

August 20, 2021

Lot Owners
Tamaron Homeowners Association, Inc.

Re: Owner Input Requested - Proposed Amended and Restated Governing Documents

Dear Lot Owner:

The Board of Directors (“Board”) of Tamaron Homeowners Association, Inc. (the “Association”) is working with Hill Law Firm, P.A. to draft proposed amended and restated governing documents for the Association, and are jointly providing you with this letter to assist with understanding this process. The current drafts of those three (3) proposed documents are provided along with this letter for your review, as well as a Joinder, all of which will be discussed in further detail below.

The covenant/use restrictions for Tamaron were first recorded in February of 1976, making them over forty-five (45) years old, and great need of being updated to modern practices and law so that the community can be better managed in the manner of modern community association practices. Such updates will also ensure uniform and fair treatment of all owners, and therefore serve to preserve home values. These three (3) proposed documents are therefore the second part of the community plan that the Board promised after the covenant revitalization process which was completed last year.

Specifically, we are providing this letter to assist in your review of these proposed governing documents so that you can provide feedback to the Board, and we can then finalize the drafts and present the documents to the community for a vote. Again, these proposed documents are drafts being provided for community responses – you are not yet being asked to vote on the proposed changes at this time. Rather, the Board has scheduled the upcoming membership meeting so that you can provide your input and ask questions. The meeting information is at the end of this letter. For your information, attorney Cindy Hill will be present at the meeting to address legal questions.

The Board anticipates that the primary question that most Lot owners will have is whether agreeing to these new proposed documents will make them mandatory, rather than voluntary, members in the Association. The quick answer to that question is no – Lot owners who vote to approve the new documents, but do not sign a Joinder will not have their status as voluntary members change. Rather, as we will explain below, in order for a current Lot owner to become a mandatory member of the Association, that owner must BOTH: 1) have the new proposed Declaration of Restrictions for Tamaron approved when it is noticed for a vote; AND 2) individually sign the Joinder to that Declaration and return that Joinder to the Association to be recorded in the Public Records of Sarasota County.

Current Community Legal Status

It is important that all Lot owners know how Tamaron is currently legally structured. Specifically, the Association is not only a community of homes, but also a Florida not for profit corporation. As a result, it has both covenant/use restrictions which govern the property (the current

Declarations of Restrictions for each of the 5 Units which in total make up the community), and corporate documents which govern its membership requirements, election of board directors, Association meetings, etc. (both the Bylaws of Tamaron Homeowners Association, Inc. and the Articles of Incorporation of Tamaron Homeowners Association, Inc.).

The Lot owners in Tamaron are legally obligated to follow the covenants/use restrictions in the Declarations of Restrictions, but are not legally obligated to pay membership dues/assessments to the Association. This is because the Tamaron community is what is commonly called a “volunteer” homeowners association, which means in sum that Lot owners must follow the community covenants/use restrictions, but have the option, not the obligation, to join the Association’s corporate entity by paying its annual dues. Dues are used to pay expenses related to the operation of the community such as maintenance of common areas and the Preserve, entry islands and signage which maintain you property values .

While it may at first seem advantageous to Lot owners to have the option to “opt out,” so to speak, of paying membership dues to the Association, this arrangement could in fact be detrimental to the community as a whole. Specifically, without consistent, predictable funding, the Association will have continuing potential difficulty ensuring that the community is run in an industry standard manner, with the result that property values could suffer.

Proposed New Community Governing Documents

This concern, along with the need to update the community’s documents to current law and community practices, is why the Board is presenting new community documents for the owners to review. Specifically, the proposed amended and restated documents make updates consistent with the current Florida Statutes, remove or edit provisions which are now in violation of law or obsolete, and address the current operation of the Tamaron community. Additionally, the proposed Declaration combines the current Declarations of Restrictions for all 5 Units into one document for ease of reference.

The Board is confident both that the owners in Tamaron want the community maintained in a manner which is attractive to the residents and to potential new owners, and also that there are many owners who want membership in the Association to be mandatory, rather than voluntary, so that the Association will consistently have the funds it needs to operate the community in the best manner. However, the Board is also aware that some owners find the currently optional membership dues personally advantageous, and are therefore unlikely to agree to any change to that arrangement.

As a result, the draft proposed governing documents offer a choice which allows each Lot owner the option to personally choose in writing via a Joinder (to “opt in”) whether or not to make membership for their Lot mandatory. This Joinder ensures that each Lot owner will have personal control over their preference as to voluntary or mandatory membership. **What this means is that owners can vote to approve the new deed restrictions so that the community covenant/use restrictions can be updated, but then choose not to sign a Joinder to make their Lot a mandatory, dues paying member. This is because if a Lot owner does not BOTH: 1) vote to approve the proposed Declaration; AND 2) sign and return the Joinder to the Association,**

THEN that Lot owner's status as a voluntary member in the Association will not change.

Note further though that this choice will ONLY be for current owners. As drafted, the new proposed governing documents will obligate all future purchasers to agree to mandatory membership in the Association when they choose to purchase a Lot. However, that obligation will only be on future purchasers – transfers of ownership from current members to entities or trusts, for divorce reasons, and/or estate transfers – which are not sales to third parties – will not be subject to obligatory, mandatory membership. Attorney Hill will be happy to address any specific concerns as to this subject at the upcoming meeting.

As a result, it is VERY important that you plan to attend one of the upcoming meetings the Board has scheduled for questions and concerns regarding these new proposed documents. The Board wants to hear from ALL owners so that we will know where everyone stands on this necessary process.

In an effort to reduce, printing and postage cost a copy of the documents have not been included with this letter. The documents are on the web at <https://tamaron-hoa.com/documents-2/>. You can email HOA@tamaron-hoa.com and we will be more than happy to email or send them to you. A copy can also be picked up at 1636 Fleetwood Drive. The documents that are being updated are listed below:

1. Articles of Incorporation
2. Bylaws
3. Deed Restrictions
4. The Joinder (New)

In conclusion, we hope that you will see the benefit to the community that these proposed new governing documents will provide, and will express any input and/or questions you have at the upcoming membership meeting so that the documents can be finalized and approved.

We are having two meetings in different formats to allow everyone an opportunity attend, as we would like to have EVERYONE attend one.

In person meeting

Tuesday September 7th 2012 at 6:00 pm

Location,

Carlisle Inn

3727 Bahia Vista St

Sarasota, FL 34232

Zoom meeting

Saturday September 11th at 9:00 am

Join Zoom Meeting

<https://us02web.zoom.us/j/5577253748?pwd=OGJzbW9TYTJpV0JLSFdkbFgyaFpxdz09>

Meeting ID: 557 725 3748

Passcode: 859965

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Sincerely,

Tamaron Board of Directors

and

Cindy A. Hill, Esq.
Hill Law Firm, P.A.