



VIA CERTIFIED MAIL RETURN
RECEIPT NO. 7022 3330 0001 2770 8742
And VIA FIRST-CLASS U.S. MAIL

April 15, 2024

Jonathan J. Ellis, Esquire
Shumaker Loop & Kendrick LLP
101 E. Kennedy Blvd., Suite 2800
Tampa, Florida 33602-5150

Re: Point Brittany Administrative Corporation, Inc.
Our Matter No: 10493-001
Your Clients: Danielle and Timothy Jenkins and Kevin Conzone
Response to Statutory Offer to Participate in Pre-Suit Mediation

Dear Mr. Ellis:

As you are well aware from previous correspondence with our firm regarding the above-captioned matter, this firm represents Point Brittany Administrative Corporation, Inc. (the "Association") as corporate counsel. Please direct all further communication regarding this matter directly to our office. We have reviewed your letter, dated March 29, 2024, demanding pre-suit mediation to address whether the Association is required to obtain membership approval prior to making any material alterations to common property, specifically, the Commercial Buildings, identified in your letter.

We have reviewed your position regarding the requisite voting thresholds required for the Association to make material alterations to the Commercial Buildings, as was also detailed in a demand letter from your office, dated December 21, 2023, which we responded to on January 19, 2024.

Your instant letter states:

"Due to PBAC's foregoing breaches of Chapter 718 and/or The Management/Administrative Agreement in failing to hold a membership vote prior to taking any action to material[ly] alter any common area or property, this is a statutory offer to participate in pre-suit mediation pursuant to Fla. Stat. § 718.1255 from the Owners ("the Claimants") to the Association. The Claimants, as the

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 Reply to this Address

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***By Appointment only*

Mr. Ellis
April 15, 2024
Page 2 of 2

alleged aggrieved party, hereby demands that PBAC, as the responding party, engage in mandatory pre-suit mediation in connection with the following dispute:

- 1) PBAC's failure to hold a membership vote prior to taking any action to material[ly] alter any common area of property."

Your letter presumes that the Association has taken formal action and/or made a decision regarding the future of the Commercial Buildings, presenting a dispute ripe for review. Please be advised that the Board of Directors has not yet made a formal decision regarding any alterations to the Commercial Properties. At this point, the association's possible future actions related to the possible alteration of buildings and the voting thresholds relied upon are hypothetical.

In the event the Association makes a formal decision to materially alter the Commercial Buildings and approves of the same without adhering to the voting thresholds outlined in the individual condominium declarations, then the Association agrees to your offer to participate in the mediation process regarding this matter. We retain the right to indicate our selection of mediator at such time.

Sincerely,



Kelly Baker, Esquire
KAB/cm

cc: Mr. Ellis, *via e-mail*: jellis@shumaker.com
Colleen R. McInerney, Esquire (*via e-mail only* cmcinerney@shumaker.com)
Point Brittany Administrative Corporation, Inc. (*via email only*)