

# Lake Asbury Lake Lot Owners Association Board Meeting Minutes

February 15, 2021

\*Meeting Scheduled Start Time: 6:30pm

Location: Lake Asbury Community Center (Next to the Branscomb Rd Fire-Station)

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All in attendance are asked to follow CDC COVID-19 recommended protocols and practice social distancing.

Call To Order: (Russ Jones) 6:35 pm

- **Pledge of Allegiance to the Flag and Opening Comments**
- **Roll Call**
  - Russ Jones (Chair) P
  - Kay Manly (Treasurer) P
  - Mark Wantage (Secretary) NP
  - Troy Rankin P
  - Chris Russel P
  - Brian Ruiz NP
  - Jacky Bently P
- **Approval of January Meeting Minutes**
  - Motion to approve Jones, 2nd Russell, 5-0-2
- **Treasurer's Report**
  - Treasurer's Report including Account Activity and Delinquency Report
  - Bank Activity
  - LALLOA Member Annual Invoice
  - Motions to approve checks # 1542, 1543, 1544, 1545, 1546 Jones, 2nd Russell, 5-0-2
- **By-Laws and Covenants**
  - The Marketable Record Title Act (MRTA)
    - **Members Signature Status**
      - Total number of LALLOA member properties (lots): 448
      - Consent form Threshold for filing 50% plus 1: Target # 224; Collected # 246
      - 98% lots are deeded with a correct description
      - 14 lots were identified as a historical description of "Branning Grant". Russell researching warranty deeds to identify unit and plot for these properties
      - 3 different companies funded lots originally developed as Lake Asbury. Had to follow back to the original deeds to make right.
      - All lots need to be filed correctly when we submit.
    - **Next Steps**
      - Mailing estimate for mailing to homeowners who did not return their MRTA consent forms between \$1500- \$1800.

- Ck approved for printing \$1,600 - \$1,800 (Sir Speedy)
  - Ck approved for postage \$1,500 - \$1,600 (USPS)
- Documents recording on the first 3 pages as \$8.50 for first 3 pages, then \$1.00 per page. It will take \$1000 recording fees to file with the state of Florida. Manly to get final pricing.
- Given March 1 to be done with printing and mailing
- Lawyer needs to be done asap
- Website has been updated with new files
- Consent form threshold filing 50% + 1; Target 224, collected 248
- **Carryover business:** (*Russell Jones*)
- **New Business:** (*Russell Jones*)
  - Addressing the concern over the use of the example of another (not LALLOA) Homeowners Associations use of a “Fine Policy up to \$1,000”.
- **Plan Review Committee:** (*Brian Ruiz: Committee Chairperson*)
  - As presented at meeting
- **Public Comments:** (*Russell Jones*)
  - 3 homeowners turned in slips with questions
    - Ronald Jones: “ I have my original covenant and restrictions paragraph 1 (Renewed every 10 years as formerly.” We are going back to /utilizing the original documents. “Covenant and restrictions filed December 21, 2009 paragraph 1 same.” The “2009” documents should not have been filed. Once the realization is complete, our attorney will address the next steps.  
“When did the vote take place to replace the original?”
    - Crystal Manner: “Clay County is not keeping up w/ easement maint “keeping weeds cut down etc silting pond is filling up w/ trash and growth. Drain clogged Dam is deteriorating/eroding. If not cleaned it will BUST SOON!!!” Will contact the county and \_\_\_\_\_ into issue. Drainage is an issue that will need to be addressed. Homeowners also need to call the county to help resolve issues.
    - Michael Bunn Please see exhibit 1. Each question was answered and explained on subject that we were going to the original deeds and some comparisons were made that shows we were. Jones explained that we needed to complete the MRTA, then address areas of need.
- **Adjournment:** (*Russell Jones*)
  - Meeting closed at 7:50pm

Exhibit # 1  
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Questions for the February 15<sup>th</sup> LALLOA meeting.

Submitted By: Michael Bunn 231 Arthur Moore Dr. Green Cove Springs FL, 32043

What rules will be followed by the LALLOA when voting for new rules?

- COI 1975\_ Article Eight, By-laws shall be made, altered or rescinded by two-thirds vote of the members of the association present at any meeting called for such purpose after proper notification.
- COI 1975\_ Article Nine, these articles of incorporation may be amended by proposal by vote of the majority of the board of directors at any meeting called for such purpose, and adopted by vote of three-fourths of the member present at any meeting called for such purpose after proper notification.
- By-laws 2001\_ Article VI, Sec #4, Special assessments, dues and fees may be levied only upon approval by two-thirds vote of total member membership, such vote being recorded in properly called meetings.
- By-Laws 2001\_ Article I, Section #4, rule E, The purpose of this board is (e) To aid and cooperate with members of the association and all property owners in said tract in the enforcement of such conditions, covenants, and restrictions on and appurtenant to their property as are now in existence as well as any other conditions, covenants and restrictions as shall hereinafter be approved by two-thirds (2/3) vote of membership present at a duly called meeting of the membership for said purpose and council with the county commission, Clay County, FL, having jurisdiction in the matters of public roads, zoning and other matters which may affect any or all of the subject property.
- Restrictive Covenants\_ These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1990 at which time all covenants shall be automatically extended for successive periods of (10) years unless vote of a majority of the then owners of the lots, it is agreed to change said covenants in whole or in part?

re the plans for this board to put forth an amendment to Article VI for Fees, Dues and assessments while they are in office?

re the plans of this board to create a Violations committee? If Yes, what fees will be enforced by the committee with the existing rules, By-Laws, Covenants? ~~\_\_\_\_\_ will be enforced~~  
~~but section of question #1 will think and see to pass new amendments to existing rules~~  
~~\_\_\_\_\_~~

Does FS-720 supersede any of the LALLOA By-Laws, Rules, or Covenants? If so what will have be changed?

Exhibit # 1

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# 3  
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5. Below was a statement made in the August 2020 meeting. It was to be addressed in the September meeting but was not (No Meeting Minutes on the issues below taken). Have these issues been addressed? Are most of these issue legal issues that should be taken up with the county/Sherriff dept./FWC? Is there any reason that new rules created by the LALLOA would be any more efficient than County and State law?

- HOA must work to protect property rights
- Properties with large trailers
- Properties with multiple sheds
- Junk piles in yards
- Several businesses being run out of residences (i.e. construction, auto, vacation rentals)
- Overloaded boats on lake and Kids on jet skis trying to hit wildlife
- Are property Owners liable for an accident on the lakes
- Concerned over the apparent lack of enforcement of rules
- Shooting ducks and turtles in lake
- Building out property beyond property line into lake (Theft of LALLOA community property)
- Silt from County culverts filling in (clogging) inlets
- Rules and county codes must be enforced or conditions will only get worse

6. If the members vote to not reinstate the LALLOA will the MSBU have the ability to take over the property owned by LALLOA? If yes will that allow our lake to remain private due to the additional taxes we pay to the MSBU?

7. Can the consent forms be rewritten in a manner that does not allow changes to our existing By-Laws and Covenants?

8. If these questions can't be answered is the board of directors willing to make a motion to suspend the signature count submission until the board of directors and the members have enough information to make an informed decision on whether to sign the consent forms?