

c/o Associa Gulf Coast, AAMC
13461 Parker Commons Blvd, Ste. 101
Fort Myers, FL 33912

126-151

ASSOCIATION INFORMATION ENCLOSED



James B. & Catherine M. Hutton
4679 Springfield Av.
Pennsauken NJ 08109

Van Loon Commons Community

Newsletter

May/June, 2015

Associa Update

In March your board made the commitment to switch from Sentry to Associa for our management company. This process began in 2014 with your previous board in response to owners and board concerns with Sentry's communication and financial reporting.

We wish we could tell you this was an easy process but unfortunately our timing and Associa representation fell short of the board's expectations.

Our contract started on April first which was when our second quarterly dues were to be paid and this caused our first stumbling block with Sentry closing our bank down prematurely. This caused many owners payments to be rejected and sent back causing a delay in dues collection.

Secondly Scott LoVecchio was our CAM and Associa's business development representative who sold and signed us dropped the ball. In March Scott was to set up all our vendor payments working with Sentry for a smooth transition. Scott made a 90 day commitment to work with Van Loon while he made sure the proper CAM was assigned to manage our facility. Once again the ball was dropped and our vendor billing was never set up and Scott placed Lisa Mason as our CAM. At this point the board was very disappointed in Scott's misrepresentation as Lisa was a new hire with no training on the process Associa used for vendor payments and policies.

The good news is Lisa is very dedicated and is working diligently to get us on track. Thankfully Scott is out of the picture. We have discussed these issues with the upper management at Associa and feel confident the board made a good choice to move from Sentry.

2014 Audit

Sentry had advised the 2014 board to switch to a new firm for our audit and upon review our **treasure** Pam DeCraene made many attempts and had numerous conversations pointing out the errors to this new company. The new company stood by their work and would not correct this. The good news is our prior year's owner's equity is \$44,051.23. The Reserve section of this audit is also inaccurate and our attempts to correct were rejected. The actual 2015 contribution to reserve will be \$75,000. Refer to attached March 2015 balance sheet from Associa reflecting these numbers.

The audit is now available for owners to request and review and only confirms why we switched from Sentry.

Improvement Projects

Due to the obstacles the board hit in this switch to Associa we have placed all projects on hold till June when we fully expect to have all payments up to date and on track. Once this is achieved we will move ahead full steam with our security cameras, AC line project, landscaping, entry gate code upgrade and power washing to name a few.

The board appreciates the owners understanding and support and will make sure all major repairs are attended to ASAP.

Sub Meter Update

The system was activated by Master Meter in March with test readings sent to Rick Aliperti and United Utilities Service [UUS] our future billing company. We quickly found this system was still not functioning properly and we could not initiate a start date with United Utilities till Master Meter resolved these problems. The first problem was not all meters were transmitting to the transponder on the side of building 1137. The board authorized UUS to raise the antenna in hopes this would resolve the problem along with taking it from a solar transmission to a hard line hook up. Unfortunately this did not resolve the problem as the daily Master Meter reports still had units missing. The next step was to do a test drive by in our property to read the meters by UUS using a hand held reader. This showed better results and found more meters have failed since the change out last year. This start up is on hold till we can coordinate with UUS to change out about 12+ meters and our financial issues are on firm ground. The board will not start up this system till it is **100% FUNCTIONAL** and we do a 2 month test billing cycle. The last thing Van Loon needs is a repeat of improper billing and financial short falls caused by a failed meter system. We hope to have this up by the last quarter and all owners will have advanced notice to billing procedures. All units with extreme usage will be notified in advance to help owners correct and adjust. Once again the board thanks and appreciates your patience and understanding of this complex situation.

Legal Challenges

Enclosed with this news letter is the latest official information request by Catherine Hutton along with follow up correspondence from her. This is once again the start of a campaign by her to find fault with your board's actions and file claims to the state against Van Loon. Many may remember she filed unsubstantiated claims to the State in 2014, causing us to use legal fees to review the allegations. This current request has started the legal meter running, costing us to use funds that could be used to improve rather than refute. Catherine has had a conversation with board members expressing she will not stop till she can win and bring your board down by suing Van Loon. This is a very distressing and alarming situation. Your board urges all owners to read the attached sheets and form your own conclusions. Owners should then express their views to Catherine & Jim Hutton. Your board will remain focused on meeting the needs of all 150 owners and is confident we have communicated and acted properly for Van Loon Commons.

Summary

The board encourages your feedback on this news letter and is available to answer any and all questions about our community.

Please direct all comments to richardvanlooncmns@hotmail.com

Respectfully: Rick, Pam, Brenda, Jack and Bob your 2015 board.

Catherine & James Hutton

Owner

Mailing Address

Email

Phone

May 2, 2015

This request is being sent by email and certified letter. Please contact us by email or telephone to schedule a mutually convenient time for review of the requested information. At the scheduled time, documents for which any copies are needed will be identified and payment made. If records are maintained in electronic format, please provide cost for sharing in electronic form/PDF.

Request emailed to: Lisa Mason, Associa Gulf Coast, lmason@associagulfcoast.com ; Pam Decraene, VLC Treasurer, pdecraene@comcast.net

Request sent by certified mail : Attention: Lisa Mason, CAM, 13461 Parker Commons Blvd, Suite 101, Fort Myers, FL 33912

Van Loon Commons (VLC) Board of Directors (BOD) Owner Records (OR)

Pursuant to Florida Statutes, specifically Chapter 718 the following information is requested:

- Engagement Letter for Audit of 2014 VLC financial records with accounting fee for report
- Copy of minutes for meetings conducted in Dec 2014 through April 2015
- Minutes for BOD which include vote for "Water Billing" as attached – The enclosed statement of account includes a posting on 09/09/14 of \$100. If a vote was not conducted to add this to the account, provide substantiation of the authority under Florida statute or as included in condo documents for this "charge".
- Copy of "delinquent owner list" distributed at April 1, 2015 BOD meeting with owners, which included HUTTON as delinquent for \$100
- Copies of the calculation for and amounts of all "Water Billing" assessed for each of the 150 units; provide method of determination of amounts and related collections for each unit for the June 2013 through Nov 2013 back-billing. Include units with changes in ownership prior to issuing the charge. IE – no billing was issued.
- Identify the income or expense account to which the collections of "Water Billing" IE. Revenue Account? Prior Year Adjustment? Utility offset?

- General Ledger Detail from 12/01/14 through 04/30/15 with Accounts Receivable and Accounts Payable detail
- Bank statements for all accounts: Operating, Reserve and Escrow (Tenant Security Deposits) for 12/01/14 through 04/30/15
- Copy of recent "Water Amendment" voted for in 2015 and any current contract with a billing company in effect with dates and terms
- Water bills for ALL buildings, including clubhouse/pool as issued from City of Cape Coral for the period of 01/01/14 through 12/31/14. If the bill does not begin on a calendar date of the 1st through 31st, include copies for the prior and subsequent months. (December 2013 and January 2015) Identify the account in General Ledger used to record the expense if not Utilities - Water
- Termination letter from VLC to Sentry Management
- Management Contract between Associa and VLC and attachments
- Copies of legal bills for the period of 07/01/14 through 04/30/15
- Copies of all recall ballots of Catherine Hutton certified as valid, or not valid by VLC contracted attorney, Jason Himschoot from buildings 1125 and 1129 from July 2014.
- Current copy of VLC Condo Documents; Bylaws and Rules and Regulations with updates (IE - Voting rights rescinded for delinquency) since 01/01/14

Thank you for your attention to this matter.

Catherine & Jim Hutton

Several applicable sections are below for BOD quick reference.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

(4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.—The association has the power to make and collect assessments and to lease, maintain, repair, and replace the common elements or association property; however, the association may not charge a use fee against a unit owner for the use of common elements or association property unless otherwise provided for in the declaration of condominium or by a majority vote of the

association or unless the charges relate to expenses incurred by an owner having exclusive use of the common elements or association property.

(4)(a) Funds for payment of the common expenses of a condominium within a multicondominium shall be collected as provided in subsection (2). Common expenses of a multicondominium association shall be funded by assessments against all unit owners in the association in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

(b) In a multicondominium association, the total common surplus owned by a unit owner consists of that owner's share of the common surplus of the association plus that owner's share of the common surplus of the condominium in which the owner's unit is located, in the proportion or percentage set forth in the declaration as required by s. 718.104(4)(h) or s. 718.110(12), as applicable.

12. Ballots, sign-in sheets, voting proxies, and all other papers relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d). The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental

impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

4. Medical records of unit owners.

5. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association shall not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

DATE OF NOTICE: SEPTEMBER 11, 2014

PAST DUE: \$100.97

ACCOUNT NO: 06018150040329

WATER

DATE OF NOTICE: OCTOBER 14, 2014

PAST DUE: \$100.00

Sentry Management, Inc
2180 W. St. 434, Suite 5000
Longwood, FL 32779

DATE OF NOTICE: NOVEMBER 10, 2014

PAST DUE: \$100.00

WATER

ACCOUNT NO: 06018150040329
1137 VAN LINDEN CHINAUS RD 4344

WATER

DATE OF NOTICE: DECEMBER 12, 2014

PAST DUE: \$100.00

WATER

DATE OF NOTICE: JANUARY 16, 2015

BALANCE: \$100.00

DATE OF NOTICE: FEBRUARY 13, 2015

BALANCE: \$100.00

WATER

LATE NOTICE: This bill reflects amount of payments through the date of your account and includes all fees and charges that have accrued on any payments that are past due. If you have any questions regarding this bill, please call our office at (407) 321-1111. If you are unable to reach our office, please contact your local utility provider. All correspondence for notices is sent to the address on file with the utility provider. If you have moved, please notify the utility provider of your new address. All correspondence for notices is sent to the address on file with the utility provider. If you have moved, please notify the utility provider of your new address.

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Ledger Card for 040302 HUTTON, CATHERINE M & JAMES B

Your account balance is 100.00

From date : (enter as mmmddyy or mmmddyyyy or mm/dd/yy or mm/dd/yyyy)



Search

(to view history)

Search results

Date	Description	QUARTERLY	Special Assess	Other Assess	MISC	Legal	Total
04/01/2013	2ND ASSESSMENT 4/1-6/30/13	818.00					818.00
04/15/2013	REC'D LKBX CK# 0000000241	-818.00					0.00
07/01/2013	3RD ASSESSMENT 7/1-9/30/13	818.00					818.00
07/11/2013	ASSESSMENT INTEREST CHARGES	12.27					830.27
07/11/2013	ASSESSMENT LATE FEE CHARGE	40.90					871.17
07/16/2013	REC'D LKBX CK# 0000000241	-764.83					106.34
		-53.17					53.17
08/12/2013	ASSESSMENT INTEREST CHARGES	0.79					53.96
09/11/2013	ASSESSMENT INTEREST CHARGES	0.79					54.75
10/01/2013	4TH ASSESSMENT 10/1-12/31/13	818.00					872.75
10/10/2013	ASSESSMENT INTEREST CHARGES	13.06					885.81
10/10/2013	ASSESSMENT LATE FEE CHARGE	40.90					926.71
10/21/2013	REC'D E-CK# 0004866555	-762.46					164.25
		-55.54					108.71
11/12/2013	ASSESSMENT INTEREST CHARGES	1.63					110.34
12/11/2013	ASSESSMENT INTEREST CHARGES	1.63					111.97
12/31/2013	OVERPAID WATER & SEWER	-7.84					104.13
01/01/2014	1ST ASSESSMENT 1/1-3/31/2014	1,005.00					1,109.13
01/10/2014	REC'D E-CK# 0005152763	-1,001.74					107.39
		-3.26					104.13
01/16/2014	ASSESSMENT INTEREST CHARGES	1.56					105.69
02/01/2014	SPECIAL ASSESSMENT-RSVS/MISC		730.00				835.69
02/11/2014	REC'D E-CK# 0005266439		-730.00				105.69
02/14/2014	ASSESSMENT INTEREST CHARGES	1.56					107.25
02/28/2014	REC'D E-CK# 0005303164	-104.13					3.12
		-3.12					0.00
03/04/2014	RETD ECK#5303164 HUTTON DG	107.25					107.25
03/10/2014	REC'D E-CK# 0005364600	-107.25					0.00
04/01/2014	2ND ASSESSMENT 4/1-6/30/14	1,005.00					1,005.00
04/10/2014	REC'D E-CK# 0005480902	-1,005.00					0.00
07/01/2014	3RD ASSESSMENT 7/1-9/30/14	1,005.00					1,005.00
07/11/2014	ASSESSMENT INTEREST CHARGES	15.07					1,020.07
07/11/2014	ASSESSMENT LATE FEE CHARGE	50.25					1,070.32
07/14/2014	REC'D E-CK# 0005800206	-939.68					130.64
		-65.32					65.32
08/11/2014	ASSESSMENT INTEREST CHARGES	0.97					66.29
09/09/2014	WATER BILLING				100.00		166.29
09/10/2014	ASSESSMENT INTEREST CHARGES	0.97					167.26
09/11/2014	ADJ JULY LT FEE/INT CM/KB	-65.32					101.94
		-0.97					100.97
10/01/2014	4TH ASSESSMENT 10/1-12/31/14	1,005.00					1,105.97
10/03/2014	REC'D E-CK# 0006079572	-1,005.00					100.97
		-0.97					100.00
01/01/2015	1ST ASSESSMENT 1/1-3/31/15	1,095.00					1,195.00
01/08/2015	REC'D E-CK# 0006421114	-995.00					200.00
					-100.00		100.00

JUN-02-2015 09:39 SBSE COMPLIANCE PHL
01/13/2015 TRNS PT CK#3421114 FR MISC INT -100.00
01/13/2015 TRNS PT CK#6421114 TO QRT ST

267 941 6731 P.10
0.00
100.00 100.00

13

Lisa Mason

From:
Sent: Monday, May 04, 2015 1:55 PM
To: Lisa Mason
Cc: 1 Jim I Hutton; PAMELA
Subject: Re: Information Request - Van Loon Commons

Thank you Ms. Mason:

We have been through this routine twice before with Sentry Management.

I would hope by now, our BOD and CAM company would have gained some greater understanding of the statutes.

We've been told that you recently transferred from Sentry Management so this would make sense.

We will wait for the \$1,000 review to be completed (again).

Catherine and James Hutton

Sent from my iPhone

On May 4, 2015, at 10:59 AM, Lisa Mason <lmason@associagulfcoast.com> wrote:

Good morning Catherine.

I am in receipt of your email and will look for your certified request to come in through USPS. We have forwarded this on to the attorney for review and will be in touch with you soon.

Have a great day!

Lisa

Lisa Mason, CAM

Associa Gulf Coast - An Associa® Company
13461 Parker Commons Blvd. Suite 101
Fort Myers, FL 33912

Toll Free: 877-322-1560

Direct: 239-425-9942

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Lisa Mason

From:
Sent: Thursday, May 14, 2015 10:47 AM
To: Lisa Mason
Cc: AMELA
Subject: Van Loon Commons Info Request

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Ms. Mason:

Thank you for assembling the requested information which was available yesterday.

While we have not yet done any in depth review, we noted that the copy of the "contract" between United Utility Services and Van Loon does not include any dates for starting or ending; only a term of 12 months. Is this an actual copy of a contract in effect?

We read the May 7th email from Mr. Alperti to Ms. Decraene also, regarding the meters not being operational at this time. We are wondering how this was determined if no current billing is in effect.

Also, please let us know when the information of the amounts billed to each unit and the amount collected will be available. That "formula" does not make sense when the beginning and ending readings not being transmitted for many of the units.

We will mail a check or bring one when the additional information, including the engagement letter is available.

Thank you,

Catherine Hutton

Sent from my iPhone

Lisa Mason

From:
Sent: Friday, May 15, 2015 11:51 AM
To: Lisa Mason
Subject: Follow up from 05/13/15

Good Morning Ms. Mason:

Sorry for this 2nd email; we know you are very busy and have more important matters to handle than our owner information request.

Unfortunately, our time is limited on this trip and I don't want to inconvenience anyone else to make a trip to Fort Myers. Are you able to provide an estimated date for the outstanding information to be available?

It could be sent be email or faxed if it won't be ready by Tuesday.

 Thank you,

Catherine Hutton

Sent from my iPhone