

# **ABERDEEN CREEK HOMEOWNERS ASSOCIATION**

**(updated 09/2024)**

## **We need volunteers to serve on our HOA Board Of Directors because...**

Aberdeen Creek is a small 51 home community built in 2001 that is known for its tree lined streets, larger than average size lots, and well maintained homes and properties. The community has maintained its quality and kept up appearances guided by the HOA Board of Directors and with the cooperation of homeowners and residents in the community. The volunteer officers of the Board of Directors, assisted by our homeowners, perform some functions that would otherwise require employing outside vendors. This has enabled the HOA to keep the annual assessments (paid in January) at a reasonable level.

The community must have a volunteer Board of Directors because:

- the community is incorporated by the State of Florida and must comply with regulations as set forth in Florida Statute 720 (and others);
- if the HOA Board ceases to function the State will step in and appoint a Manager to run the association. The cost of this state appointed manager will be paid for by the homeowners;
- the community has common areas with equipment and structures that must be maintained; legal requirements that must be met; and financial activities and responsibilities that must be handled.

The community always needs volunteers to serve on the HOA Board of Directors who:

- are interested in maintaining the quality of life in the community for ALL residents;
- are willing to put the interests of the community ahead of their personal interests;
- will proactively identify and deal with issues within the community;
- can devote 10 to 15 hours a year of their time for the 4 or 5 board meetings required to manage the community;
- will take the mandatory (per Florida Statute 720) board member training and annual continuing education;
- will respond if needed to handle urgent matters brought before the Board.

The community is Deed Restricted. The Board has the authority to create and publish guidelines (ACC Guidelines) that provide greater detail and specificity for the community deed restrictions. Every owner is member of the community and when purchasing property in the community agrees to abide by the CC&R rules and ACC Guidelines.

The community has engaged a Management Company because:

- the volunteer Directors, although ultimately responsible for the actions of the Management Company, may not have the time or desire to deal with day-to-day issues and concerns associated with managing and running the community;
- the volunteer Directors may not have the financial or legal expertise required to comply with rules and regulations that apply to managing the HOA;
- the management company is directly responsible for identifying violations of and enforcing compliance with the community's CC&R documents (as amended) and ACC Guidelines.

The community's incorporation will expire after 30 years (in 2031) and must be renewed. Renewal of the incorporation and charter is critical if the community is to maintain its infrastructure and common areas, keep the streetlights on, and maintain insurance coverage. The costs of running the community are listed below.

These are the costs of running the community. Every homeowner pays an annual assessment that funds these costs. Collection of these payments and paying for expenses is handled by the Management Company. For Aberdeen Creek these expenses include:

- leasing the 13 streetlights from TECO
- electricity to run the streetlights, irrigation system, and column lights;
- in the common areas: mowing and fertilizing the grass, maintaining and fertilizing the landscape beds, and maintaining the trees;
- pressure washing common area sidewalks, fences, curbs and the entrance columns and sign; sealing the entrance columns;
- maintenance of the common area irrigation system and the well that supplies water to the irrigation system;
- inspection and maintenance of the retention pond;
- maintenance of the fences around the entrance island and bordering McMullen Loop;
- maintaining the entrance lights for the columns and sign and the electrical system supplying power to these lights;
- liability and fraud insurance for the HOA and the Board of Directors;
- billing and collection of annual assessments, payments to vendors, accounting services for budget preparation and financial reporting including annual IRS tax reporting;
- website URL and hosting;
- mailing newsletters and other correspondence;
- the services of a community association management company;
- legal counsel expenses (only if required);
- annual corporate filing with the State of Florida;
- any other expenses that may be authorized by the Board

### **What is a Homeowners Association? (sourced in part from Wikipedia)**

In the United States and the State of Florida, a **Homeowner(s) Association** (“HOA”) is a corporation formed by a real estate developer for the purpose of marketing, managing, and selling of homes and lots in a residential subdivision and running the day-to-day business of the community. The association is structured as a private corporation and is subject to the state's corporation and non-profit statutes and specific association documents. The developer is granted privileged voting rights in governing the association, while allowing the developer to eventually exit financial and legal responsibility of the organization, typically by transferring ownership of the association to the homeowners after selling off a predetermined number of lots.

Membership in the Homeowners Association by a residential buyer is typically mandatory and a condition of purchase in the community. If an owner sells their property the seller ceases to be a member of the association and the new owner automatically becomes a member

The authority and operation of a **Homeowners Association** is determined by relevant state statutes and the HOA’s governing documents. These governing documents usually include the Covenants, Conditions, and Restrictions (“**CC&Rs**”) as amended (“**Amendments**”) and the corporate documents (“**Articles of Incorporation**” and “**Bylaws**”). The governing documents may also include board-enacted rules as authorized by the CC&Rs -- for Aberdeen Creek these are the “**ACC Guidelines**”.

Board members (officers) are elected annually by the homeowners. New board members must provide certification that they are knowledgeable about the association documents and will serve in good faith (see below...):

720.3033 Officers and directors.—

(1)(a) Within 90 days after being elected or appointed to the board, each director shall certify in writing to the secretary of the association that he or she has read the association's declaration of covenants, articles of incorporation, bylaws, and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. Within 90 days after being elected or appointed to the board, in lieu of such written certification, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved education provider within 1 year before or 90 days after the date of election or appointment.

A HOA (Homeowners Association) provides a number of benefits which vary depending on the community and structure of the HOA. These benefits may include an opportunity for residents to enforce and amend the governing documents, to maintain a common scheme of development, shared neighborhood values and to minimize ownership maintenance responsibility. Use restrictions may be stricter than municipal codes provide but are usually subject to statutory constraints. For example, HOAs may regulate the exterior appearance of homes and/or require approval of construction activities and landscape changes that take place on the property.

Many residents rate their overall experience living in a common interest development as good. A survey of 709 people by Zogby International, sponsored by the Foundation for Community Association Research, an organization created by the Community Associations Institute trade association, showed that for every homeowner who rated the overall experience of living in a homeowner association as negative, seven (88%) saw it as positive.