

Kensington Estates Homeowners Association, Inc.

*1471 Olde Kensington Lane
Deltona, Florida 32725*

Greetings neighbors, here are the minutes from our board meeting on 10/1.

Before going into the activities of the meeting, you'll notice that this time I did not put those signs at the entrances announcing the meeting 2 weeks in advance. The reason for this is that per FL HOA statute, if a meeting is **rescheduled** then that would trigger the need to notify the community 15 days out, as happened in July prior to the rescheduled August meeting. There was no change in the meeting date this time since the last meeting minutes went out, so I chose not to put those signs out.

However, thanks to most of you participating in our 2024 door to door survey and providing an email address, those of you that provided an email address should at least have received the reminder email that a meeting was happening a couple days prior to the event. If you did not receive that email, either I did not get a chance to speak to you in 2024 (maybe 3 – 4 homes), or you declined to give me an email at that time. If you'd like any reminders of upcoming meetings or other things we may decide to put in email form in the future, please let us know and we'll get you on the email list.

The Minutes!

- **Role call :** All board members were present, as well as Doug MacDonald
- **Reading of previous meetings minutes:** Carlos moved to state minutes as read, approved by all.
- **Dues Update:** We're paid up! Thanks everyone!
- **Introduction of special guest, Helena Gutierrez Malchow, Esq, of Orlando Law, and a discussion of our governing documents.**

We discussed the consolidating and updating of our covenants and restrictions. The heart of this endeavor was rooted in the idea that we want to increase our freedoms, and yet still be an HOA that looks after its community.

What we truly learned, however, is that because of the lack of enforcement on *anything* over the past decades, if we are to enforce anything of major consequence that may upset some people going forward then we must also enforce anything of minor consequence that may upset other people.

To Illustrate. The current covenants do not allow for any signs not previously approved by the HOA outside of name and address or "for sale." This includes anything from political signs to signs like "Go Team!" or even "Merry Christmas!" Now let's look at another banned item - If someone wanted to run a business out of their garage with loud clientele coming in and out of the neighborhood, they could challenge us in court with good grounding. Because we didn't enforce the 'no signs' policy, then we can't enforce the "no businesses"

policy. Under the eyes of the law – an infraction is an infraction regardless of how big the difference is, and if we pick and choose what is enforceable and what isn't, then we are not in a favorable position to win.

Going forward: This is why we need a fresh set of covenants and restrictions so that going forward in 2026 we can set up the rules we want for our community.

This Month the board is finally putting what we learned on paper by drafting the new consolidated & updated documents. We will be meeting again on **Wednesday, November 5th at 7:00 pm** to discuss and finalize the draft(s) to present to the community. If there is anything that any of you in the neighborhood wish to throw in the discussion, please see one of us. The meeting will be available for anyone who wants to attend either at my home or, preferably, by using the Zoom link that will be provided on the website or by request. Note- Zoom will be more appropriate as we will likely be sharing a screen and updating documents in real time.

As a community, we need to decide what kind of community we really want to be going forward. My gut tells me we do not want an "HOA Police," and current circumstances force us to update the documents to reflect the true needs of the community. However, future boards are going to need to take measures to protect themselves by being consistent.

General Q & A

- From a neighbor – Discussion on legality of a board member not living in the community
 - A neighbor questioned a board member's eligibility to be on the board seeing as he does not live in the community and wanted the lawyer's perspective on the subject. Answer – not only is it ok for a board member to live elsewhere, but beyond our own bylaws FL HOA Statute protects any owner's right to be on an HOA of a property he/she owns regardless of where they physically live.
- From a neighbor – Accessory Dwelling Units and the possibility of building one in their back yard for their elderly parent.
 - Currently, our documents (Article V Section IX) would not approve such a request. However, it's a fine thing to include in our discussion on the revised documents for better or worse.

Thanks everyone, the website will be updated shortly with the Zoom information. Those of you who are on the email list will get a reminder a couple of days prior to the meeting.



10/8/25

Ricardo Cook, President