

Gilmore, Donna

From: dj.gilmore@comcast.net
Sent: Tuesday, October 8, 2019 8:13 PM
To: Gilmore, Donna
Subject: FW: Email 19-018 - Carousel Cove - Golf Course Sale Update

From: dj.gilmore@comcast.net <dj.gilmore@comcast.net>
Sent: Tuesday, October 8, 2019 7:33 PM
To: casey.coley@gmail.com; dorisbialowas@comcast.net; bobfrechette@comcast.net
Subject: Email 19-018 - Carousel Cove - Golf Course Sale Update

CCHOA Email 19-018 – Golf Course Sale Update

Folks:

I have received many emails from community residents over the last 24 hours; all are understandably interested in how we move forward regarding the sale of the Bonita Fairways Golf Course.

HOW THE DECISION WILL BE MADE:

The Bonita Fairways Community Association (Master) will vote this matter at a Special Members Meeting on October 26, 2019 at 10am. The meeting will be held at the Bonita Fairways Main Clubhouse.

The vote will be to either INVOKE or NOT INVOKE the Right-of-First-Refusal established in our Declaration documents. A vote to invoke this clause authorizes the Bonita Fairways Community Association to purchase the Golf Course property as a Common Element of our Master Association.

The vote will be conducted in accordance with BFCA's governing documents: BFCA Trustees will cast their votes along with Neighborhood Voting Representatives. Individual Residents do NOT vote at this meeting.

HOW CAROUSEL COVE WILL PARTICIPATE:

Following the adjournment of an upcoming Carousel Cove Board of Director's meeting next Monday (October 14th, 7pm at the Clubhouse), I will present our available information to any homeowners who wish to attend in person. We will then make my presentation available by email to all residents. Don Griffin (BFCA President) and Allen Bouley (BFCA Trustee for Carousel Cove) will also be in attendance. We will do our best to answer all questions.

Following this meeting, all residents will receive by both mail and email a survey form. We need ALL homeowners to complete this form and return it within 10 calendar days by USPS or email to the CC Association Manager, Linda Hardwick. Instructions will be provided on the survey form.

The Carousel Cove Voting representative will cast a neighborhood block vote at the BFCA Special Members Meeting reflecting the preference of the majority of voting interests as received by October 25th, 2019.

This process is consistent with the requirements outlined in Section 4.1(J) of the Bonita Fairways Community Association Declaration document.

Before closing, I wish to address an assertion/question that has come to me repeatedly:

Is the Prospective Purchaser legally obligated to continue operating the Golf Course Property as a Golf Course. If so, for how long?

I have read the Commercial Contract that was provided to Bonita Fairways Community Association and which has triggered this process. I can find NO reference to any such requirement under this purchase agreement.

A clause regarding assumption of existing service and maintenance contracts makes reference to the Buyer agreeing 'to employ all of Seller's employees listed in Exhibit "B" ...' 'Transferred Employees shall be employed on an "at will" basis...'. However, it is a misreading of this clause to conclude that it implies the Buyer has any legal obligation to continue operating the golf course or employing the staff.

This clause is a commercial term intended to transfer contractual and employee obligations from the Seller to the Buyer at closing, nothing more. Notwithstanding the Buyer's reported good intentions to sustain operations, once these obligations transfer to the Buyer, the Buyer is free to cease operations, discharge contracts and terminate employees at any time.

We are faced with an important decision for the future of our community. I urge you all to be as informed as you can be and ensure you are basing your decision on facts and your personal circumstances. Your Board of Directors will do our best to provide all available information and we will respect the majority preference expressed by the community in this survey.

Please stay tuned... Casey

Carousel Cove Homeowner Survey on Purchase of Golf Course

Instructions

1. Review all relevant, factual information provided.
2. Consider implications of your decision based on facts and your personal circumstances.
3. Complete this form with your Name, Address and Preference in this matter:
Signature required for valid response.
4. Return this completed to Carousel Cove Association Manager:
Linda Hardwick c/o Starfish Association Management LLC,
12995 South Cleveland Ave., Unit 176, Fort Myers FL 33907
linda@starfishmgmt.com
MUST BE RECEIVED by Starfish Management, LLC no later than October 24, 2019

Name:

Address:

Having received and reviewed all available information regarding the prospective sale of the Bonita Fairways Golf Course and the option of the Bonita Fairways Community Association to Invoke or Not Invoke the Right-of-First-Refusal to purchase said property, I/WE:

SUPPORT Bonita Fairways Community Association invoking Right-of-First-Refusal Clause in Declaration Document (1997 as amended 2006) authorizing the Purchase of Bonita Fairways Golf Course

DO NOT SUPPORT Bonita Fairways Community Association invoking Right-of-First-Refusal Clause in Declaration Document (1997 as amended 2006) authorizing the Purchase of Bonita Fairways Golf Course

Signature