

THE REPORTER

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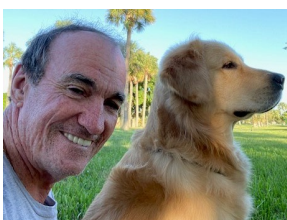
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From Your President:

Greetings, neighbors. Have you enjoyed the cooler weather? I have. So has Tory. We enjoy walking around our neighborhood and saying hi and keeping everyone up to date with news and happenings. It's also why we write this Newsletter, to keep you all posted. This brings me to the topic of my article.

As a Board, we have a fiduciary responsibility to all owners of Mainlands Section Four. According to the legal definition: A fiduciary is "An individual in whom another has placed the utmost trust and confidence to manage and protect property or money. The relationship wherein one person has an obligation to act for another's benefit. A fiduciary relationship encompasses the idea of faith and confidence and is generally established only when the confidence given by one person is actually accepted by the other person. [...] The duties of a fiduciary include loyal and reasonable care of the assets within custody. All of the fiduciary's actions are performed for the advantage of the beneficiary."



As a Board, we take this trust and duty seriously, which means keeping costs down where able while keeping the community and its members safe and clean. It includes being aware of liabilities that may be incurred and ways to limit those liabilities for the protection of the community. We do this through thoughtful advice seeking (legal and liability insurance) and consistent procedures and policies.

(continued on page 2)

From Your President *(continued from page 1)*

Part of those responsibilities are keeping you informed of increases in costs.

This month we received notice that our liability insurance is increasing by approximately 30%. To understand why, I contacted our insurance agent thinking it may be because of storms. He said that was not the reason as far as increased premiums and he would be happy to discuss the reasons with the Board which is why I have called a **Special Board Meeting**. I am working to see what we can do to reduce the cost, whether that is switching insurance companies or giving proof of mitigation of risk, which the agent believes might help and was not done.

So that liabilities are reduced, I have asked our Insurance Agent to attend a **Special Board Meeting to be held April 7th at 6 pm** to address these issues. I am asking him for further explanation of how we can reduce risks and costs. We also intend to ask him about volunteers working around the Common Areas, like painting the Clubhouse which some have offered to do. There are also some Pavers that need to be fixed around the pool, which again, has had volunteers step forward to fix rather than costing the Association approximately \$3000 (one estimate obtained). Some Members have said it is allowed to have volunteers do repairs and maintenance, some have said it is not. In any event, we want to make sure what we do has the insurance company's approval to reduce future liabilities. You are invited and encouraged to attend this important meeting.

We are asking for your patience as we sort this out. We have been told many times that "we've done it this way before without problems" but given our fiduciary responsibilities, that isn't enough. Just because it has been done in the past doesn't mean it was done correctly or without risks.

Damage to the Clubhouse

If you have been by the Clubhouse in the recent week, you may have noticed damage to the drive through area in front of the doors. A large truck or vehicle hit the top while attempting to go under it and caused cracking and plaster damage. While it is still structurally sound, it needs repair. It is hard to understand why anyone would be driving up to the Clubhouse. It is not a turn-around, it is private property – our property! And now we must pay to fix it.



If you saw anyone do this damage, or if you have cameras in the area facing the Clubhouse, would you please check your cameras to see if you spot the offenders? Please call the office number at 954.733.3009 to leave any information you may have about this incident. You can do this **anonymously if you wish**.

Respectfully, Mike O'Malley

Important Governing Document and By-Law News

It has come to the attention of the Board that an error has been made in the manner in which the limitation on the amount of aggregate financing set forth in Article IV, Section L of the Amendments to the Revitalized Amended and Restated Declaration of Restrictions ("Declaration") has been interpreted and enforced in the past. As some owners have expressed concern over this issue, the Board desires to provide a brief explanation of the meaning of the aggregate finance requirement set forth in the Declaration and assure the Membership that discrepancies in past enforcement of this requirement will be addressed with the assistance of legal counsel.

As you may be aware, Article IV, Section L of the Declaration provides that "[N]o mortgage or aggregate mortgages against a lot may exceed in total the sum which is ninety (90%) present [sic] of the average price of a like lot, as set forth in the most recent bona fide contract for purchase records of the Association." The refinancing of a lot is also subject to these requirements.

The Board had requested the advice of the Association attorney as to the correct interpretation and application of this provision. What this means, according to the Association attorney is that the Interview Committee "must first determine the average price of a like lot, which is calculated from all sales that have occurred since the amended Declaration was recorded, as reflected in sales/purchase contracts preceding the pending sales. Once the average price of a like lot is determined, the mortgage amount cannot exceed 90% of that price regardless of what the next price is."

This is not the procedure that had been used in the past to determine whether the aggregate finance/mortgage amount on a proposed sale/purchase complies with the Declaration. This provision had been interpreted in the past to mean that a mortgage cannot exceed 90% of the sale price of the lot being sold, which is what the current Rules and Regulations ("Rules") of the Association currently provide. It seems that the mortgage/finance requirement in the Rules was being enforced, rather than the requirement in the Declaration. In accordance with the past procedure, when a sale/purchase contract was submitted to the Interview Committee for consideration, it was only reviewed to confirm that that the mortgage/finance amount reflected on the contract was not more than 90% of the sale price of the lot, which is not technically correct. We now understand that when a conflict exists between a provision in the Declaration and the Rules, the provision in the Declaration controls and is what the Board must enforce.

(continued on page 4)

Important Governing Document and By-Law News *(continued)*

In the opinion of the Association attorney “the current practice being followed exposes the Association to a potential successful legal challenge... if the board wishes to continue enforcing the finance provision as set forth in the Declaration, the procedure as outlined above must be followed.”

Here’s the example of what is meant in the attorney’s explanation of how it must be followed:

You want to sell your house. Seller and buyer agree to a sale price of **\$200,000**.

Rules and Regulations: With 90% mortgage, buyer down payment would be **\$20,000**

Deed Restrictions: With 90% of like lots, a tally would be taken of the like lots sold since the Declaration was put into effect. Say the houses sold for an average of \$175,000. That means the most a mortgage could be is **\$157,500** (or 90% of \$175,000). The difference the buyer would need to come up with as a down payment is **\$42,500**.

In order to correct this issue so that the mortgage/finance requirement set forth in the Declaration can be enforced in the future without the risk of legal exposure to the Association, the Attorney recommended the Board to “republish” the mortgage/finance requirement in the Declaration. This is being presently considered by the current Board. With this process, any owner that was permitted to purchase a lot in the Community under the previous mortgage/finance requirement would be required to be “grandfathered in.” The mortgage/finance requirement set forth in the Declaration would then be enforced against future purchasers after the republication process is completed. The Board is seeking legal guidance and clarification from the attorney on the republication process to ensure it is properly undertaken. The Rules will also need to be amended by simply deleting the mortgage/finance requirement set forth the Rules to eliminate a conflict with the Declaration. At the advice of the Association attorney, this can be done by a Board vote without the need to obtain Membership approval.

In the meantime, we are also going to reconvene the By-Laws committee to further evaluate and make recommendations to the Board on whether it would be in the best interest of the Community to amend the current mortgage/finance requirement set forth in the Declaration so as to require the aggregate mortgage/financing on a lot to not exceed more than 90% of the lot purchase price (rather than how it is currently drafted), or, perhaps, to eliminate any mortgage/finance requirement on future purchases altogether. At the advice of the Association attorney, any changes to the current mortgage/finance requirement set forth in the Declaration will require an amendment thereto, which will need the approval of the Membership. As such, be assured that no changes to the Declaration will be undertaken by the Board without the requisite approval of the owners.

We ask for your patience and understanding through this process as it is to ALL our benefit to evaluate this issue more thoroughly before a determination is made on what changes, if any, should be made to the Declaration so that our Community can thrive. Believe us when we say that we want what is best for our Community.



COLORS FOR THE CLUBHOUSE

As was stated in the last Newsletter, we took a vote on colors for the Clubhouse painting at March's Civic meeting. Five color combinations (main color, accent color, and trim) were displayed and a vote was taken from all those present. Then, the top 3 color combinations were voted on again.

If you were not at the meeting, what would have been your choice for main color?

Choice 1—Celebration

Choice 2—Rise and Shine

Choice 3—Wishful Green

Choice 4—Pottery Wheel

Choice 5—Navajo White

Ready for a change? Our new paint scheme is Wishful Green, White for accent, and Chocolate Soul for the trim (to match the gutters). How exciting! We will keep you informed of painting progress.

Directories

Please take the time to complete the insert provided with this Newsletter so that we can have the most recent contact information. Once completed, please drop it in the Maintenance Mailbox by the Clubhouse. In the future, if your contact information changes, please be sure to notify the office, no matter what time of year it is.



George W. Johnson
Realtor®



1500 E. Atlantic Blvd., Suite B
Pompano Beach, FL 33060

Cell: 954.536.8459
Office: 954.545.5583
Fax: 888.972.1653

GeorgeWJohnsonRealtor@gmail.com

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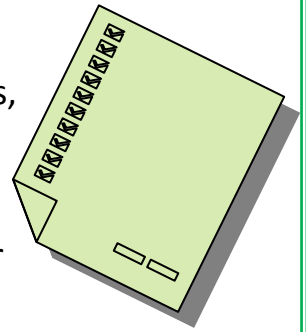


Henriette Poulin
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THIS MONTH'S PROCEDURES REVIEW!



In an effort to keep us all refreshed on Rules, Regulations, Guidelines, and By-laws that govern our conduct, we are including various ones in the Newsletters. We hope this helps you stay informed and on top of things! If there are any you want to know specifically, please let Kate or another Board Member know. This month...

Procedures for Landscape and Other Changes Approval Forms

Last month there was an article in the Reporter entitled "Clearing Up Confusion" that detailed what changes to your property need to be brought to the Board. As the article stated, in accordance with our Governing Documents and Rules and Regulations, there are certain restrictions on what you can do on your lot.

As you know, any changes to your home color, architecture, patios, driveways, landscaping, etc. are to be requested through an application form, which is then approved or disapproved by the Board **prior to any work beginning**. These forms are located in the Clubhouse in a plastic bin on the office door wall or can be downloaded off of our website. Once you have completed this form with requisite color samples and diagrams attached, you place it in the bin next to the office door marked for such purpose.

The Board is notified of the pending application for consideration. Each Board member is responsible for knowing the Deed Restrictions and what is allowed, as is each owner. If there is planting or landscaping requested, the Maintenance Chair is responsible to be sure that all sprinkler lines are safe from interference. In addition, homeowners are required to call 8-1-1 and have utility lines marked.

According to the Landscape Application Form:

"It is up to the home owner to call 811 to have property marked for utility lines.

Note: In addition to an approved application, if removing or replacing certain trees, a permit may be required and should be obtained from Broward County Tree Preservation Program BEFORE work can begin. "The Tree Preservation and Abuse Ordinance Regulates the Following: Tree Removal and Tree Relocation: A license is required for the removal or relocation of trees, except for nuisance trees. In order to remove or relocate trees, the removal and relocation must be justified, and either relocation or replacement of trees must take place." IT IS THE HOMEOWNER'S RESPONSIBILITY TO CHECK TO SEE IF THE TREES YOU ARE CONSIDERING FALL INTO THIS CATEGORY.

(continued on next page)

PROCEDURES (continued)

You can check at <https://www.broward.org/Environment/TreePreservation/Pages/TreePreservationProgram.aspx>)

For Roofing, patios, etc., a permit from the City of Tamarac may also be required. Once you obtain the permit, please leave a copy for the Board to include in your file.

According to our Application:

Note: In addition to an approved application, if widening driveway, reroofing, or considering other structural changes, a permit must be obtained from the City of Tamarac BEFORE work can begin.

Once the forms have been received by the office, a majority of the Board must approve/disapprove the Application. The Board has 10 days to sign these forms and return them to the Homeowner(s) from the time they are submitted. Once signed, a copy is made for your file.

Should you have any questions about this procedure or have not received your application back in a timely manner, please leave a message on the office voicemail at 954.733.3009.



Blessings and peace to all during these Holy Days.



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Paul Pacitti

Senior Housing Shoppers Turn to the Internet For Their Research.

- 85% of senior home buyers go online to search for a home.
- 49% of senior home buyers began their research online.
- 50% of senior home buyers first learned about the home they eventually purchase online.
- Senior home shoppers place high value on neighborhood information & interactive maps.
- Good internet exposure and an experienced agent make a winning combination.



Residing in and Serving Tamarac for 31 years.

The Help Desk...

HELP DESK



Vaccine Finder

If you have not already received your COVID-19 vaccine and are looking to obtain one, you can look at **www.vaccinefinder.org/search** or call **866.201.6313** to schedule an appointment.

Electronic and On-line Maintenance Payments

While we continue to research on-line Maintenance payments, did you know most banks will allow you to set up monthly on-line bill paying? You go to your bank website to set it up and they will automatically send Mainlands 4 a Maintenance check each month in the amount you determine. Check with your bank to see if this is possible and helpful for you so that payments are not missed. If you are interested in online paying, please contact Melonie Pollard by email (mpollardms4@gmail.com) or text/phone (786.282.7037).

Tamarac Food Assistance

There are a few food assistance programs available for Seniors in our area. Check out these numbers for more information:

City of Tamarac Social Services: 954-597-3626

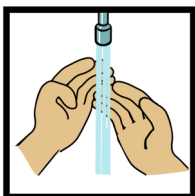
Eldercare Locator at 1-800-677-1116 to find food distribution sites

ADRC at 954-745-9567 to inquire about their shopping assistance program

Feeding South Florida at 954.518.1818. Their Client Services Team is available Monday -Friday from 8 am – 5 pm answering inbound calls and screening clients for eligibility for

“There are only two ways to live your life. One is as though nothing is a miracle. The other is as though everything is a miracle.”

—Albert Einstein



Don't forget to always remember safety!!!

Wash hands when you return home from anywhere.

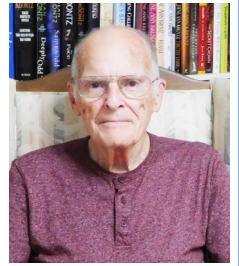
Stay physically distant when able.

Wear your mask!



Librarian's Report: Jim Cogswell

As Librarian, I do a lot of reading and I chose, at random, a 600 page Clive Cussler "Black Wind" published in 2004. A small part of the book presents the same circumstances that all of us have had to experience for the last several months. Face masks, inoculations, isolation in our homes, etc., all written in detail 16 years before we had to experience the same thing! The plot of the book is an interesting fictional Korean millionaire story of intrigue, trying to conquer the world. You may find this an interesting read, as I did.



Activity in our library has been strong and you are invited to help yourself to any of the thousand novels to fill your spare time.

Please call me at 954-999-5464 if you have suggestions or questions. All contributions of books and puzzles are appreciated and welcome.

NOTE: The light switch to the library is on the left side of the entry area and behind the coffee machine. Please remember to turn it off when you leave the library.

Committees! WE NEED YOU!!!!

We are still in need of members to serve on committees to help in the compassionate care of our community. If interested in serving on any of these committees, please contact Mike O'Malley for consideration.

Violations Committee

The sole purpose of this committee is to determine whether to confirm or reject the fine or suspension levied by the Board. If at all possible, we seek to amicably settle disagreements before fining an owner. This committee only meets as needed.



Social and Recreation Committee

Sheriza Waith is our Social Chair and has been busy keeping the Clubhouse cheery looking. We would like a list of people willing to volunteer for events once everything "opens up" after COVID. If you are interested in helping, please contact Sheriza at Swaithms4@gmail.com or 954.907.2395

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Monthly Events



Special Board Meeting April 7th

@ 6 pm

2nd Wednesdays (this month April 14th)

Board Meetings @ 6 pm

3rd Wednesdays (this month April 21st)

Civic Meetings @ 7 pm

Saturdays at the Clubhouse

Bingo @ 6 pm



Pool and Clubhouse remain available for use (of course using **mandatory guidelines** set forth in the Broward County Executive Order) .

For use of the Clubhouse at other times, please contact Suzanne at sjohnstonms4@gmail.com or by phone at 954-868-2048 to make arrangements.

Upcoming Board Meeting Agenda (not an exhaustive list)

- **Special Board Meeting April 7th** at 6 pm to discuss Reducing Liabilities Only
- Maintenance Chair position/bids on lawn service
- Insurance information regarding premiums and work to be done
- Reconvene By-Laws committee
- Approval of Committee members

Reporter Newsletter News:

Got a half hour a month?

Two of our volunteers who have diligently passed out the Newsletter for many years, Sue Cloutier (4635 NW 44 Ct) and Jorge Gomez (4512 NW 47 Ter), are unable to continue. We are so grateful for all they have done! We do **need two volunteers** to take over delivering the Reporter in their areas. If you can help out as a Block Captain in these areas, please contact Kate Johnson as soon as possible at katejohnsonms4@gmail.com or 305.490.1778.

I hope you have been enjoying reading the Newsletter these past few months and have found it helpful. We aim to make it useful in keeping you informed of Mainlands activities and goings on. You can receive the Newsletter by email or hard copy in your mailbox.

If you would like to receive the newsletter by email, please notify Kate Johnson by sending an email to katejohnsonms4@gmail.com. This not only makes it more available to those not here full time, it helps with keeping costs down. It is also available on our website.

If you know of any out-of-towners, please pass on the information.



Those We Lost...

Losses are never easy. A piece of us goes with them. We mourn the loss of their company and their ways. Let us not forget, while we continue to live. We mourn for the friends, family members, and with the families.

Rosanna Geiselman

“What we once enjoyed and deeply loved we can never lose, for all that we love deeply becomes part of us.” -- Helen Keller

** If we inadvertently left anyone off, please contact Kate Johnson so they can be included next month. Also, when you know of someone who has moved or died, please send an email to katejohnsonms4@gmail.com so they may be included at the correct time.*



Those We Welcome!

Jaime Gaitan 4721 NW 48th Ave.



Our Mainlands 4 Board of Directors for 2021

• Mike O'Malley	President	Momalleyms4@gmail.com	954-826-5815
• Diana Christian	Vice-President	Dchristianms4@gmail.com	305-308-0434
• Sandra Sanders	Secretary	Ssandersms4@gmail.com	954-439-5440
• George Johnson	Accounts Payable	Gjohnsonms4@gmail.com	954-536-8459
• Meloni Pollard	Accounts Receivable	Mpollardms4@gmail.com	786-282-7037
• Stephen Hartner	Civic Treasurer	Shartnerms4@gmail.com	201-739-1075
• Vacant	Maintenance Chair	contact office for issues	954-733-3009
• Suzanne Johnston	House Chair	Sjohnstonms4@gmail.com	954-868-2048
• Kate Johnson	Publicity Chair	KateJohnsonms4@gmail.com	305-490-1778
• Sheriza Waith	Social & Recreation Chair	Swaithms4@gmail.com	954-907-2395

Remember, we are all volunteers who wish to bring compassion and unity to our community.

Please help us in doing so.

Additional Volunteers:

- Jim Cogswell Librarian 954-999-5467
- Betty & John Welcoming Committee

Office Number: 954.733.3009

RESIDENTS CLASSIFIED

Residents may advertise items for sale or donation in a classified sized ad at no charge.

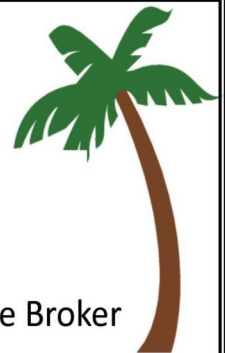
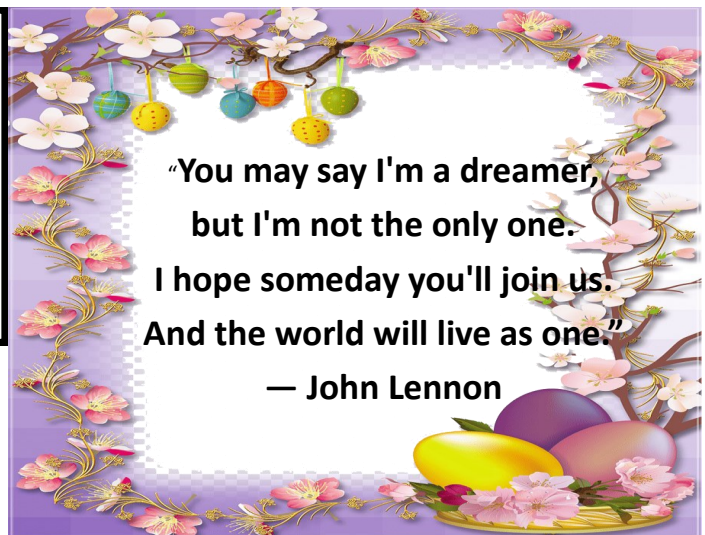
Please have your ad to Kate at the HOA Civic Meeting or emailed to her by that date to make it into the following month's Reporter.

ADVERTISING RATES FOR THE REPORTER

Residents may have one month free for a business card size ad

SIZE:		MONTHLY	ANNUALLY
Business Card	Resident	\$10	\$ 80
	Non-Resident	\$12	\$108
Quarter Page	Resident	\$18	\$162
	Non-Resident	\$22	\$198
Half Page	Resident	\$35	\$315
	Non-Resident	\$40	\$360
Full Page	Resident	\$70	\$630
	Non-Resident	\$75	\$675

Please have your ad to Kate at the HOA Civic Meeting or by email (katejohnsonms4@gmail.com) by the third Wednesday of the month to make it into the following month's Reporter. Thank you.



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