

March 1, 2024

Via US Mail and Certified/Return Receipt
And Via Email: anne@annehathorn.com

Anne M. Hathorn, Esq.
150 2nd Avenue North, Ste. 1270
Saint Petersburg, FL 33701

Re: Tim and Danielle Jenkins/Bayway Isles – Point Brittany Four Condominium Corporation, Inc.
Our File No. 323409.285779

Dear Ms. Hathorn:

As you may know, our firm represents Danielle and Tim Jenkins, as well as several other owners within the Point Brittany Administrative Corporation (“PBAC”). Mr. and Mrs. Jenkins are in receipt of your cease and desist letter dated February 7, 2024. Mr. and Mrs. Jenkins ask that we respond on their behalf. In short, Mr. and Mrs. Jenkins believe Bayway Isles – Point Brittany Four Condominium Corporation, Inc. (the “Association”) is selectively enforcing its Governing Documents against Mr. and Mrs. Jenkins in retaliation of Mr. and Mrs. Jenkins’ ongoing dispute with PBAC.

In the February 7, 2024 correspondence, the Association demanded that Mr. and Mrs. Jenkins cease and desist (1) posting any documents or other signage/displays anywhere on the common elements and (2) soliciting residents for any purpose whatsoever. Mr. and Mrs. Jenkins dispute any allegation that they are soliciting residents and otherwise contend that the Association is selectively enforcing its Governing Documents.

While Section 26 of the Association’s Rules and Regulations prohibits “[s]oliciting of any type . . . in the Building or anywhere on the Condominium Property,” Mr. and Mrs. Jenkins are not soliciting any residents. Rather, Mr. and Mrs. Jenkins are voicing their concerns regarding the conduct of PBAC’s Board of Directors. To do so, Mr. and Mrs. Jenkins have chosen to share the correspondences sent by our firm to counsel for PBAC. However, voicing these concerns does not constitute solicitation as prohibited by the Rules and Regulations. As a result, the Association has no right to demand that Mr. and Mrs. Jenkins cease and desist from spreading knowledge and awareness of their dispute with PBAC. To the extent any resident seeks information in how to support Mr. and Mrs. Jenkins, either fiscally or otherwise, such conversation does not amount to solicitation. Accordingly, Mr. and Mrs. Jenkins are without knowledge of any action or conduct that may constitute solicitation.

Further, even if Mr. and Mrs. Jenkins’ conduct constituted solicitation, the Association appears to be selectively enforcing Section 26 of the Rules and Regulation. Specifically, the

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Association recently announced that members of the Girl Scouts would be in the lobby to sell cookies. Selling of such cookies clearly violates Section 26 of the Rules and Regulations. Simply put, allowing certain persons to solicit in the lobby while simultaneously challenging Mr. and Mrs. Jenkins right to spread awareness of their concerns and accept donations constitutes selective enforcement of the Governing Documents.

Similarly, Mr. and Mrs. Jenkins dispute that their conduct in raising awareness regarding their concerns constitutes a nuisance. To the extent the Association persists in its position that Mr. and Mrs. Jenkins' conduct constitutes a nuisance to the community, please provide us with the facts, complaints, and other circumstances supporting or leading to the Association's conclusion. To that end, unless the Association has additional information regarding the concerns arising out of Mr. and Mrs. Jenkins' actions, Mr. and Mrs. Jenkins do not believe that their conduct rises to the level of a nuisance.

Finally, to the extent the Association maintains that Mr. and Mrs. Jenkins have violated Section 10.6 of the Declaration by posting our firm's correspondences in common areas, Mr. and Mrs. Jenkins believe the Association is selectively enforcing its Governing Documents. For example, copies of the enclosed flyer regarding Ms. Susan McMeekin and Ms. Darla Bond were posted in the Association's lobby and elevators. It is our understanding that the posters remained posted in common areas for several days. Similarly, as can be seen in the enclosed photographs Mr. Bill Horobec has posted a business card within the common area of the Association. It is our understanding that this remained in the common area for an extended period of time. Furthermore, as shown in the enclosed photos, correspondences have been placed on the exterior of a number of Unit doors within the Association's building. In the event the Association is not consistently enforcing the restrictions on posting or hanging signs in common property against all owners, the Association has no right to enforce the same against Mr. and Mrs. Jenkins.

In light of the foregoing, Mr. and Mrs. Jenkins request that the Association retract its demand that Mr. and Mrs. Jenkins cease and desist spreading awareness of their concerns regarding the conduct of PBAC's Board. Additionally, Mr. and Mrs. Jenkins request that the Association retract its demand that Mr. and Mrs. Jenkins cease and desist posting our firm's correspondences unless and until the Association send a notice to all Owners indicating the Association's intent to enforce Section 10.6 of the Declaration uniformly against all Owners.

Should the Association persist with efforts to arbitrarily and selectively enforce its Governing Documents, Mr. and Mrs. Jenkins will be forced to consider alternative options, including, but not limited to, the instigation of arbitration or litigation. To the extent Mr. and Mrs. Jenkins are forced to proceed with arbitration or litigation, please be advised that not only will Mr. and Mrs. Jenkins seek all damages addressed herein but also all attorney's fees and costs incurred as a result of this dispute. Due to the amount involved and the issues at stake, please consider your options carefully.

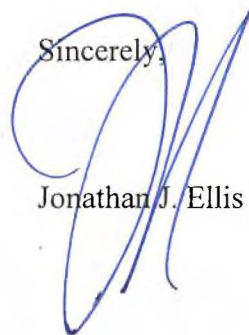
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Should you have any questions or concerns, please feel free to contact me,

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Jonathan J. Ellis

JJE/CRM

Enclosure

cc: Tim and Danielle Jenkins
Colleen R. McNerney, Esq.



**SUSAN J MCMEEKIN VICE-
PRESIDENT.**

STEALING OUR PETITION & FRAME.

STEALING SUSAN HAS TO GO.

SHE'S A THIEF!

RESIGN NOW!!!!!!!

DIRTY DARLA BOND SECRETARY

**STOLE OVER A DOZEN PETITIONS FROM
OUR CLIPBOARD DENYING OWNER'S
RIGHTS TO PETITION!**

SHE HAS TO GO!!!!!!

THIEF!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!





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