

**RIVIERA DUNES MASTER ASSOCIATION**  
**Thursday February 11, 2021 @3PM**  
**Laguna Clubhouse 614 Riviera Dunes Way**  
**Palmetto, FL 34221**

- I. **Called to Order** – The President Shay Hawkinberry call the meeting to order at 3PM.
- II. **Quorum Present** - Proof of quorum Directors- Shay Hawkinberry, Deborah Sperry, Drew Denick, Gary Schuster, Saul Fineman and Ken Johnson & (Rob Hartwell, Karen Maller-RDM- Association Attorney) via Zoom.

The Community Association Presidents were present as well as other residents of Riviera Dunes. (see meeting audio).

- III. **Proof of Notice** – was mailed and posted accordingly to FL State Statues
- IV. **Approval of Minutes** – Motion made by Drew Denick to approve 2020 Minutes & January 21, 2021 Minutes. Motion carried unanimously.
- V. **Officer Reports** – NONE
- VI. **New Business**

- A. Financial – Deborah Sperry reported Board received detailed General Ledger & Financials electronically.

1. 7820 Legal – Over by \$41K
2. 3990 Operating Fund Balance - \$8,770.54
3. Reserve Accounts - \$457,512
4. We are looking into replacing both accounts for 1021 RES Center State & 1022 RES BB&T. The senior accountant believes can do better on interest rates and will be making calls on our behalf to get the recent rate quotes. I will provide an update at the Board meeting.
5. Outstanding Assessments – Every has paid but Laguna & Hammocks.
6. Late Fee's – Motion made by Deborah Sperry to "Wave all Late fee's" till resolution on assessments have been resolved. Drew Denick 2<sup>nd</sup> & motion carried unanimously.
7. Drew Denick brought several accounting issues to the attention of the board and Deborah Sperry will work with Sr. Accountant for resolution.
8. Shay Hawkinberry discussed researching the Submerged Easement Loan whereby approximately \$25K was borrowed from the Reserve Account, transferred to the Operating Account to cover the short fall. We are currently researching this Cross Utilization Process with Argus to see if this was paid back into the Reserve Account.



- B. Over Assessments – Shay Hawkinberry discussed the legal opinion provided by Karen Maller to correct the mistakes made by C&S to Bel Mare, Laguna & GDAWG.

***The Sixth Amendment to the Master Declaration Paragraph 14, Section 5.05(a) IN THE EVENT THAT A PARCEL IS DEVELOPED AND INDIVIDUAL LOTS OR CONDOMINIUM UNITS ARE CREATED ON SUCH PARCEL, UPON ISSUANCE OF CERTIFICATE OF OCCUPANCY...THE PARCELS INDEX POINTS IN REGARD TO SHARE OF COMMON EXPENSES SHALL NOT LONGER BE COMPUTED BASED UPON ACREAGE BUT SHALL THEREAFTER BE COMPUTED ON THE BASIS OF ONE INDEX POINT PER LOT OR CONDOMINIUM UNIT DEVELOPED.***

Presidents, Laguna-Jim Bailie, Bel Mare- Keith Grady, GDAWG-Gino Sedillo all present. Deborah Sperry made a Motion to accept the kind generosity of all 3 Presidents for asking to "Forgive & Forget on the amounts owed". All 3 Presidents would like this correction made immediately and corrected moving forward for 2021. Motion 2<sup>nd</sup> by Saul Fineman & carried. Note: Gary Schuster- Marina did not vote.

Karen Maller-Association Attorney will prepare a release for signatures.

- C. Common Area Maintenance - DEFERRED as the Homes President was not present.
- D. Delegate Spreadsheet Error – Shay Hawkinberry read out loud the Correction Resolution prepared by Karen Maller-Association Attorney. This was a clerical error made by C&S. The Delegates Drew Denick (Homes) & Rob Hartwell (Hammocks) were in the wrong slot on a spreadsheet representing opposing Associations. Motion was made by Shay Hawkinberry to accept the Correction Resolution. 2<sup>nd</sup> by Deborah Sperry, motion carried unanimously.
- E. Re-Record Incorrect Third Amendment – Deborah Sperry presented a clerical error, where presently there are (2) Third Amendments. The correct Third Amendment is dated April 4, 2003. The incorrect Third Amendment is dated August 16, 2005 and should be titled as Fifth Amendment. Motion was made by Deborah Sperry to have Karen Maller-Association Attorney correct the clerical error via an affidavit. 2<sup>nd</sup> by Saul Fineman motion carried unanimously.
- F. Bylaw Amendment Draft – Shay Hawkinberry presented a draft Bylaw Amendment. She opened this item up for OPEN Audience discussion. Karen Maller-Association Attorney will revise language and send it back for review.
- G. Dispelling Rumors – Shay Hawkinberry and Gina Sedillo assured everyone present that there is no LOW-INCOME Housing or SECTION 8 Housing ever going on the land that GDAWG owns.
- H. Sheraton Hotel & Roundabout Update – Shay Hawkinberry provided an update from Palmetto Mayor/Shirley Bryant. The Hotel has stopped as they are unable to get financing. They roundabout will not be built.

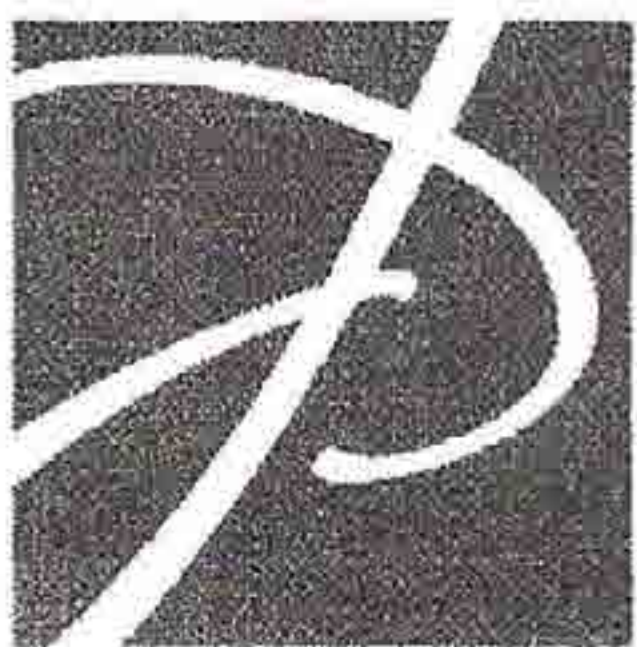


**I. OPEN DISCUSSION & QUESTIONS:**

- 1. Jim Bailie – Formal request for records. The Master Association provided all the requested 2020 documents he asked for “except for the Closed Meeting Minutes.” We can-not provide the closed meeting documents based on FL Statue 720.**
- 2. Conflict of Interest Discussion – clarification was asked regarding both Legal Teams.  
Karen Maller – Master Association Attorney  
Andre Perron – Barns & Walker Association  
Gino Sedillo – Signed a legal release to wave any conflict.  
Conclusion= there is NO Conflict of Interest**
- 3. Marina Voting & Assessment Discussion  
Deborah Sperry read the January 21, 2021 minutes to prove that no action was taken at this meeting. Shay Hawkinberry presented documents provided by C&S dated November 9, 2006. The documents provided the original intent for the Marina.**
- 4. Barnes & Walker Legal – We have not received the requested legal opinion to review Laguna’s attorney legal opinion as of February 11, 2021. Shay Hawkinberry will check on status.**
- 5. Draft Amendment - needed to fix the ambiguous language.  
Motion was made by Drew Denick to have Karen Maller-Legal work with the RDMA executive team, to draft an Amendment to fix the ambiguous language, address acreage (Property Appraiser Website) and address the Marina by using (Taxable Slips). 2<sup>nd</sup> by Deborah Sperry, motion carried unanimously.**

**Meeting adjourned at 5:30PM.**





**JOHNSON  
POPE  
BOKOR  
RUPPEL &  
BURNS, LLP**

COUNSELORS AT LAW

TAMPA ■ CLEARWATER ■ ST. PETERSBURG

490 1<sup>st</sup> Avenue South, Suite 700  
St. Petersburg, Florida 33701

Telephone: (727) 999-9900  
Facsimile: (727) 800-5981  
Email: [ryang@jpfirm.com](mailto:ryang@jpfirm.com)

Karen E. Maller

File No.: 149937

May 20, 2021

**Via: Regular US Mail**

Deborah Sperry  
130 Riviera Dunes Way #1103  
Palmetto, FL 34221-7112

**Re: Riviera Dunes Master Association, Inc.**

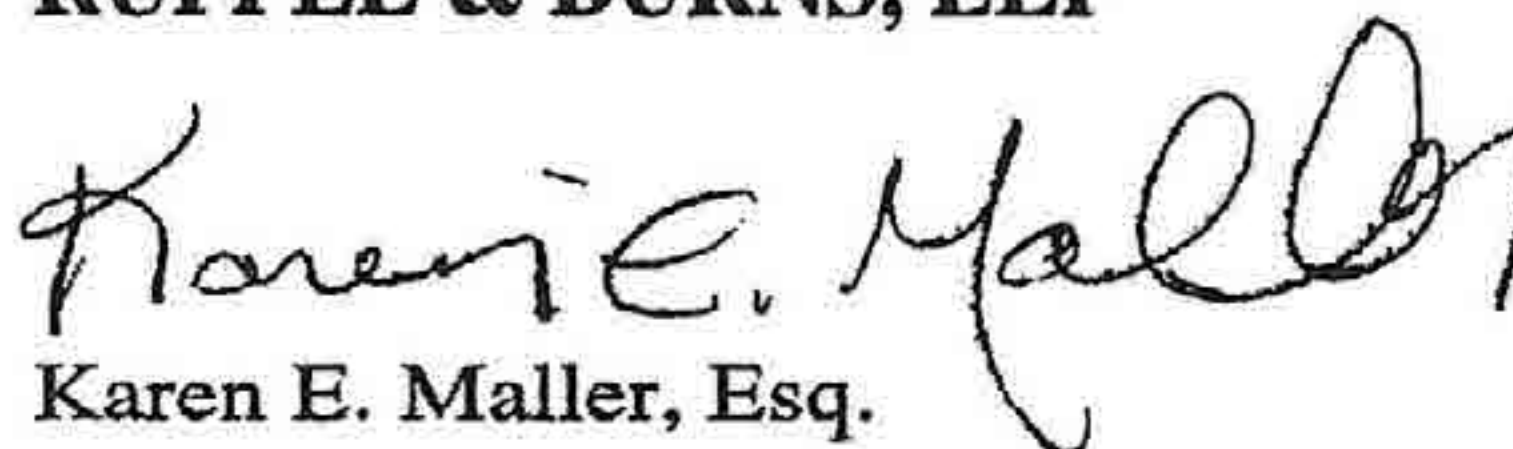
Dear Ms. Sperry,

Enclosed please find Notice of Acceptance of the Resolution Entitled "RIVIERA DUNES MASTER ASSOCIATION, INC. RESOLUTION TO CLARIFY HISTORICAL VOTES OF THE TWO VOTING DELEGATES FOR THE SINGLE-FAMILY HOMES OF RIVIERA DUNES HOMEOWNER'S ASSOCIATION, INC. AND HAMMOCKS AT RIVIERA DUNES ASSOCIATION, INC." together with the original Resolution executed by you, Andrew Denick and Robert Hartwell and a copy of the February 11, 2021, meeting minutes.

Please retain these documents as part of the corporate records of the Association.

Sincerely,

**JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS, LLP**

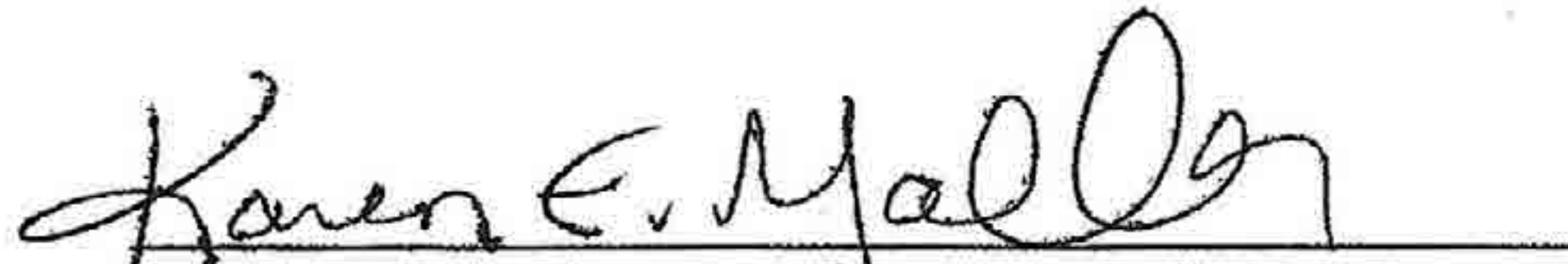
  
Karen E. Maller, Esq.

KEM/sw  
Enclosures



**NOTICE OF ACCEPTANCE OF THE RESOLUTION ENTITLED "RIVIERA DUNES  
MASTER ASSOCIATION, INC. RESOLUTION TO CLARIFY HISTORICAL VOTES  
OF THE TWO VOTING DELEGATES FOR THE SINGLE-FAMILY HOMES OF  
RIVIERA DUNES HOMEOWNER'S ASSOCIATION, INC. AND HAMMOCKS AT  
RIVIERA DUNES ASSOCIATION, INC.**

The attached Resolution was approved on February 11, 2021 at the open Board meeting of Riviera Dunes Master Association, Inc. The Resolution was thereafter executed by the Secretary and acknowledged by both Andrew (Drew) Denick and Robert (Rob) Hartwell as being accurate. Following the change in the Board officers, the Resolution was not signed by the former president, Shay Hawkinberry. However, as documented in the February 11, 2021 Meeting Minutes, Shay Hawkinberry acting as President and as a Board Member proposed the Resolution and approved the Resolution. Therefore, this Resolution, having been properly voted upon, shall become a part of the Official Records of Riviera Dunes Master Association, Inc. and shall be controlling.

A handwritten signature in black ink, appearing to read "Karen E. Maller", written over a horizontal line.

Karen E. Maller, Esquire  
As Agent and General Counsel for  
Riviera Dunes Master Association, Inc.



**RIVIERA DUNES MASTER ASSOCIATION, INC.**  
**RESOLUTION TO CLARIFY HISTORICAL VOTES OF THE TWO VOTING**  
**DELEGATES FOR THE SINGLE-FAMILY HOMES OF RIVIERA DUNES**  
**HOMEOWNER'S ASSOCIATION, INC. AND THE HAMMOCKS AT RIVIERA DUNES**  
**ASSOCIATION, INC.**

BE IT HEREBY RESOLVED, by the Board of Directors of Riviera Dunes Master Association, Inc. (the "Master Association") as follows:

1. The Board of the Master Association is comprised of seven (7) members as follows:
  - a. Two (2) Directors owning single-family residential homes or townhomes,
  - b. Three (3) Directors owning Condominium Units (whether multi-family or marina units),
  - c. One (1) Director owning commercial and/or vacant parcels,
  - d. One (1) at large Director elected by all Delegate voters.
2. It has come to the attention of the Board that while under the direction and guidance of C&S Community Management Services, Inc., there was an error made as to the delegate representatives voting for single-family homes and townhomes.
3. The error made by C&S Community Management Services, Inc. occurred in 2018 when Pete Miranda replaced Coby Gaulien as the representative voting member for the single-family homes after Coby Gaulien sold him home located within the Homes of Riviera Dunes Community.
4. The purpose of this Resolution is to confirm that the error is being corrected and that the appropriate representatives are being identified for the Homes of Riviera Dunes Homeowners' Association, Inc. and the Hammocks at Riviera Dunes Association, Inc.
  - a. The delegate voter for the Homes of Riviera Dunes Homeowner's Association, Inc. is Andrew (Drew) Denick.
  - b. The delegate voter for the Hammocks at Riviera Dunes Association, Inc. is Robert (Rob) Hartwell.
5. All votes cast by the representatives referenced in Paragraph 4 above shall be recognized as having voted on behalf of the correct entity by joinder of this Resolution. Specifically, Andrew (Drew) Denick and Robert (Rob) Hartwell acknowledge and consent to the correction in the past records so as to reflect that they each should have been recognized as voting for the following:

- a. Andrew (Drew) Denick - Homes of Riviera Dunes Homeowner's Association, Inc.;

AS  
ad



b. Robert (Rob) Hartwell - Hammocks at Riviera Dunes Association, Inc.

Adopted by the Board of Directors of Riviera Dunes Master Association, Inc on this  
11 day of February, 2021. 


Riviera Dunes Master Association, Inc

Riviera Dunes Master Association, Inc

By: \_\_\_\_\_

President

Print Name: \_\_\_\_\_

By: 

Secretary

Print Name: DEBORAH SPERRY

I, Andrew (Drew) Denick, hereby join and consent to this Resolution.

Date: 2/18/21

Signature: 

I, Robert (Rob) Hartwell, hereby join and consent to this Resolution.

Date: 5-12-21

Signature: 