

December 20, 2023

Via US Mail and Certified/Return Receipt

Point Brittany Administrative Corporation,
Inc.

c/o Mr. Pete Taylor, President and RA
5055 Brittany Drive S.
St. Petersburg, FL 33715

**Re: Letter of Inquiry Point Brittany Administrative Corporation, Inc./Danielle
and Timothy Jenkins and Kevin Conzone**

Dear Board of Directors:

Please be advised that our firm represents Danielle and Timothy Jenkins, members Bay Isles Point Brittany Four Condominium Association, Inc., and owners of 5200 Brittany Dr., Unit 204, St. Petersburg, FL (the “Jenkins Unit”), Kevin Conzone, a member of Bay Isles Point Brittany Six Condominium Association, Inc. and owner of 4900 Brittany Dr., Unit 201, St. Petersburg, FL (the “Conzone Unit”), as well as a number of other owners within the Point Brittany Administrative Corporation (“PBAC”) (collectively, the “Owners”). The Owners are concerned that the PBAC intends to demolish the commercial buildings located following addresses: 5003 Brittany Dr. S. St. Petersburg, FL, 5400 Leeland St. S. St. Petersburg, FL, 5055 Brittany Dr. S. St. Petersburg, FL, and 5101 Brittany Dr. S. St. Petersburg, FL (the “Commercial Buildings”), all of which are owned jointly by Bayway Isles-Point Brittany One Condominium Corporation, Inc., Bayway Isles-Point Brittany Two Condominium Corporation, Inc., Bayway Isles-Point Brittany Three Condominium Corporation, Inc., Bayway Isles-Point Brittany Four Condominium Corporation, Inc., Bayway Isles-Point Brittany Five Condominium Corporation, Inc., and Bayway Isles-Point Brittany Six Condominium Corporation, Inc. (the “Individual Condominium Associations”), without a vote by the membership or the Individual Condominium’s consent. Additionally, the Owners have concerns regarding the correctness of the reserve studies, sufficiency of the reserve funding, and whether special assessments levied for different purposes have been wrongfully used to fund reserves. Finally, the Owners have concerns regarding contracts approved with Excelaron Construction, Inc. (“Excelaron”) and the number and amount of change orders arising therefrom. The Owners hereby submits the following written inquiry to the Association pursuant to section 718.112(2)(a)2, Florida Statutes:

1. Please identify the owners of each of the Commercial Buildings identified above, how each Commercial Building is owned, and whether each constitutes a common element of one or more of the Individual Condominium Associations and if so, which ones. If any of the Commercial Buildings does not constitute a common element of one or more of the Individual Condominium Associations, please identify the manner in which each Individual Condominium Association(s) own the Commercial Buildings.
2. Please identify the requisite approval necessary to change, materially alter, or sell each of the Commercial Buildings under the governing documents of PBAC, the Individual Condominium Associations Governing Documents and/or Florida Statute. Please identify how PBAC determined the requisite approval, including any documents upon which PBAC relied in reaching this determination.
3. Did PBAC obtain the requisite approval(s) as set forth in Inquiry No. 2 to sell or materially alter any of the Commercial Buildings? If so, please provide the type of approvals obtained, the date the approvals were obtained and the manner by which they were obtained. To the extent the approvals were obtained at any Board or membership meeting, please provide the date of the meeting and state whether the meeting was properly noticed and whether minutes were kept. To the extent PBAC relied on actions of the Individual Condominium Associations to sell or materially alter the Commercial Buildings, please specify the actions on which PBAC relied, the date of such actions, and the time of such actions.
4. Please identify all documents and communication which relate or refer in whole or in part to the decision to demolish or materially alter the Commercial Buildings, including, notices, agendas, minutes, letters, texts, emails or other forms of communication. *See In Re: Petition for Declaratory Statement, James Hanesman, Docket No. 2021-012740 (Fla.DBPR Jan. 6, 2021).*
5. Please identify the owners of the gazebo associated with Pool 1, how it is owned, and whether it constitutes a common element of one or more of the Individual Condominium Associations. If the gazebo does not constitute a common element of one or more of the Individual Condominium Associations, please identify whether the same constitutes association property that is not a common element and the Individual Condominium Association(s) that own it.
6. Depending on how the gazebo is owned, please identify the requisite approval necessary to change, materially alter, or sell the gazebo under the governing documents of PBAC, the Individual Condominium Associations Governing Documents and/or Florida Statute. Please identify how PBAC came to this determination, including any documents upon which PBAC relied in reaching this determination.
7. Did PBAC obtain the requisite approval(s) to sell or materially alter any of the gazebo as set forth in Inquiry No. 6. If so, please provide the type of approval(s) obtained, the date

the approvals were obtained and the manner by which they were obtained. To the extent the approvals were obtained at any Board or membership meeting, please provide the date of the meeting and state whether the meeting was properly noticed and whether minutes were kept. To the extent PBAC relied on actions of the Individual Condominium Associations to sell or materially alter the gazebo, please specify the actions on which PBAC relied, the date of such actions, and the time of such actions.

8. Please identify all documents and communication which relate or refer in whole or in part to the decision to demolish or materially alter the gazebo, including, notices, agendas, minutes, letters, texts, emails or other forms of communication.
9. Has PBAC previously approved the change or material alteration to any common element of the any of the Individual Condominium Association? If so, please explain the approval PBAC obtained, itself or from any of the Individual Condominium Associations, before proceeding with the change or material alteration and the process by which PBAC obtained approval for the change or material alteration.
10. Please identify all contracts for the last three (3) years that have been awarded to or performed by Excelaron Construction, Inc. (“Excelaron”), including but not limited to any contract related to the Commercial Buildings or the gazebo. Please include the initial dollar value of each contract, whether each contract was put out for bid, and, if so, what entities bid on the project and the proposed amount of each bid.
11. Please identify any change order approved for any contract identified in Inquiry No. 10. For each change order identified in response to this inquiry, please also identify the contract to which the change order applies, the amount of each change order, the date of each change order, the purpose of each change order, who approved each change order, all documents related to each change order, and why each change order was not included in the initial scope of work. Please also explain whether the decision to approve the change order was made during a Board or Membership meeting, and, if so, please identify the date of the meeting, who participated in the meeting, who voted at the meeting, how each individual voted, and whether the PBAC issued or posted a notice of the meeting and took meeting minutes.
12. Please identify any contract identified in Inquiry No. 10, including all change orders, caused the total cost of the project to exceed five (5) percent of the total annual budget of PBAC or any Individual Condominium Association, including reserves? If so, was the project put out for a bid? If not, why not?
13. Please identify any personal relationship between any member of the Board, spouse of a board member, or child of a board member, familiar or otherwise, has with any person with a financial interest in Excelaron. Please include any friendships between the owners

or individuals with an interest in Exceleron and any board member and describe the extent of the friendship.

14. Please identify all documents and communication which relate or refer, in whole or in part, to any of the contracts identified in Inquiry No. 10, including, notices, agendas, minutes, letters, texts, emails or other forms of communication.
15. Please identify any reserve studies conducted within the past seven (7) years, the name of the individual(s) conducting the studies, any conclusions reached in the studies, and any documents which relate or refer, in whole or in part, to the reserve studies.
16. Please advise as to the amount of reserves held by PBAC or any Individual Condominium Association for each of the current reserve categories for the current budget.
17. Please advise of the method by which the estimates in the current reserves categories for the current budgets were determined, and for each component, include: estimated cost, life expectancy, years remaining, projected balance, balance required to be funded, 2022 budget funding, 2023 fully funded and 2023 proposed partially funded figures, and the proposed 2024 fully funded and 2024 proposed partially funded figures. Please identify any reports, inspections, reserve studies or other evaluations relating to these estimates.
18. Have the reserves been fully funded for the past seven (7) years? If not please identify the terms and conditions for each year in which the reserve accounts were partially funded or waived. Please further identify what reserve components are not fully funded and whether the membership approved the partial funding of each component. Please include the date of any membership vote, the amount waived, and how such waiver or partial waiver affects the reserves.
19. Please identify all special assessments levied in the past five (5) years, including the date the special assessment was levied, the purpose of the special assessment and whether the funds from the special assessment were used for a purpose other than the purpose for which they were levied. If the funds from the special assessment were used for a purpose other than the purpose for which they were levied, please identify the use of the funds, who authorized the use, whether a vote of the membership was held, and any communications regarding or relating to the use of the funds for a purpose other than the purpose for which they were raised.
20. Please identify each financial institution that holds PBAC or Individual Condominium Association funds and whether any of the institutions hold funds in excess of the FDIC insured limits. If any financial institution holds funds in excess of the FDIC insured limits, please explain whether this creates any potential exposure for PBAC or individual Condominiums and, if so, what the exposure is.

Please be advised that under section 718.112(2)(a)2, Florida Statutes, “[w]hen a unit owner of a residential condominium files a written inquiry by certified mail with the board of administration,

the board shall respond in writing to the unit owner within 30 days after receipt of the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry.”

Should you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,

Jonathan J. Ellis

JJE/CRM

cc: Colleen R. McInerney, Esq.