

The Falls at Sheridan Community Association, Inc.

A special meeting of the Falls at Sheridan HOA was held on September 14, 2010 at 10:00 AM at the United Methodist Church in West Melbourne. Russ Schaad, President, opened the meeting and introduced the Board members, Pete Fassman, Elaine Bryson, Ruthe Faust and Tim Young.

Russ stated that this meeting was to be considered a discovery meeting to review a dispute regarding construction of a structure in the pool area at the residence of Mr. & Mrs. Silnutzer of 771 Conestee Dr., which is in violation of Sect. 7.3B of our covenants.

An ARC application was received and approved by the Board for a pool only. No plans were submitted at this time for a gazebo. ARC committee members, Andrea Nemeth and Carol Fischer, stated that a gazebo would not have been permitted according to our covenants Sect. 7.3B.

Mr. Bohne, attorney for the Board, submitted the facts to the Board for review.

Mrs. Silnutzer addressed the Board stating that they started construction of the pool in good faith and that they intended to continue construction. A cease order was received from the Board's attorney, Mr. Bohne. On the advice of the Silnutzer's attorney they continued construction, ignoring the letter.

A letter was distributed by the Silnutzers to all residents of The Falls advising them of this special meeting. Residents appeared before the Board on behalf of the Silnutzers. There were also residents present that were concerned about the violation of the covenants and what it would mean to the rest of the community if the construction were allowed to continue.

Russ Schaad stated that the Board is trying to make the right decision for the welfare of the whole community.

Mr. Bohne advised the Board to make a decision at this time. After much discussion among the Board, Elaine Bryson made a motion which was seconded by Tim Young to poll the members of the Board.

On a vote of 3 to 2 it was decided that the Silnutzers were in violation. The vote was as follows:

Russ Schaad – no violation
Pete Fassman – yes violation
Elaine Bryson – yes violation
Ruthe Faust – yes violation
Tim Young – no violation

Mrs. Silnutzer stated that she would be in touch with her attorney and that they will continue to pursue their plans. The Board will await instructions from Mr. Bohne.

The meeting closed at 11:30AM.