



Windover Farms Community Association  
P.O. Box 658  
Titusville, FL 32781

October 17, 2024

Subject: Governing Documents Options and Costs for Windover Farms Community Association, Inc.

The current Board of Directors was elected by you on February 6, 2024 with two high priority taskings which were to immediately stop all legal proceedings against various members and to shepherd through an all new set of governing documents for the Association. The first task of halting all pending legal proceedings was completed by the end of February 2024. The task of coming up with new governing documents is taking much longer.

Our current governing documents can be found on our web site at [www.windoverfarmshoatitusville.com](http://www.windoverfarmshoatitusville.com) under the Realtor section of the home page. Over a period of six months the Documents Revision Committee and the Board jointly produced all new by-laws and Covenants, Conditions and Restrictions (aka CCRs). These were published on the web site and were open for a period of 30 days for member review and comments. In mid August 2024 the Board incorporated the member suggestions into those documents and handed them off to our attorney, Robyn Severs at Becker and Poliakoff for legal review with the expectation that the review would take three or four weeks and cost several thousand dollars in legal fees. You can view the proposed new by-laws and CCRs on our web site home page in the "Articles of Incorporation/By-Laws/Design Review Request section.

We were shocked when we were informed that the Florida Supreme Court has ruled that amending or writing new HOA governing documents is considered the practice of law and requires a licensed Florida attorney to do so. In order to have new governing documents, they must be written by our attorney and she has given a cost estimate of \$8,000 to \$12,000 to see this through to completion. Our efforts to write these ourselves was not wasted time as the provisions which we jointly produced can, where legal, be incorporated into the governing documents produced by our lawyer.

The Association does have enough money in the savings account to pay for this large legal bill but doing so will leave the savings account at a minimal level of about \$18,000. Any unanticipated large expenses exceeding that amount in the upcoming 14 months may have to be paid for by a special assessment on each lot.

The Board is unanimous in our belief that this investment, which comes to just under \$30 per lot, is much needed and desired by the members as our current governing documents are 44 years old and contain so many outdated and unenforceable provision that they are nearly useless and in many instances are actual impediments to operation of the Association. We invite your opinion on whether you consider this worthwhile.

We want to give you some options along with pros and cons of each option:

OPTION 1: Do nothing and keep our current governing documents unchanged.

A. Pro: This costs nothing and members are already familiar with the existing documents.

B. Con: The current documents do not reflect the current desires of the membership, especially concerning parking of cars and RV's, size restrictions on outbuildings and allow future Boards to foreclose on lots and homes due solely to non-payment of annual assessments. The current documents were written to address only Unit III of Windover Farms and do not reflect that we are fully "built-out" with Units IV through VII now in existence. Many provisions were abandoned years ago.

OPTION 2: Only change the provisions the members find most objectionable.

A. Pro: There really are no benefits to this approach cost wise. See cons below.

B. Con: This is known as "strike through and substitution" and our attorney informs us that this will end up costing more than all new documents.

OPTION 3: Pay for all new by-laws and CCRs.

A. Pro: This will give us governing documents that meet the stated desires of the members to adopt provisions in the Brevard County Code of Ordinances in many areas. This will forbid future Boards from foreclosure actions due solely to non-payments of assessments, streamline the annual budget management process, provides defined election procedures and will also delete all references to the original developers.

B. Con: This is the second most expensive of the four options with a cost of up to \$12,000. This will also raise the annual assessment from \$75 per lot per year to \$100 per lot per year beginning in January 2026.

OPTION 4: Do away with the HOA altogether.

A. Pro: This seems to many to be the best option as it gets rid of all restrictions (except those in the Brevard County Code of Ordinances), eliminates all assessments and does away with vagaries in future Board of Directors decisions concerning enforcement actions.

B. Con: Surprisingly, this is the most expensive of the four options. Dissolution of the HOA requires a vote by 270 of the 403 lots, which is a high hurdle but could be done. The Association owns six lots totaling over five acres, most of which constitute the Long Lake Recreation Area (LLRA) and there are several buildings located within LLRA. If the HOA is dissolved our current governing documents require us to offer LLRA up to the Brevard County Commission first and if they decline the offer, then to any other non-profit organization or association. There is **NO** provision for selling these lots to individuals or private developers for construction of single family residences. Dissolution of Florida HOAs with jointly held real property is a lengthy process and requires many, many hours of billable attorney time which we will have to pay. There is also the distinct possibility that dissolution of the Association will require re-writing and re-recording every deed to every lot and it is unclear as to who has to pay for those costs.

We have attached a form with each of these four options so you may give us your opinion. The Board does have the authority to go forward with having all new documents written by our attorney but due to the amount of money involved and the impact on the Association as a whole, we feel it is important for the members to have a say in this decision. The Board intends to proceed with this unless we receive a vote against doing so by a simple majority of the members. Response methods are detailed in the attached form.

Your response is vital to the continued existence of the HOA and will affect each member for many years going forward. We know some members will fail to respond to this request but we implore each of you to take the time necessary to let us know your opinion by November 15, 2024.

Most sincerely,

Board of Directors  
Windover Farms Community Association