

Brigit Brennan

From: Information from Newell Property
Sent: Wednesday, January 13, 2016 4:55 PM
Subject: Kensington Park Master- Notice
Attachments: More detailed explanation of changes.docx

KPMA E-BLAST

Dear Kensington Residents,

Hope you all had a wonderful Holiday season and are now back in Naples for the longer, winter season.

We are fast approaching a couple of significant events here at Kensington which will involve your participation. Next Tuesday, January 19th at 1:00 PM we will be holding our last Town Hall meeting to answer any questions you may have about the new governing documents. Attached to this e-mail is a sheet that a more detailed summary of the changes between the old, 2004 documents and the new, 2016 version. The KPMA board will then meet on Thursday, January 21st to finalize the documents and approve the mailing of them to each individual in Kensington. In the package you will receive a proxy statement that will allow you to vote positively or negatively on whether to accept the new documents. Please note, this proxy will be valid only for voting on the documents. You may also cast your vote for or against the new documents in person at 3:00 PM on February 18, 2016 at the Club House. Obviously, the Board feels the right vote is an affirmative one as our documents really need to be updated, but in any case, please vote.

The second item we wanted to call to your attention is the upcoming annual KPMA meeting which will take place on March 17, 2016 at 3:00 PM also at the Club House. You will soon be receiving notice of this meeting and included with your package will be a form for you to fill out if you are interested in being considered for a seat on the Board. This form needs to be received by Newell Management by February 21st so please complete it if you are interested. Joining the Board a great opportunity for you to help in managing the affairs of Kensington and positively impacting our community's future.

Best regards,

Your Kensington Board of Directors



GOEDE / ADAMCZYK / DEBOEST / CROSS
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To: Kensington Park Master Association, Inc.
From: Steve Adamczyk / Goede, Adamczyk, DeBoest & Cross
Date: January 20, 2015
Re: Further Summary Explanation of Changes in Proposed Amended Documents

A. Master Declaration and General Protective Covenants, Conditions and Restrictions for Kensington Park (the "Declaration")

1. First Mortgage Holder Assessment Collection.

Existing: Section 7.13 of the current Declaration provides that a party acquiring title to a home due to foreclosure is not responsible for any amounts owed by the previous delinquent owner.

Proposed: Section 3.14 of the proposed Declaration permits KPMA to collect, at a minimum, the statutory minimum for a first mortgage holder, and places KPMA in a better position to collect as much as possible from a bank or third party purchaser following foreclosure.

2. Lien Priority.

Existing: Section 7.1 of the existing Declaration provides that the recording of a KPMA claim of lien shall determine the priority of the lien.

Proposed: Florida law was amended and now provides in F.S. 720.3085 that the priority of the lien relates back to the recording of the Declaration, which is 1993, and has priority over all liens after 1993 with the exception of a first mortgage. This new language will provide stronger lien priority.

3. Resale Capital Contribution Assessment.

Existing: The existing documents do not include this charge.

Proposed: Section 3.16 of the proposed Declaration creates a resale transfer fee. The amount is 2 quarters of KPMA assessments (at the time of closing) and the charge is the obligation of a buyer at closing. There are exemptions for certain estate planning transfers. The funds must be deposited into the KPMA reserve account. The amount may not change absent a future vote of the membership (see number 11 below).

4. Dispute Resolution.

Existing: Sections 9.7 and 9.13 of the existing Declaration provide that KPMA must seek approval for litigation (with exception) and that KPMA may pursue legal remedies against a party violating the covenants. There is no mention or reference to alternative dispute resolution.

Proposed: Florida law now requires disputing parties to offer to participate in pre-suit mediation for various disputes before a party may file a lawsuit in court. This is now contained in F.S. 730.311 and now expressly set forth in Section 13.3 of the proposed Declaration. The restriction requiring two-thirds of the membership to approve litigation has been removed. Florida law now provides that KPMA must seek membership approval prior to commencing litigation against any party in the name of the association involving significant amounts and the current threshold amount could prevent KPMA from enforcing rights when necessary.

5. Access Patrol.

Existing: Section 9.1 of the existing Declaration discusses security and various disclaimers with respect to safety and security.

Proposed: Section 13.9 of the proposed Declaration includes similar provisions, except that KPMA is clarifying that it provides access and patrol services, and not security.

6. Country Club Access and Patrol Obligations.

Existing: Section 7.8 of the existing Declaration provides that the Country Club is responsible for paying a fixed percentage of the KPMA access and patrol budget.

Proposed: Section 3.3 of the proposed Declaration does not alter the percentage responsibility, but provides that the Country Club is responsible for a percentage of actual expenses incurred, and not merely the budgeted amount. This creates a fair and equitable responsibility for fluctuating access and patrol needs.

7. Garage / Yard Sales.

Existing: The existing Declaration does not contain any restriction on yard sales.

Proposed: Section 8.9 of the proposed Declaration prohibits garages sales and similar events on a Lot.

8. Satellite Dishes / Antennae.

Existing: Section 5.6 of the existing Declaration discusses permitted antennas and related hardware and masts and provides that no antenna is allowed unless permitted by KPMA.

Proposed: As a result of changes to federal communications laws, owners are vested with certain rights with respect to satellite dishes and antenna. Section 8.2 of the proposed Declaration reflects current law concerning size and location of permitted satellite dishes and antennae.

9. Driveways and Parking.

Existing: Section 5.11 of the Declaration currently addresses both driveways and parking and contains ambiguous provisions with respect to permitted vehicles and parking.

Proposed: The proposed documents specifically address driveways and driveway maintenance in Sections 5.2(A), 5.2(E) and 8.6. The proposed documents separately address parking and vehicles in Sections 1.30, 1.32, 1.36, and 8.14 and provide clearer definitions of prohibited vehicles, recreational vehicles, and parking.

10. Lease and Sale Approvals.

Existing: The existing Declaration does not regulate leases or sales or require approval for either.

Proposed: The proposed Declaration still does not regulate leases or sales or require approval for either.

11. Future Amendment Threshold.

Existing: Section 9.11 of the Declaration provides that the Declaration may be amended “upon the affirmative vote of two-thirds (2/3) of all Regular Members of the Master Association at any Annual or Special meeting called for that purpose.”

Proposed: Section 12.2 of the proposed Declaration provides that future amendments will require two-thirds (2/3) of all Regular Members.

B. Bylaws for Kensington Park Master Association, Inc. (the “Bylaws”)

1. Director Certification.

Existing: No reference to director certification.

Proposed: Section 4.2 of the proposed Bylaws includes a new requirement in F.S. 720.3033 requiring newly elected Directors to certify to the Association that they will uphold the governing documents or complete an educational curriculum administered by a state-approved provider.

2. Emergency Powers.

Existing: No reference to emergency powers.

Proposed: Section 4.16 of the proposed Bylaws includes a list of emergency power and procedures applicable during disasters and states of emergency allowing for timely and necessary decisions. These provisions reflect a 2014 statutory amendment to create F.S. 720.316.

3. Proxies.

Existing: Section 5.4 of the existing Bylaws is silent with respect to voting in the election of directors via proxy.

Proposed: Section 3.6 of the proposed Bylaws provides that general proxies may not be used in the election of Directors.

4. Electronic Notice and Communication.

Existing: Sections 5.6, 6.3, 7.8, 7.9 and 7.11 of the Bylaws provide for notice of membership and Board meetings and do not discuss the use of electronic notice for those who consent to receive electronic notice.

Proposed: Sections 3.3, 4.7, and 4.8 specifically authorize the use of electronic notice to those members consenting to receive electronic notice. This is a reflection of a recent statutory amendment and will result in significant cost savings.

5. Quorum.

Existing: Section 5.2 of the existing Bylaws provides that 30% of the total votes entitled to be cast constitutes a quorum of the membership.

Proposed: Section 3.4 of the proposed Bylaws continues to require 30% of the votes entitled to be cast as a quorum of the membership.