

HISTORY AND TIMELINE OF HOA'S LEGAL ISSUES

May 2021: Mary McCarthy, President of the HOA dies. Dorothy Portalla moves up to President.

June 7, 2021: Karen Glendenning resigns as Treasurer. Doug Wedel appointed Treasurer.

June 27, 2021: Mike Wehrle resigns.

July 5, 2021: Diane Thatcher and Kathy Moore selected as new area directors.

July 2021: Shelli Sheridan, JoAnne Fieschel and Nila Bruce assigned to Homeowners Committee to negotiate and/or mediate with park owner regarding decrease in services, i.e. loss of kitchen and storage areas and fee for long term storage spaces.

August 9, 2021: Dorothy Portalla dismissed from the board by a board vote. Notified by email. Jenai Hult subsequently dismissed also. All meetings canceled indefinitely allowing the directors to hold over. Kathy Moore resigns in protest. Dorothy returns to Florida and in October 2021 appoints a committee to get a petition signed by members to hold meetings. Petition is accomplished and a meeting is set for November.

November 2, 2021: Dorothy Portalla conducts special meeting. Members faced with the decision to recall the directors or conduct an annual meeting at the usual time in December. In light of pending mediation, decision is made to go forward with the annual meeting. Nominations taken from the floor.

December 7, 2021: Annual meeting held. Elected were: Sandie Leach, President; Bob Senge, 1st Vice; Jenai Hult 2nd Vice; Jake Sholten, Treasurer; Dianne Wieckert, Secretary; Judy Crites, Debbie Waxler and Claudia Lunn, Area Directors.

December 13, 2021: Lawsuit filed in Marion County Court by the HOA against Rolling Greens Venture I, LLC d/b/a Rolling Greens Village, Gary and Freda Timmons, J. Allen Bobo (attorney for Buyer/Park Owner), Richard Webb (attorney for Seller/Prior Park Owner) and 14 individual homeowners, namely Charles Pennington, Michael Wehrle, Dorothy Portalla, Jenai Hult, Robert Senge, Sandra Leach, Linda Krebs, Robert Pennington, Richard Allen, Dianne Wieckert, Debbie Waxler, Judy Crites, Claudia Lunn, and Jacob Scholten. The Complaint was 53 pages long and as best we could interpret claims a criminal conspiracy among all Defendants to defraud the homeowners regarding the sale of the property from Ivey to Rolling Greens Venture, fraudulent over-billed ad valorem tax pass-ons and fees; the negotiation of a long term lease agreement; extortion of control of the homeowners association through the Ambassador Program; and usurping of control of the homeowners association by the 14 individuals. Violations of RICO laws and Florida Fair Trade Laws (FDUTPA) were made against this "criminal organization." Incidentally noted in Count 7 were loss of kitchen privileges and fees for long term storage.

Mediation is held January 14, 2022. After a brief discussion, the Homeowners Committee (Sheridan, Fieschel and Bruce) announce mediation is over, they will take the matter to court and they leave the meeting. Mediation ruled in favor of park owner.

Summons are served over several weeks at the end of February and first of March, 2022. Call for donations to establish a legal fund for defense of homeowners being sued. Stanley Plappert of the Florida Legal Advocacy Group is retained for \$5,000.

Numerous responses, motions, orders and amended complaints are filed by all parties. The issue of loss of kitchen privileges and long term storage fee are dropped from amended complaints. Richard Webb is dismissed voluntarily by Petitioners and subsequently files for sanctions. J. Allen Bobo is dismissed

voluntarily by Petitioners and subsequently files for sanctions. 14 individuals are dismissed voluntarily by Petitioners. Legal agreement with Stanley Plappert is concluded with individuals' dismissal.

During the course of the lawsuit, when Plappert points out the election of December 2021 was uncontested and the time limit has expired, Daniel Perry emails the Chief of Arbitration of DBPR and tells him we held a recall election and requests the time limit to object be tolled (extended) because notice of objection was filed in Marion County court by the lawsuit. Their Petition for Arbitration is entered July 30, 2022 and an arbitrator is appointed.

The homeowners do not have access to funds for an attorney. An attorney is recommended but not required for arbitration. Therefore Dianne Wieckert is appointed Authorized Representative and her request is approved by the arbitrator after establishing her credentials. **Numerous** motions and orders are requested and filed over the next several months.

Case Management Hearing by phone is held on October 13, 2022. The arbitrator was still under the impression that we held a recall election and definitely favors the petitioners. Subsequently Dianne submits proof that Dorothy and Jenai were dismissed from the board in violation of our bylaws and that Dorothy was still President when the November and December meetings were conducted. The December meeting was our **annual election** not a **recall**. The arbitrator does an immediate about-face and now favors the defendants.

December 16, 2022: Arbitrator issues Summary Final Order finding that Dorothy and Jenai were illegally dismissed from the board and the meetings in November and December were legal and valid. However the election of December 2021 is not confirmed because there were no nominations from a Nominating Committee. The former board is restored with Dorothy Portalla as President. Jenai Hult and Kathy Moore are restored to the board also. They are charged with the responsibility to hold an election by February 2023. Nila Bruce attempted to take her place on the restored board but our objection was noted that she is no longer a resident and therefore no longer eligible to serve on the board.

Annual meeting and election are held on February 21, 2023 which fulfills the arbitrator's Summary Order and arbitration is concluded.

Board of Directors met during a transition meeting on February 24, 2023. Vote was confirmed to demand Daniel Perry drop the lawsuit against all parties with prejudice immediately. February 28, 2023: Perry files Motion to voluntarily dismiss the lawsuit with prejudice. Case is closed!

FROM THE ASHES, THE PHOENIX RISES IN ALL ITS GLORY. We've been through a very rough time these past two years, but the homeowners held firm in their resolve. Through dedication and hard work and with **your** support, we have reclaimed our HOA and now we move forward - **bigger, better and stronger!** So many people to thank...the Rebel Alliance (the 14 individuals who were sued.) Thanks for taking one for the team. Sandie Leach and the rest of the 2022 board for their unwavering support. The members who donated to the legal defense fund. Special thanks to Charles Pennington, Bob Pennington and Dorothy Portalla who all helped immensely in making this happen. Thanks to Terri Passaro and the Cove Communities team for recognizing us and working with us throughout 2022.

Respectfully reported by Dianne Wieckert, HOA Secretary and Authorized Representative for Arbitration.