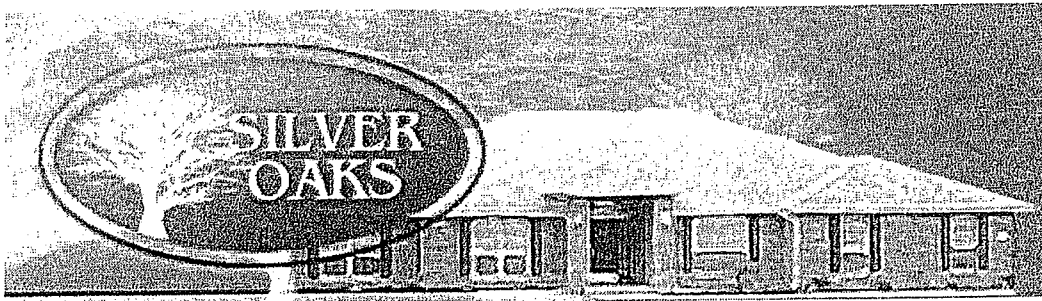
Per the request of Ashley Bailey of the Okaloosa Sheriff's Department. This letter reflects the intent of the Phase I, Silver Oaks Homeowner's Association to prosecute violators for damage, destruction and theft to Phase I, Silver Oaks "Common Area" property at the above address. Thank you,

For the Board of Directors

Barbara Cole
Barbara Cole, President

Silver Oak's Phase I, Homeowner's Association

ATTACHMENT #2



Silver Oaks Subdivision, Phase I, Home Owner's Association
P.O. Box 1542
Crestview FL 32536

March 14, 2009

John Doe
2222 Hollywood Blvd.
Hollywood, FL 22222

Dear John Doe,

On February 14, 2009, we sent you a certified letter referencing your garbage/trash can exposed to the street and neighbors. Also included was a copy of a reminder letter that was sent in January.

Article VIII, Section 2, tells us garbage cans shall be concealed from view of neighboring building, common areas and the street. Article IX, Section 10, says in part, " All garbage shall be kept in sanitary containers which are hidden from view except on collection days."

Please let us know in writing before the April 14, 2009 meeting, what your intentions are and when you plan to have this matter resolved.

If you have any questions on this, I can be reached at (850) 682-5283 or franzcole@cox.net.

For the Board of Directors

Barbara Cole
President, Silver Oaks Phase I, Homeowners Association

ATTACHMENT #3

LAW OFFICES
CHESSEY & BARR, P.A.

3 MICHAEL CHESSEY
HARRY E. BARR***
KAREN L. ARNETT*
LOUIS L. LONG, JR.
LESLIE D. SHEEKLEY
CHRISTA L. SWANICK
OF COUNSEL
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JEROME A. ZIVAN**

1201 EGLIN PARKWAY
SHALIMAR, FLORIDA 32579
(850) 651-9644
FAX (850) 651-6084

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

ATTACHMENT #4

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:\dmclSilver Oaks HOA\Shepherd ltr 3-22-04.wpd
 09:47:57

6/18/2005

CONFIDENTIAL
 ATTACHMENT #4

6/18/2005