

MIDDLEBROOK PINES CONDOMINIUM ASSOCIATION, INC.  
5255 CYPRESS COURT  
ORLANDO, FLORIDA 32811

BOARD OF DIRECTORS MEETING MINUTES

February 15, 2011

The meeting was called to order at 7:30 PM.

Directors present were Tony Alivento, Ruby Bussinger, David Lovely, and Joyce Steinhardt. Keith Kiebzak was present to represent KL Management Group, Inc. Larry Palmisciano said during the January meeting that he would not be in attendance this evening. Mr. Kiebzak said that he spoke with Marlene Ward who said that she will not be in attendance because she is troubled with a back problem.

INTRODUCTION OF VISITORS

A. Unit 234 – The owner paid late charges that were assessed to her account, so there is no discussion or action to be taken by the Board.

B. Unit 458 – Mr. Kiebzak met with the owner on January 21, 2011 and agreed to a six month payment plan effective February 1, 2011 whereby the owner will pay installments of \$231.83 to pay off a past due balance of \$1390.98. The owner will also be required to pay the currently accruing monthly assessment. Late charges will not accrue on the outstanding balance so long as the owner adheres to the plan. The Board of Directors will be compelled to proceed forward with a Notice of Claim of Lien if the owner fails to make any of the assigned payments. A motion was made by Mrs. Steinhardt and seconded by Mr. Lovely to ratify the payment plan as outlined. The motion was unanimously approved.

PRESIDENTS REMARKS – There were no comments by the President.

MINUTES

A motion was made by Mr. Alivento and seconded by Mr. Lovely to accept the minutes of the January 18, 2011 Board of Director's meeting. The motion was unanimously approved.

FINANCIAL REPORT

Mr. Kiebzak reviewed the January financial statement, and a separate report that projected an operating surplus as of January 31, 2011.

MANAGER'S REPORT

Mr. Kiebzak reviewed the Manager's Report dated February 15, 2011.

IV. Tree Trimming - A motion was made by Mrs. Steinhardt and seconded by Mr. Alivento to hire The Sunbelt Tree Service, Inc. at a cost of \$5,900.00 to prune fifty-nine (59) oak trees located on the property. The motion was unanimously approved.

MANAGER'S REPORT

V. Mail Boxes and Transformer Boxes – The Board took no action to allow Mr. Kiebzak to hire a contractor to paint the boxes. Mr. Kiebzak will continue his effort to get the United States Post Office, and the Orlando Utilities Commission to complete this task.

OLD BUSINESS

A. Shakertown - Three members of the Board held a telephone conference call with Mr. Ruggieri on January 19, 2011 for the purpose of discussing on how to proceed with the Association's lawsuit against Shakertown. The Board members who were not present for the conference call were asked in the days following to get their approval to proceed forward with the strategy as outlined:

1) The Board will first attempt to settle the case by reducing an agreement to writing which will contain a provision for recovery of attorney's fees to the prevailing party if it becomes necessary to enforce the agreement. The agreement will essentially require that they replace all currently defective shingles as well as all that fail in the future. If any replaced shingles fail, those will have to be replaced as well. To avoid any arguments about whether a shingle has "failed", Mr. Ruggieri will contact the Association's architect who analyzed the shingles and ask that he provide Mr. Ruggieri with a specific definition of "failure" which will provide an objective standard that will be easy to apply. Mr. Ruggieri will also include a provision that the Court will reserve jurisdiction to enforce the agreement in case of breach. This avoids filing a second lawsuit and it also allows the Association to get in front of the Judge for a hearing as opposed to waiting for a trial docket. It makes enforcement much cheaper and faster. Mr. Ruggieri anticipates that the Association could obtain hearing time for such a hearing within approximately 60 days. Lastly, Mr. Ruggieri will inform Shakertown that the Association either have an agreement signed by both parties in 14 days or the Board will want deposition dates and discovery and Mr. Ruggieri will notice the case for trial.

2) If the Association cannot reach an agreement within 14 days, Mr. Ruggieri will complete discovery, notice the case for trial and also attempt a motion for summary judgment before trial.

A motion was made by Mr. Alivento and seconded by Mrs. Bussinger to ratify the decision as outlined. The board members who were not present during the conference agreed with the plan, so Mr. Kiebzak contacted the attorney to implement the plan. The motion was unanimously approved.

NEW BUSINESS – No discussion ensued.

A motion was made by Mr. Alivento and seconded by Mrs. Steinhardt to adjourn the meeting at 8:11 PM. The motion was unanimously approved.

Respectfully submitted for the Secretary,

Keith R. Kiebzak, CAM  
KL Management Group, Inc

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

Date: \_\_\_\_\_