

MINUTES
Treetops / Ocean Breeze
Board of Directors Meeting

May 7, 2008
3:30 p.m.

- I. Call to Order / Roll Call – Bob called the meeting to order at 3:32 p.m.
 - A. Officers and Directors present – Bob VanSchelvan, President; Peggy Edwards, Vice President; Merle Brown, Secretary / Treasurer; Stan Stolarczyk, Director; Jeff Martyn, Director
 - B. IMC Resort Services, Inc representatives – Ron Fenstermaker, President; Bryan Dorshimer, Property Manager; Scott Walters, Assistant Property Manager; Melissa Fenstermaker, Minutes.
- II. Approval of the Minutes
 - a. March 26, 2007 – **Stan Stolarczyk made a motion to waive the reading of the minutes from the March 26, 2008 Board meeting and accept them into record as presented. Peggy Edwards seconded the motion. The motion passed unanimously.**
- III. President's Report – Mr. VanSchelvan reported that there is a motorcycle at 32 OB in addition to two other vehicles which are legally permitted. He is pleased with the performance of the new landscape; the entire Board echoed his comments. Bob also mentioned that the new trash company is also very responsive. Bob thanked Bryan and Scott for their outstanding efforts.
- IV. Management Report
 - a. Cash position – Bryan reported on the financial position of the association:

Working Capital	\$ 7,203.00
Operating Checking	\$ 1,269.00
Capital Reserve	\$25,820.17
Insurance Reserve	\$65,638.18

Flood premiums are due July 11, 2008.

- b. Collections – Ron reported on the status of collections. See the attached report. Another 25 owners will be sent to the attorney by the end of the week. Merle had to leave the meeting at 3:56 p.m. Ron presented a request from the owner of 4904. See attached. After a brief discussion, the Board unanimously rejected the owner's request. The board authorized management to fine the owners for removing the delinquency notices until their account is current.
 - c. Site Manager Report - See Bryan's attached report. Bryan and Scott will post reminders at the dumpsters warning that if garbage is found thrown inside of the enclosure (**not** placed in the dumpster), the bag will be opened to see to whom it belongs. In addition, the offender will be

reported to Beaufort County and fined accordingly. The Board authorized management to proceed with this once the owners have been notified. The board authorized Bryan to distribute the letter from the Town of HHI Fire & Rescue Dept, highlight the daily fine, and put door to door for the individuals who have grills.

V. Committee Reports

- a. Budget & Finance / Contract Review / Insurance – None at this time.
- b. Long Range Planning – None at this time
- c. Parking / Security / Neighborhood Watch – Jeff Martyn proposed offering being able to buy a third parking spot for a \$100 per month or \$1,000 per year. Extra parking to be laid out at the tennis court. The pass will be a punch out pass of a different color. Research how many spots are available. Bryan, Peggy and Jeff to work out the details to present to the Board at the next Board meeting.
- d. Maintenance – Ron reported that in the process of doing the re-roofing, some sheathing had to be replaced.
- e. Newsletter – Peggy to include an article about how to use the new garbage receptacles. Fines will be levied by the BCSD for littering. Peggy also to include an article about gas grills.
- f. Buildings & Grounds – Jeff requested the installation of bike racks. Bryan will order one and put it under the steps at Jeff's building to see if it is utilized.
- g. Environmental Quality – Stan Stolarcyk asked for Bryan to ask the trash vendor if they do recycling. The vendor is looking into it.

VI. Old Business - None

VII. New Business

A. Stan Cooke's requests – Stan Cooke (4302) provided some concerns for Peggy to present to the Board. Peggy brought each item before the board for discussion and was prepared to take the board's responses back to Dr. Cooke. See the written request from Dr. Cooke with the Board's responses attached. Dr. Cooke's comments elicited a discussion about levying transfer fees.

VIII. Adjournment – **Bob VanSchelvan adjourned the meeting at 5:20 p.m.**

BULLARD and FRIEDMAN, P. A.

ATTORNEYS AT LAW

Mailing Address:

Post Office Drawer 21784

Hilton Head Island, South Carolina 29925

EDWARD E. BULLARD*

SONJA N. FRIEDMAN η

Telephone: (843) 689-2525

Facsimile: (843) 689-3535

*Also Licensed in California

η Also Licensed in Connecticut and New York

eeb@bullardfriedman.com

snf@bullardfriedman.com

April 22, 2008

Via Facsimile: 785-3901

Jaime Fenstermaker

IMC Resort Services, Inc.

2 Corpus Christie, Suite 302

Hilton Head Island, South Carolina 29928

AS OF 4/20/08
THIS LIST \$84,259

Re: **Treetops/Ocean Breeze HPR Collection Summary**

Dear Jaime:

Pursuant to your request, we provide updates on the accounts currently in collections:

Kitty Unit 7804 - We have a judgment against this owner to which monthly payments are being made through the BCSD. On January 7th a second judgment was also received. The BCSD will begin collecting judgment following the satisfaction of the prior judgment. They are only able to execute on one judgment at a time against an owner.

Maleh Unit 4904 - A judgment has been received against this owner. The BCSD has been speaking with the owner. The owner has begun making payment to the BCSD.

Martin Unit 7704 - This owner currently owes approximately \$200.00 on the judgment and appears to be caught up on her current fees.

Szymanski Unit 7304 - This property had been scheduled for a Sheriff's Sale which was then postponed. The owner contacted our office and indicated that payment in full would be forwarded within thirty (30) days.

Curley Unit 7710 - We have received a judgment against this owner and have forwarded an Execution Against Property to the BCSD for service. They will attempt to collect the amounts owed from the owner. If they are not successful, they will then levy against the property and the property may be placed up for Sheriff's sale.

Kass Unit 7016 - A Summons and Complaint has been served on this owner. The owner's Answer is due on or before June 2, 2008. Should the owner fail to answer or pay default judgment hearing will be requested before the Magistrate.

Evans Unit 7502 – We have received a judgment against this owner and have forwarded an Execution Against Property to the BCSD for service. They will attempt to collect the amounts owed from the owner. If they are not successful, they will then levy against the property and the property may be placed up for Sheriff's sale.

Anderson Unit 91 OB – A default judgment hearing is scheduled for May 7, 2008 in the Magistrate's Court.

Fisher/Davis Unit 33 OB – This property is in foreclosure and the judicial sale occurred on April 7, 2008. Once the sale is complete we will proceed to judgment on the cross-claim of the regime.

Chism Unit 7801 – Judgment was received against this owner on January 7th. An Execution Against Property has been forwarded to the Beaufort County Sheriff's Department. They will attempt to collect the amounts owed from the owner. If they are not successful, they will then levy against the property and the property may be placed up for Sheriff's sale.

Johnson Unit 4602 - Judgment was received against this owner on January 7th. An Execution Against Property has been forwarded to the Beaufort County Sheriff's Department. They will attempt to collect the amounts owed from the owner. If they are not successful, they will then levy against the property and the property may be placed up for Sheriff's sale.

Blank Unit 3902 – A payoff letter was provided to this owner on March 24th and no response has been received. We have a lien in place and have requested authority to file suit from the property manager.

Counts Unit 32 OB – This owner has reached an agreement with regards to repayment of their past due amounts owed.

Hayes/Robirds Unit 5004 – An initial demand letter was sent to these owners on April 17th. A lien has also been prepared and forwarded to the property manager.

Keenan Unit 7706 – A lien has been prepared and forwarded to the property manager.

Keenan Unit 5302 - A lien has been prepared and forwarded to the property manager.

With kind regards I remain

Sincerely,

Sonja N. Friedman

SNF/lcr

From: Schumann, Elaine
Sent: Wednesday, May 07, 2008 3:49 PM
To: 'bryan@resortservicesinc.com'
Subject: FW: From Angela Maleh

Dear Tree Tops Board Members,

We are currently making payments to Sergeant Wasco of Beaufort County Sheriff's Office to finish making payment for our regime fees. We will be current with our regime fees as of the beginning of June 2008.

We would like to ask of the board to please cease putting notices up on our door as we are staying current with our payments.

Thank you for your time.

Angela Maleh
Tree Tops #4904
Angela-cello@hotmail.com

Send by:
Elaine Schumann



Board of Directors Meeting; Treetops and Ocean Breeze
Wednesday, May 7, 2008
Site Managers Report, Bryan C. Dorshimer

1. Monitoring your vendors:

- ◆ Pool: Plantation Pool Services - satisfactory, the pools opened April 1, 2008, sun decks are open all year round. Vendor has taken care of all required DHEC items. All three pool areas and furniture have been cleaned. PPS has drained pool 'C' and repaired the plaster that has come off. Some additional furniture and umbrellas would be recommended to replace old and/or damaged equipment.
- ◆ Refuse: Coastal Waste - good, services on contracted service days and at a regular time on those days. Minimal problems with the lids but management is of the opinion that the lids are a benefit as well. Ex. keeping rain water out as well as raccoons.
- ◆ Pest control: Lanes - satisfactory, no complaints, very responsive upon requests.
- ◆ Landscaping: U.S Lawns, good, in the process of doing a property wide clean up, going thru the entire irrigation system, significant problems have been resolved; pine strawed the major traffic areas.
- ◆ Elevators: Atlantic Coast, satisfactory, all three elevators had their phone panels replaced, no mal functions have been reported.

Outlook: Continue to monitor vendors.

2. Management makes consistent security walks and light checks at various points throughout the week and weekends. Very minimal problems and all the lights are on. The number of cars without parking permits has decreased the last couple of weeks. Ticketing has also been random, more numerous and seems to be cutting down on the number of cars without permits. Two commercial vehicles have been towed from the property since the last Board meeting after numerous written and verbal warnings. No activity has been reported to local authorities.

Outlook: Continue to make patrols, light checks and ticketing.

3. Continued to notify owners and renters of unapproved items attached to the common element. Tightened up on balcony and patio violations with hangtags, letters and fines. The violations include but certainly are not limited to noise, cars, dogs, widows, car maintenance, college flags, and welcome signs.

- Owners have been notified of fogged windows and missing screens; via hangtag, email or letter.
- Mixed feedback in regards to the regime request to have all items that are illegally attached to the common element removed.
- Multiple owners and renters have complied.
- Several owners are very disappointed with this decision.

Outlook: Continue to keep balcony/patio and common area violations under control by way of hangtags, letters and fines. Regime will be replacing fogged glass, missing screens and removing illegally attached items at the owner's expense.

4. Maintenance Issues: Misc.

- Garbage runs; mattresses, couches, grills.
- Various common water leaks. Ex. irrigation lines (property wide), common supply lines

- Light bulb replacement done daily.
- Painting/touch up property wide.
- Wood rot repairs property wide but primarily on the board walk, painted to match.
- Common element lighting; photo cells, timers, fixtures.

Outlook: Continue to inspect and repair as needed.

5. Villa to Villa leaks

- None to report at this time.

Outlook: Continue to work with owners to make sure all parties resolve the issues that caused the leak and are satisfied with the all associated interior repairs.

6. Roof Project for 5100, 5600-5700 and 5800 Treetops

- HHI Residential and Commercial Roofing Co. has completed the project.
 - Roof sheathing rot issues found and repaired.

Outlook: Management will continue to monitor conditions of the roofs and repair as needed. Preventative roof blowing and inspections are done at least 3 times a year.

7. Annual Fire Sprinkler Inspections

- Inspection is complete and the reports have been forwarded on to the Town and required deficiencies are scheduled to be repaired. Deficiencies are minimal and should not be very expensive.

8. Building cleaning project

- Started Monday, May 5.
- Includes villas 3901 – 6601; 7001 – 7018; all the concrete sidewalks, wooden boardwalk, elevator towers, and the tennis court.
- Should be completed by May 14th.

April 30, 2008

Peggy:

I have enclosed some of the articles from the regime by-laws with questions in bold. I would like to have them discussed at the Board meeting.

I question that IMC is collecting the \$60.00 pet fee each time there is a rental, especially those short term ones in Ocean Breeze. Is there anyway that agents can stop listing short term rentals as "pet friendly". You will note that the by-laws state there can be no agent rentals of less than 60 days.

Is there a way that people can be encouraged to give their proxy's to a trustworthy neighbor or friend rather than IMC?

I would like to walk the property with you and other Board members and Bryan as soon as is possible.

Thanks,

Stan Cooks

wouldn't know
if we have
quorum

IMC
has no
control
over proxies

Bob votes
if proxy
if no ballot
if vote on
ballot,
then
that
the
vote

*transfer fees
limitation
on fee
raise*

*By time
M.C. acts
would be late
so ...*

Article IV
Section 3-C

Collection, at the time of the closing of the sale of each apartment, at least two (2) month's estimated common expense assessments for the purpose of establishing a working capital fund for the association. The contribution to the working capital fund for each unsold apartment shall be paid to the association within sixty (60) days after the date of the conveyance of the first apartment in each phase of the regime.

*at closing
collect
2 months
reg. in
advance*

Can the regime still collect this each time a unit is sold?

Section 3-E

As part of the annual budget described in (d) above, establish and maintain on behalf of the association an adequate reserve fund for periodic maintenance, repair and replacement of improvements to the common elements.

Has there been a reserve study to determine what an adequate reserve fund should be. Could this reserve fund be used to pay delinquent fees, which would then be returned to the fund when paid?

*For willing
to set w/
stop to
discuss*

Section 3-L

To make available, for inspection, upon request during normal working hours or under other reasonable circumstances, to apartment owners, the holders, insurers or guarantors of any first mortgage on any apartment, current copies of the Master Deed, By-laws, other rules or regulations pertaining to the association, and the books, records and financial statements of the association.

*request
regime to fund*

*Was
do this
ask in
advance*

ARTICLE VI

Section 1 "Notices"

Definition: Whenever under the provisions of the Master Deed or of these By-laws notice is required to be given to the Board of Directors, any manager or apartment owner, it shall not be construed to mean personal notice; but such notice may be given in writing, by mail, by depositing the same in a post office or letter box, in a postpaid sealed wrapper, addressed to the Board of Directors, such manager or such apartment owners at such address as appears on the books of the association. Notice shall be deemed given as of the date of mailing.

Do we need to amend this to include electronic notice; such as on IMC website and personal e-mail?

ARTICLE XII

Restrictions upon leases of units

Section 2: Provisions in lease. No apartment owner may place his apartment in a short term, i.e. less than sixty (60) days, rental program with a company engaging in the business of short term rentals; provided, however, that this prohibition shall not be construed to prevent the apartment owner from renting the apartment on a long term basis either directly or through an agent, or on a short term basis directly without the use of a rental agent.

Currently there are several rental agents listing on-line, units for short term rentals, especially in Ocean Breeze, and listing them as pet friendly. Does this need to be monitored? Could we restrict pets to only owners and long-term leases?

*Need
6/7/10
vote*

*No
disturb*