

Hammocks Community Association Inc.

Minutes of the Board of Director's Meeting
June 13, 2023 – 7:00PM

1. Call to Order

The meeting of the Advisory Board was called to order by Judge David Gersten at 7:00 PM.

2. Pledge of Allegiance

Everyone stands and recites the pledge of allegiance.

3. Determination of a quorum

Present: Receiver Judge Gersten is present therefore Quorum is established;

Advisory Board Members Present:

Don Kearns
Idalmen Ardisson
Kristen Gurucharri
Carlos Villalobos
Pete Cabrera
Marcoantonio Real
Juan Franco

Jesmany Jomarron, Association Counsel; Danilo Baptista, Jean Carlos Peralta, Corey Tickner, Alyson Theale (via zoom) and Melissa Vazquez, FirstService Residential.

Resident sign in sheet attached, and approximately 20 residents attending via zoom.

Judge Gersten formally appoints Melissa Vazquez, with FirstService Residential, as Secretary for the purpose of taking minutes.

4. Proof of Notice of Meeting

Corey Tickner advised that Management posted notice for the meeting on all the bulletin boards throughout the community and on the association website on Friday, June 9, 2023.

Judge Gersten will now pass to Don Kearns.

5. Approval of Minutes

Management presented minutes for the prior meeting held on May 9, 2023.

MOTION

To approve the meeting minutes for the May 9, 2023 Advisory Board of Directors Meeting.

Motioned by: Pete Cabrera

Seconded by: Idalmen Ardisson

Vote – unanimous

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6. Receiver's Status Report

Judge Gersten presented the Receiver's Status Report. Judge Butchko requires Receiver's Reports to be presented quarterly, but we are presenting to you monthly.

I. Attorney's Fees:

- There have been an outflow of money in attorney's fees. I have put my team on the trail, to collect money. The cases currently several that are currently filed that we hope to have a resolution soon.
- We hope the funds, we are able to recover, will help reduce the fees for 2024.
- We will begin to look at the 2024 budget starting next month.
- The cases currently that are currently filed that we hope to have a resolution soon:
 - Gersten v. Capielo, et al. – D&O Breach of Fiduciary duties. \$1mil, insurance is involved.
 - Gersten v. Hilton Napoleon and Rasco Klock – Fraudulent transfers, insurance is involved.
 - Alfaro & Fernandez, PA – Legal malpractice, Fraudulent transfers.
 - Gersten v. Hermida Law Firm, LLC, Quintero Broche, P.A, and Jose M. Quinon, P.A. – Criminal attorneys, to pay for board cases.
 - Gersten v. Sabino Jauregui– Legal Malpractice - \$500,000, insurance is involved.
 - Compufix Worldwide Business Solutions, and Jesus Cue – fraudulent transfer, aiding and impeding claims.
 - Santiago Legal – Legal Malpractice - \$25,000 / Negotiating settlement – insurance is involved.

II. We hired a CPA to work with the Treasurer and the Finance committee. We have reviewed and approved the contract.

III. We were facing a lawsuit where the association could have been on the hook for millions of dollars. We have completed a settlement, and the association will not have to pay a penny. It will be paid by the insurance company.

IV. A couple of law suits we are currently involved in:

- Existing judgement against the Hammocks, involving Cepero. The previous board violated the bankruptcy court. The court entered into a judgement against the Hammocks for \$350,000. There is currently an appeal to the Federal District Court. We also appealed the denial of the Bankruptcy Court. The argument will take place on June 29, 2023. They are now suing the Hammocks in State Court, for a separate amount in a separate case. We will hopefully have more information by the next board meeting.
- Sarmino & Cetraro Law Firm – Attorney that represented the prior board. \$25,000 in unpaid fees and \$40,000 in interest. We are currently negotiating with them.
- We had over 100 lawsuits when I stepped in. Now we are down to 40 or so and continue to make progress.

V. Fireworks for July 4.

- I have made the determination that we will not have fireworks for July 4, 2023. We may have them for New Year's Eve, but I want to leave this decision to the New Board of Director's.

VI. Boat Storage

- We have currently have 9 spaces available with 11 pending applications.
- You will need to sign a new contract, that have been approved by me.
- Fee increased to \$200 a month in April 2023.

VII. Management

- Introduced Corey Tickner with FirstService.
- We are not turning over to the Advisory Board just yet, but hopefully soon. We want to make sure we are ready.

VIII. Fences

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- There are lot of problems with fences. I have instructed Corey to obtain a proposal for fence repair by next Friday.

IX. Tree Trimming

- We are in Phase 2 trimming.
- There is a schedule we are following. We have over 2000 trees, it is delicate work and we are doing in phases.

X. Drainage System

- We are looking into the drainage system.
- We are coming into hurricane season, and have had some very heavy rains.
- We are exploring two avenues;
 - Cleaning the drains
 - Investigating the engineering of the drains.
- Will know more by the next board meeting.

XI. Pools

- We are coming into the hottest days of summer. We only have one active pools.
- We have county code violations, we are waiting for the permits.
- Corey has been instructed to stay on top of the county.

XII. Saving some money

- Storage Fees
 - When I came in, we had \$7000 of storage fees, per month.
 - We are down to \$1,900 a month. We will get rid of one more soon, which will bring us down to \$1,500 a month.

Judge Gersten will now pass to Don Kearns.

7. Committee Reports

Don Kearns: At the last meeting we established several committees. We will now go over status reports for each.

7a. Architectural Control Committee

Idalmen Ardisson presented on behalf of the Architectural Control Committee.

- Good news – We were able to obtain an architect. He is a resident of the Hammocks. He has offered to serve on the committee. He has lived here for decades and has historical knowledge that will help us.
- Committee Members:
 - Antolin Cardenas- Architect
 - Santiago Villareal- Committee member
 - Hector Menses- Alternate Member
 - Eliana Arratia- Alternate Member
- Our committee will meet the first Thursday of every month at 7PM.
- This will allow the board to review requests the following week at the Board meeting.
- Next meeting will be July 6, 2023 at 7PM at the clubhouse.
- Deadline for the homeowners will be the Monday before the meeting, in order to be considered for that month.
- All previous applications will be reviewed at the upcoming July meeting.

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7b. Assessment Committee

Don Kearns presented on behalf of the Assessment Committee.

- This committee meets on an as needed.
- Marcoantonio Real:
 - We discovered that the article was already in the bi-laws that states the homeowners can pay monthly.
 - We presented all the HO that requested to pay monthly, and we approved them.
- Don Kearns:
 - We held the meeting here, there were requests made for different personal reasons.
 - We submitted the request to Judge David Gersten, which was then approved by Judge Butchko.
- First Service confirmed those approved residents will see the change on their July statement.

7c. Governing Documents Committee

Carlos Villalobos presented on behalf of the Governing Documents Committee.

- We are ready to start working
- We have 7 members.
- Thank you to Judge Gersten. He has offered for Jesmany to help on the legal side, along with FirstService Residential.
- This committee will review the Rules and Regulations, Bylaws and Declaration.
 - Rules and Regs – This is the easy one, which can be approved by the board.
 - By-laws – Changes will need to be approved by 1/3 of the community; approximately 1900 votes.
 - Declaration – Requires 50%+1 approval needed for changes.
- Meeting will be held next week.
- We are planning to meet every two weeks.

Don Kearns: All committee meetings will be properly noticed and available via zoom.

7d. Finance Committee

Kristen Gurucharri presented on behalf of the Finance Committee.

- We have 9 volunteers so far.
- Jesmany Jomarron: We have hired a CPA to advise the committee, and how these decisions effect our budget.

7e. Neighborhood Committee

Kristen Gurucharri presented on behalf of the Neighborhood Committee.

- We have 13 members so far for this committee.
- We would like one volunteer from each community, so we can have a voice from each community.
- We hear the concerns, and we are going to address them.

8. New Business

- Judge Gersten:
 - This has to do with our communities finances. I asked for the delinquency. When the report came back, I was surprised. We are over \$1,000,000 in delinquency. Once you pass 90 days, it is more difficult to collect.

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- Jesmany Jomarron: Your declaration calls for late fee at 15 days, and interest after 30 days. If the payment is still not made, then 720 would apply, where you can send a demand letter. If payment is still not made, then we would move forward to a claim of lien. If those second 45 days have expired, then the association would have the right to foreclose. That process is up to the board.
- I will forward this issue to the finance committee for your consideration. Discuss it with the CPA.
- Don Kearns: Thank you for investigating that.

- Pete Cabrera: FirstService contract, page 11 there is a schedule 1. There are labor rates. Is it included in the amount we pay monthly?
 - Corey Tickner: The labor rate is paid monthly in regards to the staff.
 - Juan Franco: There is a management fee and staffing fee.
 - Pete Cabrera: Our monthly payment is \$26,000. That's what the contract says. We are billed separately for the office staff.
 - Corey Tickner: Yes, the management fee is separate for the fee for the onsite staff.

- Pete Cabrera: Looking forward to our next budget. On the Turf contract, it talks about \$1,450 for shade trees and Palm trees.
 - Corey Tickner: That is separate from the current Tree Trimming scope.
 - Pete Cabrera: Can you please provide the invoices/breakdowns for the next meeting?

- Pete Cabrera: Regarding the lake, previously they would dredge the lake, can we get a quote to dredge the lake? What would be the charge on that, moving forward to the next budget.
 - Corey Tickner: We will look into this matter.

- Pete Cabrera: Contract for security, within the established area of the "client premises," what does that mean?
 - Corey Tickner: We will request the post orders from the guards for review.

- Marcoantonio Real: What is the monthly invoice for FirstService?
 - Pete Cabrera: It is \$26,000 for management. Schedule 2 on page 12, that charges us for additional fees.
 - Corey Tickner: There is a breakdown of what the fees would be if that line item applied. For example, Special Assessments. You do not currently have one, but if you did, that is what the administrative charges would be.

- Idalmen Ardisson: For finance purposes we need to be breakdown of Landscaping for the neighborhoods. Some neighborhoods are paying a lot for landscaping when their own community has very little common areas to maintain. We need a breakdown of how much it actually cost to maintain versus shared costs.

- Idalmen Ardisson: Pools contract - \$1300 for pools. We are paying for servicing the pools that are not open.
 - Corey Tickner: We need to maintain the upkeep. We are working to close the violations in order to get the centers open.

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- Idalmen Ardisson: We have \$1,000,000 – outstanding in delinquency, when can we rent the clubhouse to bring in revenue?
 - Corey Tickner: We have moved the desks, we have a general contractor fixing the floor this week, then we can move forward with renting the space.
- Juan Franco: Variance reports on the budgets, can you please email to the Advisory Board of Directors?
- Kristen Gurucharri: I know we can opt in to Connect portal with your services, but there is a lack of communication of how to register for your portal, and how to contact the company.

9. Old Business

- No old business.

10. Owner's Comments on Agenda Items

- **Marisol Marin, Sunflower:** I have put in a request to paint my house. Will the colors change?
 - Idalmen Ardisson: that is a community decision. We will try to fast track. We will review the applications that are already there.
 - FirstService gave us a set of colors, that don't match what we were given the previous board.
 - When I ran for the board, I had to present to the board, that I was paid in full, however now its showing I still owe a month.
- **Analaura Morales, Paseos 1:** Main roads have pot holes, and are uneven. I don't think we are responsible, but we need to contact whoever it is that is.
 - Idalmen Ardisson: *That's a county road. So the county has to take care of it.*
 - A So how to we contact them.
 - Idalmen Ardisson: We can each call 311 and/or submit it through the app.
- **Analaura Morales, Paseos 1:** Fences are a huge issue. What fence proposals are being looked at?
 - Corey Tickner: Right now, it is only perimeter. We can take a look at your fence.
 - Analaura Morales: With a stack of internal requests, there should be a budget to fix these things.
 - Kristen Gurucharri: Is this a perimeter fence? There are three different types of fences.
 - Analaura Morales: Perimeter fence.
 - Idalmen Ardisson: This is the importance of having a neighborhood committee.
 - Kristen Gurucharri: I would love for you to join and participate. We would love to have as many people as we can.
- **Analaura Morales, Paseos 1:** The home in front of mine hasn't painted in 30 years, is that something that the arc committee will be addressing?
 - Idalmen Ardisson: The Architectural Committee has established criteria for modification. If people are in violation of that criteria, they would go before the fining committee. The Fining Committee is made up of 3 members that recommended to fine or not fine a resident. You are given 15 days to come to the hearing and explain your case to the committee.
 - Pete Cabrera: To be clear, she has an issue with a homeowner in her area. She should go to FirstService and say this homeowner hasn't painted their house in 30 years, we need to send them a letter. If they don't comply then it is brought to the committee.
- **Fernando Figueira, Haciendas:** I appreciate what you all are doing. Thank you very much. Judge Gersten thank you very much.

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- I would like to be involved. My main concern is getting my neighborhood looking like I want to live there. This community is primarily rentals. We need to improve the look of the community.
- **Ana Lue, Corella:** We have had a leak in the roof since February. We submitted the paperwork to get the permit to get the roof repaired. Then roof collapsed. We need to get this approved as soon as possible to get the work done.
 - Idalmen Ardisson: What type of roof are you requesting?
 - Ana Lue: A metal roof.
 - Idalmen Ardisson: Metal roofs are not allowed. You have a choice, we have a list of approved specs and if you want to get it done now, you can choose from the list and get it fast tracked.
 - Ana Lue: I will do anything to get it done now.
- **Francisco Perez, Palm Point:** There is a new way of communicating. Can you please explain that.
 - Corey Tickner: Calls go through the Call Center. We can also provide email addresses.
- **Francisco Perez, Palm Point:** I have 4 pending issues. A tree that fell and in the common area, reported it, no one responded, so I called Turf directly and it was handled.
- **Francisco Perez, Palm Point:** Pet Peeve about security – security is not provided inside a of sub division.
- **Jeanine Manzano, Live Oak:** I wrote my name for my community, but no one has contacted me.
 - Kristen Gurucharri: I am putting everything in place. Once its all together, I will be reaching out to everyone. You will be contacted.
- **Andrea Hall, Sunflower:** I have been here over 20 years. The 18 communities have been underserved. Is there a possibility of us having our own sub association?
 - Judge Gersten: I received an email about it. I have brought it up to the association's attorney.
 - Jesmany Jomarron: I have researched it. It seems that it could be possible. We would need to bring it up to the committees. You would need to get your own legal counsel and start the process.
- **Viola Perez, Paseos II:** Can we have someone here at the clubhouse answering phones?
 - Corey Tickner: We are working to get all the IT portions of the clubhouse set up.
 - Don Kearns: We need to rebuild the phone system.
- **David Bello, Lakeview:** Communication, I have my trailer, and in April they changed the locks. I have no way to get my trailer out. I was told if you want your property, you have to pay \$200 to get your trailer out. Someone should have communicated with me. It should not have gotten to that point. Will you honor the contract that are in place?
 - Judge Gersten: We will honor your contract, most people did not have a contract.
- **Sierra Landing:** My problem is the lake and the dogs. There are too many people that do not pick up after their dog. I have reported to the security, and they said I have to have a picture.
 - Kristen Gurucharri: That is a county ordinance. You can also contact 311.
- **Karen Henry, Sunflower:** I sent emails about the inner roads inside Sunflower. They have not been resealed in over 10 years. Where is that accounted for in the budget?
 - Kristen Gurucharri: The 2024 budget will be in our hands. Your concerns will be on the budget.
 - Karen Henry: How are we going to ensure the money for Sunflower is only used for Sunflower?
 - Kristen Gurucharri: The funds are separated within the budget.

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- Idalmen Ardisson: I agree with you. My community is the same way. We have several issues that need to be addressed for several years.
- Karen Henry: If there is money recovered from the lawsuits, where is that month allocated?
- Jesmany Jomarron: If money is recovered from a lawsuit it will be allocated to a revenue line in the budget.

- **Katherine Wales, Hacienda:** Tree trimming. We have trees that are right on the perimeter fence. They are ready to fall.
 - Corey Tickner: We have an arborist that will be coming in to evaluate all the trees and provide us a report. We will then provide it to the judge.

- **Guillermo Roldan, Live Oak:** A reoccurring problem, question is for the management company. Are we going to continue to hearing the complaints from residents about the same things? The same lack of communication. They don't hear from the management company. That is unreasonable. Are we going to see improvements?
 - Corey Tickner: I have put new processes and procedures in place, moving forward.

- **Jose Delgado, Spicewood:** For the items I put in a ticket through the web for; The trees and a light fixture that has been out that has a serial number.
 - Corey Tickner: I will have Danilo get your information and get back to you by the end of the week.

- Jose Delgado, Spicewood: The first couple of payments made are showing past due.
 - Corey Tickner: Provide the information to Danilo and we can look into it.

- Jose Delgado, Spicewood: Overpayments that were made, will we receive a credit for those months?
 - Melissa Vazquez: The fee was changed to \$42.67, it was not retroactive.

11. Adjournment

Motioned by: Idalmen Ardisson

Seconded by: Pete Cabrera

Vote: Unanimous

Meeting of the Advisory Board of Directors was adjourned at 9:08PM.

Signature: _____

Approved By: _____

Date: _____

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Advisory Board of Director's Meeting
June 13, 2023 - 7:00PM

	Name	Unit Address
1	Daphne McKenzie	15101 SW 113 St
2	Erickio Sordianas	15626 SW 100 TRAIL CT.
3	Raiza Brand	9411 SW 151 Ave
4	JEANINE MANZANO	LIVE OAK
5	Harry Natchel	Vicarya
6	Arnold Kacern	Atmura
7	Pete Cabrera	Atmura
8	Fran Lue	Corella
9	Andrea Hall	Sunflower
10	Marisol Marin	Sunflower
11	LLOYD TAY	Sunflower
12	Aya M. Alvarez	2932 SW 150 AVE. (Oak Lakes)
13	Likra Colbert	15021 SW 89 Terr. Rd.
14	Alana Underwood	15022 SW 89 Terr. Rd.
15	GLORIA M HLOWSO	15026 SW 89 Terr Rd
16	Karina Johnson	9869 SW 147th PL
17	Janet L. Johnson	11038 SW 148 Pl - Chantrelle
18	Jane Johnson	11054 SW 148 Pl - Chantrelle
19	ROSAN VARGAS	15545 SW 112 Dr.
20	CRISTINA JARAMILLO	15619 SW 113 DR
21	Tommy Gsell	15041 SW 100 Ln
22	Evelio Aleman	10042 SW 147 PL
23	FYZALI LUDY SHAH	15032 SW 89 TERR RD
24	Javed Umar	10013 SW 153rd Ave
25	Chris Reciclar	15029 SW 88 th LANE
26	JEFF HURST	9850 HAMMOCKS BLVD #103
27	Patricia Arguello	9324 SW 151 Ave
28	Fernando A. Freyre	9431 SW 151 Av
29	Analaura Morales	15651 SW 109 Terr
30	Alfred Capote	11243 SW 156 W

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Advisory Board of Director's Meeting

June 13, 2023 - 7:00PM

	Name	Unit Address
1	Adela Grandusky	15595 SW 110 Ter.
2	Guillermo Rodan	10011 SW 147 Pl-
3	Jose Estrada	5916 SW 150 PL Circle
4	FRANCISCO PEREZ	10410 SW 154 CT #2
5	Kelly Gross	10420 SW 154 CT # 6.
6	Yvonne Medulnon	9902 SW 150 PL CR
7		
8	Silvia PENA-Lopez	15638 SW 112 Drive Miami FL 33194
9	Julio Rami	
10	VIOLA L PEREZ	11025 SW 159 Ct Miami 53 #
11	Dave Bello	9729 Hammocks Blvd
12	Thomas Amatus	9849 SW 147 PL
13	Jose Delgado	2803 SW. 150th Place Cir 33196
14	ORLANDO OSORIO	14923 SW 104 ST #103
15	LILIAN BERRAL	14913 SW 104 ST, #24, 33194
16	Luis & Vivian Duque	8816 SW 150 PL Cir Spicewood
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