



## RIVIERA DUNES MASTER ASSOCIATION INC.

Property Manager-Castle Group 6311 Atrium Drive, Suite 209 Lakewood Ranch, FL 34202

### Board of Directors Organizational Meeting Minutes

Wednesday, March 30<sup>th</sup>, 2022

Laguna Clubhouse- 614 Riviera Dunes Way Palmetto, FL 34221

#### Call to Order

The meeting was called to order at 10:38 a.m. by Saul Fineman, remaining officer as Secretary.

#### Certifying of Quorum

Megan Heins certified the presence of a quorum with the following Board Members present: Morris Mencini, Jim Law, Jimmy Stuart, Saul Fineman, Art Mombert, Michael Averbuch and Shay Hawkinberry.

**Proof of Notice:** The meeting notice was posted onsite in accordance with Florida Statue 720.

#### Election of Officers

- Motion by Art Mombert, seconded by Jimmy Stuart to appoint Morris Bencini as President  
All were in favor. **Motion Passes.**
- Motion by Morris Bencini, seconded by Jimmy Stuart to appoint James Law as Vice President  
Morris Bencini, Jimmy Stuart, James Law, and Art Mombard were in favor. Opposed: Shay Hawkinberry, Michael Averbuch, and Saul Fineman. **Motion Passes.**
- Motion by Jimmy Stuart seconded by Morris Bencini to appoint Art Mombert as Treasurer



## RIVIERA DUNES MASTER ASSOCIATION INC.

Morris Bencici, Jimmy Stuart, James Law, Art Mombert, and Saul Fineman were in favor.

Opposed: Shay Hawkinberry and Michal Averbuch. ***Motion Passes.***

- Motion by Saul Fineman, seconded by James Law to appoint Saul Fineman as Secretary

All were in favor. ***Motion Passes.***

### Bank Signature Cards & Resolutions

- Motion by Saul Fineman, seconded by Jimmy Stuart to appoint Morris Bencini as signer # 1.

All were in favor. ***Motion Passes.***

- Motion by Art Mombert, seconded by Morris Bencini to appoint James Law as signer # 2. All were in favor. ***Motion Passes.***

- Motion by Morris Bencini, seconded by Jimmy Stuart to appoint Art Mombard as signer # 3.

All were in favor. ***Motion Passes.***

### Treasurer Report

Attached.

### Security Report

Attached.

### Legal Committee Report

Attached.

**New Business-** N/A



## RIVIERA DUNES MASTER ASSOCIATION INC.

### **Adjournment**

With no further business the meeting adjourned at 11:15 A.M. Motion made by Morris Bencini.

Seconded by Jimmy Stuart. All were in favor. ***Motion passes.***

DRAFT

# RDMA Treasures Report

12-31-2021

The December 31, 2021, un-audited version Year End Financial Statements (enclosed) have been received. The highlights include:

## Collections Balance Summary:

***AS OF DECEMBER 2021, THERE WERE NO DELIQUENT ACCOUNTS 😊***

## Current Assets

- Operating Accounts (\$14,135.85)
- Reserve Cash Accounts \$455,556.45

## YTD Expenses vs Budget

The majority of all Accounts are within the YTD Budgets:

Overall total Actual expenses YTD = \$118,638.27 and YTD Budget = \$79,737

negative variance = (\$38,901.27)

Legal continues to be the reason for the overage.

1. 530110- Legal/Professional = YTD expense is \$50,273.70 vs \$12,000 Annual Budget. Negative variance = (\$38,273.70).

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## ***AS OF JANUARY 2022 – NO DELIQUENT ACCOUNTS***

## Current Assets

- Operating Accounts \$2514.68
- Reserve Cash Accounts \$455,568.69

## YTD Expenses vs Budget

- All Accounts are within the YTD Budgets:
- Overall total Actual expenses YTD = \$11,425.72 and YTD Budget = \$13,478
- Positive variance = \$2,672.90
- Acct 701160 Mangrove Trimming is once a year expense.

## RIVIERA DUNES MASTER ASSOCIATION

### SECURITY REPORT

#### Barrier Float Installation Update – approved at 1.5.2022 RDMA Board Meeting



Attached are pictures of the barrier float installation that was completed (Monday, March 7, 2022). The Marina has installed 18 of the 22 floats that were ordered. The Marina will observe the installation through both low and high tide cycles and will make any adjustments if needed as well as store the remaining four floats until needed for replacement if damaged. Also installed the “Slow No Wake” buoys. RDMA would like to thank Bill Chamberlain for coordinating and supervising the installation of the Barrier Floats. Total Costs = \$5555.26

Security Reserve G/L Acct. #300115 as of 1/31/2022 balance = \$45,000.21

Prepared by Deborah Sperry

## RIVIERA DUNES MASTER ASSOCIATION

### SECURITY REPORT

**Saturday, March 5, 2022, The Lights around the Bel Mare Pond were vandalized once again.**

Every repair to these lights cost approximately \$1000 depending on damage.



The LINK-S-DARK from SPYPOINT marries two of the most innovative features, the onboard solar charging system and HIT flash system, into 1 cellular camera.

Costs = Camera \$300 + Cell line \$120 + install \$250/hr = \$670

Security Guard will monitor.

Security Reserve G/L Acct. #300115 as of 1/31/2022 balance = \$45,000.21

Prepared by Deborah Sperry



## RIVIERA DUNES MASTER ASSOCIATION

### SECURITY REPORT

**Sunday, February 6, 2022, The Irrigation Lines around the Bel Mare Pond were cut in multiple places.**

The expense association with this damage was approximately \$500.00



2022 year continues to be a Security challenge for all Neighborhood associations. They amount of theft and damage continues to climb in the first quarter of 2022. In a proactive effort to try and prevent more Security issues, The Homes & Laguna are removing the code boxes from the Walking gates and moving to a Key Card System. All neighborhood “walkers” are still welcome but will need to contact AMI to get the first code card for free. All entries in & out of the neighborhoods will be monitored moving forward.



Security Reserve G/L Acct. #300115 as of 1/31/2022 balance = \$45,000.21

Prepared by Deborah Sperry

**CASE NO: 2021CA002110AX Riviera Dunes Marina vs Riviera Dunes Master**

- 5.21.2021 Marina filed Lawsuit against RDMA, and it was served at 1:00PM on 5.28.2021. Filing # 127316453 COMPLAINT FOR REFORMATION & DECLARATORY RELIEF. Steven Mezer Esq. Becker & Poliakoff.
- 6.17.2021 CASE NO:2021CA002110AX Filing #128972549 -RDMA Joseph Riopelle/ Boyd Law Group - filed Motion to Dismiss asserting that the matter should have been mediated before litigation filed and that the Marina did not hold vote via the Boat Slip owners as they have not been notified.
- 6.18.2021 CASE NO:2021CA002110AX Filing #129031331 -Marina filed Motion for Court Ordered Mediation
- 10.18.2021 1<sup>st</sup> Mediation: Riviera Dunes Marina Condominium vs Riviera Dunes Master Association - Mediator is former Judge Gregory Holder.
- 10.29.2021 2nd Mediation: Riviera Dunes Marina Condominium vs Riviera Dunes Master Association - Mediator is former Judge Gregory Holder. NOT SUCCESSFUL. Attorneys inform us that we are at an IMPASS. They are concerned with the holidays coming we will not be able to get back to court till MAR or APR 2022.
- 11.17.2021 Continued discussions: As advised and encouraged by our Mediator former Judge Gregory Holder Deborah Sperry-RDMA President, Drew Denick-RDMA VP, Michael Harris-Marina President & Barry Allen – Marina VP held a discussion at Barry Allen’s home 110 12th Ave. East, Palmetto FL from 3-5pm.
- 2.4.2022 @ Drew Denick’s home 203 12th Ave. East, Palmetto FL from 1-3pm.
- 3.3.2022 CASE NO: 2021CA002110AX Filing #129031331 – Defendant, RIVIERA DUNES MASTER ASSOCIATION, INC. files Notice of Withdrawal of Defendant’s Motion to Dismiss Complaint filed on June 17, 2021.

**2022 -NEW BOARD DECISIONS**

To date, no action is required by our Board.



**2022 Report Summary -W.C. Riviera Partners L.C.****BACKGROUND**

April 2021, The RDMA attorney's Karen Maller & Jim Powell, were contacted by Attorney Travis Rentz-representing the EPOCH Apartment Developer, Justin Sands. During the diligence on the Commercial property, owned by GDAWG, they discovered 3 parcels presently in W.C. Riviera Partners, L.C. (Linda Svenson-President) name. This company has been inactive since September 25, 2009. Ownership of these parcels became an issue as EPOCH was working with the City of Palmetto on specific project deviations and needed road and easement access to the parcels in question. The EPOCH attorney brought up several issues regarding the Master Associations responsibilities for maintenance and upkeep related to the "strip of land on US 41" and the other parcels as well as liability for Declarant rights Linda Svenson may still have as a landowner.

**LEGAL MASTER ASSOCIATION – DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS & EASEMENTS**

*Pursuant to the Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, which were originally prepared with Linda Svenson involvement as a participant of W.C. Riviera Partners, L.C., the Common Property was identified in Article 4 of the Declaration. Section 4.04(b) specifically states that the Declarant is to "...transfer the Common Property to the Master Association not later than ninety (90) days after the Turnover Date 2008...". Section 4.04(b) further states that the transfer shall be free and clear of all liens and encumbrances except ad valorem taxes for the year in which the transfer takes place, along with other provisions in the Declaration and easements. The conveyance is to be by a "fee simple deed". The Declaration further provides the Master Association with the right to enforce this provision by specific performance after thirty (30) days' written notice to the Declarant.*

As a cost effective and proactive effort to correct this "oversite" from Turnover in 2008, the Master Association Board (5/17/2021) approved Attorney Karen Maller to prepare 3 Quit Claim Deeds for Linda Svenson signature on May 17, 2021. Deborah Sperry-RDMA President also emailed the 3 Quit Claims the same day.

**PRESENT STATUS**

Linda Svenson initially resisted signing indicating she needed to get City and FDOT approvals. In November 2021, Linda states she is ready to sign but is NOT willing to sign for all parcels. Linda refuses to transfer Parcel ID #3133700559, areas outside 7-11 parcel along Hwy 41/301 and Haben Blvd as she claims she has not heard from FDOT. Almost a year later, as of today, Linda Svenson still has not signed the 3 Quit Claim Deeds. February 2022, Karen Maller forwarded over all documentation to Lobeck & Associates firm.

Since November 2021 our request to consult with City of Palmetto Planning-Roads staff has fallen silent. We do know that Linda Svenson has NOT maintained any records relating to Utility inspection reports for Storm Sewer lines/Cleaning and CCTV records along with Sidewalks and Roadway Pavement Maintenance records.

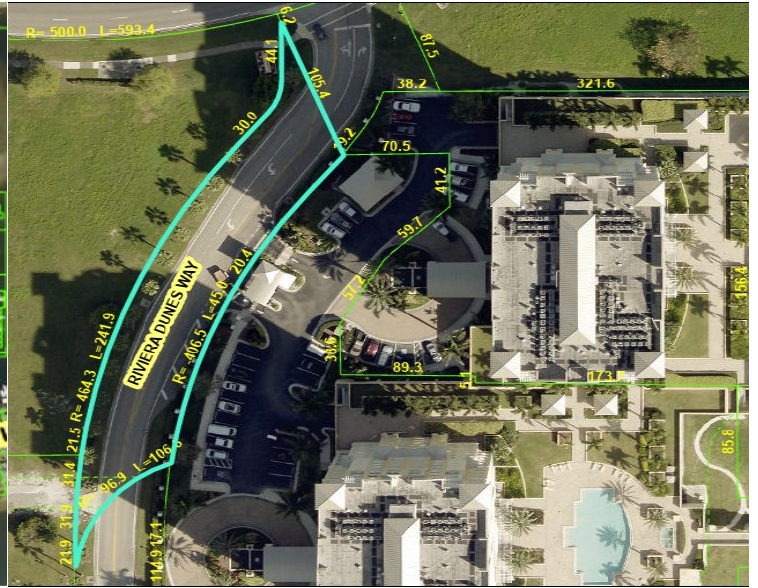
The Planning staff has REFUSED to meet with our Association to help us find out any information and responded back via email to go through our Attorney Dan Lobeck. Lynn Daniel-Homes President shared Superior Asphalt costs from fall 2020 regarding paving of all the roads (est. \$173K) for the Island. 1<sup>st</sup> Street & Riviera Dunes Way are shorter length.

**2022 -NEW BOARD DECISIONS**

1. Legal decision -will need to be made regarding Lobeck & Associates pursuing Linda Svenson to sign Quit Claim Deeds.
2. New Board decision- will need to address the Master Associations responsibilities for maintenance and upkeep related to the three parcels as well as liability as a landowner. Presently we do not have Reserve money budgeted for these items.

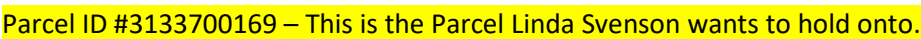
**Parcel IDs identified that are in the W.C. Riviera Partners, L.C. name.**

**Parcel IDs identified that are in the W.C. Riviera Partners, L.C. name.**



Parcel ID #3133700559

Includes portion of Riviera Dunes Way



Includes areas outside 7-11 parcel along Hwy 41/301 and Haben Blvd.

**Conforming the Master Documents** – we are presently required to update our Master Documents. They are the Original 2008 version and have never been updated with current FS 720. The RDMA Master Declaration & Covenants ARTICLE 16-General Provisions, 16.05 Amendment – Subject to the rights of Declarant, this Master Declaration may be amended only by the approval of not less than seventy (70%) percent (780 votes) of all 1,114 Members by Delegate Voting.

**1.5.2022 Board Approved to start draft & focus on the following items with NO other changes:**

- a. Removing the Developer language
- b. Incorporating all the Amendments into the Documents.
- c. Incorporating the FS 720 language & updates.

*As a general rule, Lobeck & Associates do not prepare a redline document for an entire document rewrite. For individual amendments, there is a legal requirement to use strikethrough and underline language in order to show the changes. However, for amended and restated documents there is not. This is because Section 720.306(1)(e) of the Florida Statutes provides that:*

*A proposal to amend the governing documents must contain the full text of the provision to be amended and may not be revised or amended by reference solely to the title or number. Proposed new language must be underlined, and proposed deleted language must be stricken. If the proposed change is so extensive that underlining and striking through language would hinder, rather than assist, the understanding of the proposed amendment, a notation must be inserted immediately preceding the proposed amendment in substantially the following form: "Substantial rewording. See governing documents for current text." An amendment to a governing document is effective when recorded in the public records of the county in which the community is located. (emphasis added)*

*I would not recommend using a strikethrough and underline format for an entire document rewrite. I was asked by another association a few years ago, before I started their rewrite, to prepare a document in that format (in addition to a "clean copy" for voting and recording purposes) which I did, and the result was confusing and hard to look at.*

*With this Riviera Dunes document rewrite, as requested, I focused on*

- 1) removing developer language,
- 2) adding existing amendments,
- 3) and updating with current statutes, and not making dramatic changes beyond that.
- 4) As we discussed, I also made minor changes such as including gender neutral language. As much as possible considering that some entire sections that dealt only with the developer were removed, I kept the same numbering of sections in the documents, so it should be very easy to compare the existing and the proposed amended and restated documents.

Leah E. Ellington, Esq. has provided the board the 1<sup>st</sup> draft for review.

**2022 -NEW BOARD DECISIONS**

- 1) Board will need to review the draft documents presented by Lobeck & Associates.
- 2) The RDMA Master Declaration & Covenants ARTICLE 16-General Provisions, 16.05 Amendment – Subject to the rights of Declarant, this Master Declaration may be amended only by the approval of not less than seventy (70%) percent or (780 votes) of all 1,114 Members by Delegate Voting.