

RESIGNATION OF AUTHORIZED REPRESENTATIVE

Before I tender my resignation as Authorized Representative of the HOA, I wish to make a final statement for the official record in response to an email sent to several residents from Diane Thatcher and JoAnne Fieschel dated January 14, 2023. With the election behind us and our legal issues resolving, I finally feel free to respond to this email as it contains several statements that are simply not true and residents deserve to know the truth.

I: Dorothy Portalla and Jenai Hult accused of “being too cozy with Cove.” This is the excuse offered for their dismissal from the board of the HOA. Shelli Sheridan, JoAnne Fieschel, Doug Wedel, Nila Bruce and Diane Thatcher (hereinafter referred to as the “rogue directors”) hijacked the HOA board. They canceled meetings and operated in the dark for many months, refusing to be accountable to the members. They illegally dismissed Dorothy and Jenai and excuse themselves by saying it was “misapplication of incorrect bylaws.” **They knew the 2019 bylaws did not allow them to dismiss a board member.** We know this for a fact because they sent Dorothy a copy of the Florida statute which had the procedure struck through with heavy black marker except for the final portion which stated she needed to return all association property within 5 days. Their attorney, Daniel Perry repeatedly made motions referring to the bylaws, even stating the 2019 bylaws were submitted as an exhibit, yet only submitted the 2018 bylaws. When they dismissed Jenai, she went to them and showed them in the 2019 bylaws the section showing only the members can recall (dismiss) a director Their belated excuse that they didn’t know any better and misapplied an incorrect bylaw doesn’t ring true.

They believe any Ambassador for the Lifestyle Program is “in league” with the park owner. Unfortunately many residents also believe this but it is simply untrue. The ambassadors are residents who are willing to conduct social activities for the benefit of everyone. Cove Communities wants to coordinate the efforts of residents and provide support so that our community has a well organized, active and exciting social life. The ambassadors work together with Cove employees to schedule activities in an organized fashion so they do not conflict or overlap, collect money for tickets to offset the cost of events when necessary, publicize and promote the activities, and setup/conduct/cleanup each event. Cove employees “facilitate” the events the ambassadors want to have and often work side-by-side with us. As a result, we have many more events on our social calendar than ever before. Cove has never requested anything from the Ambassadors except their willingness to volunteer their time and talents for a better community.

II. “Portalla, Hult and Moore tried to overthrow your HOA:” Dorothy and Jenai were illegally dismissed. Kathy resigned from the board when she realized what the rogue directors were doing in canceling meetings and holding over to control the board. These 3 residents did not “spearhead an attempt to overthrow the HOA.” As President, Dorothy appointed Mike Wehrle to form a committee and obtain a petition for a meeting. 88 residents signed a petition to hold a special meeting in November 2021. When the actions of the rogue directors became known to the residents during this meeting, the decision was made to hold our annual election instead of recalling the rogue directors. The result would be the same either way. Their term in office

would be over and new directors would be installed. Conducting an annual meeting in accordance with our association bylaws **IS NOT OVERTHROWING THE HOA**. Dorothy Portalla did not “pretend she was in charge” - she was at all times the HOA President until the members said otherwise.

III. “Portalla, Hult and Moore never told you the arbitrator criticized their conduct.” This is also an outright lie. Jenai and Kathy were never mentioned by name during arbitration except to be restored to the board. Dorothy’s conduct was never criticized by the arbitrator except that she should have filed a complaint with DBPR herself. The rogue directors were themselves criticized harshly by the arbitrator in his Summary Order, pointing out they had certified their knowledge of Florida statutes and association bylaws as required of all HOA officers and therefore it was their duty to understand all of the bylaws and apply them appropriately. The arbitrator ruled the committee Dorothy appointed performed everything in legal fashion, Dorothy appropriately called a meeting upon petition by greater than 10% of the members and the meetings held in November and December 2021 were legal in every respect. The election held in December 2021 was not validated because of one technicality the members could not overcome and that was the submission of nominees by a nominating committee. Because the rogue board would not permit meetings, the nominating committee could not function. It was solely on that basis the arbitrator would not certify the election. He overruled **every objection** made by the rogue board and stated the Authorized Representative for defendants submitted **”conclusive and compelling evidence”** to every request he made. On the other hand, their attorney failed twice to submit what the arbitrator ordered and he based his final decision accordingly. I don’t know what “two elections” they referred to, but the annual election was competent and correct except for the nominating committee (which is one thing the rogue board never complained about.) Our recent election last month was obviously legal as it was conducted in accordance with the arbitrator’s orders. Their participation was minimal and just like the previous 18 months, they sat back and let others do their work, not even appearing at meetings to take minutes or providing financial statements.

IV. “Portalla, Hult and Moore continue to do Cove’s bidding:” These three members of the restored board were accused of “orchestrating a mob scene.” I’m not sure when this mob scene occurred, but the only thing I witnessed was the members asking pointed questions of the rogue directors during an arbitrator ordered meeting. I’m sure it was difficult for them to sit in front of the members and face them after their dismal failure as directors, but I would hardly call it a mob scene. Dorothy maintained total control over the meeting, warning members in advance that unruly behavior would not be tolerated. As to dismissal of the lawsuit, absolutely **no one** knew in advance that a motion would be made to dismiss the lawsuit. As the authorized representative of the HOA, I consulted with Stanley Plappert through his paralegal and was requested to make a motion to dismiss the lawsuit. This request was received shortly before the meeting and I told no one about it. During my presentation for an update on legal issues, at the conclusion I made the motion. Cove Communities had absolutely no influence over me and at no time requested me to have the lawsuit dismissed. It was the homeowners’ defense attorney who prompted the motion. When JoAnne Fieschel later attempted to claim that dismissing the lawsuit would kill our complaint about losing use of the kitchen facility, I was

forced to respond spontaneously that their amended complaint DID NOT EVEN MENTION THE KITCHEN. It had already been removed voluntarily by their attorney in his amended complaint.

The email further accuses Portalla, Hult and Moore of seeking reelection to the board. Apparently they did not wish to be reelected since only Kathy Moore ran for area director, not a board officer.

Their conclusion that like-minded homeowners need to run for election to carry out the fiduciary duties as an HOA director is admirable except for one major detail. The rogue directors did not carry out their responsibilities. In fact, they violated almost every portion of their Oath of Office with their single-minded obsession of suing the park owner. Meeting in the dark, canceling meetings, attempting to holdover their position on the board, failing to disclose financial information upon request, repeatedly slandering residents who oppose them by calling them ignorant, uninformed and agents of Cove, accusing other directors of misconduct with vague, unfounded rumors, suing residents because of hearsay information, hiring an attorney with a shady reputation and pillaging the HOA treasury...none of this inspires confidence in listening to their advice. Yet after all of this and in the face of obvious disapproval of the majority of HOA members, they still show no signs of remorse. I'm not sure what else we can do to convince them that the HOA members do not respect them or their actions.

The information in this notice is my personal opinion and not the official opinion of the current HOA board. However as the Authorized Representative of the HOA, I have first-hand knowledge of all the events over the past two years and I stand by my conclusions. My duty to keep you fully informed of the facts has now been fulfilled. I think I have proven my dedication to the HOA mission and as a newly elected officer of the board, I pledge to work with the Cove Communities management team on behalf of the residents at all times.

With arbitration concluded and the lawsuit dismissed, I now resign my appointment as Authorized Representative, so that I can devote my time to the duties of HOA Secretary.

Thank you for reading this lengthy message.

~Dianne Wieckert~

3/7/2023