

MEMBERS – BE ADVISED THE ANNUAL MEETING OF THE MEMBERS SCHEDULED FOR NOVEMBER 29, 2022, HAS BEEN CANCELLED. INSTEAD, A SPECIAL MEMBERSHIP MEETING WILL BE CONDUCTED ON NOVEMBER 29, 2022. FOLLOWING THE SPECIAL MEMBERSHIP MEETING A “TOWN HALL” STYLE MEETING WILL BE HELD WITH ASSOCIATION COUNSEL TO DISCUSS AND ASK QUESTIONS REGARDING THE PROPOSED AMENDED AND RESTATED GOVERNING DOCUMENTS

THE ANNUAL MEETING WILL NOW BE HELD ON JANUARY 30, 2023. YOU WILL RECEIVE A SEPARATE SERIES OF NOTICES REGARDING THE JANUARY 30, 2023, ANNUAL MEETING.

November 14, 2022

Dear Members:

Enclosed please find for your review and consideration are the following documents:

1. *Overview Special Membership Meeting*
2. *Notice and Agenda of November 29, 2022, Special Membership Meeting.*
3. *Limited Proxy for November 29, 2022, Special Membership Meeting.*
4. *Certificate Designating Voting Representative.*
5. *Instructions on how to utilize HOASt, Inc.*
6. *Proposed Amended and Restated Declaration of Condominium, Articles of Incorporation, and Bylaws (“Governing Documents”).*

You will recall previously receiving a First Notice announcing that the Annual Meeting of the Members (“Annual Meeting”) would be conducted on November 29, 2022. That meeting was scheduled per the belief that the Bylaws of the Association had been properly amended to allow for having the Annual Meeting in the month of November rather than the months of January or February, each year. Unfortunately, that amendment was not recorded timely in the Official Records of Sarasota County and the Association must proceed with having the Annual Meeting in the month of January or February, as we have always done in the past. **As such, the November 29, 2022, Annual Meeting has been cancelled. The current process of election is now null and void. 60 days prior to the Annual Meeting the first notice of election will be sent.**

**NOVEMBER 29, 2022 - SPECIAL MEMBERSHIP MEETING**

With that said, there are still issues related to the Association Reserves, financial reporting, and tax consequences that need to be voted on by the Members before year end. Therefore, the Association will be conducting a Special Membership Meeting on November 29, 2022 at 6 PM, at Gulf Harbor Marina located at 100 Circuit Court Road, Nokomis, Florida 34275, to vote on those issues.

It is very important that you participate in the business of the Special Membership Meeting by utilizing any of the following methods:

- A. Attending the Special Membership Meeting in person.
- B. Timely returning a completed Limited Proxy; or
- C. Casting your vote by registering and utilizing the internet based online voting service HOAst, Inc.

Pursuant to Section 718.128, Florida Statutes, the Association utilizes an internet based on-line voting system. You may cast your votes by registering and utilizing the online voting service HOAst, Inc. The instruction sheet on how to utilize HOAst, Inc. is enclosed hereto.


As it relates to the Annual Meeting of the Members, that meeting will be held on January 30, 2023 at 6 PM at Gulf Harbor Marina located at 100 Circuit Court Road, Nokomis, Florida 34275. You will receive a separate set of Notices regarding the January 30, 2023, meeting.

**NOVEMBER 29, 2022 – “TOWN HALL” MEETING**

Finally, as many of you know, the Board of Directors directed Association Counsel to review the Association Governing Documents and provide input and suggestions for the amendment of same to ensure our documents are compliant with Florida Law and to remove obsolete references to the Developer. As such, a “Town Hall” style meeting will be held at the conclusion of the Special Membership Meeting for discussion and the asking of questions with Association Counsel regarding the proposed Amended and Restated Governing Documents.

Thank you for doing your part in participating in the necessary business of the Condominium Association.

Sincerely,

  
\_\_\_\_\_  
Michael Burke, President

November 11, 2022

**November 29, 2022,  
Special Membership Meeting  
Overview**

Dear Rack Owners,

The budget of 2023 has been approved by the Board of Directors. Our team has been dedicated to finding savings in all areas of the marina such as renegotiating vendor contracts, getting bids for maintenance equipment, maintaining the forklifts in house, maintaining the buildings and the property in house. Despite these efforts we continue to see costs increase across our operations. The largest, credit card fees are projected to increase by 30 percent in the 2023 fiscal year and last year 2022 it increased by 29 percent. That represents an increase of \$18.50 monthly in association fees. The Board has voted to no longer accept credit card fees for the reasons expressed starting January 1, 2023. In the future you will have the following option to pay your association fee. Bank transfer, check, or continue using credit card with our service fee of 3.5 percent. Several other factors contribute to our increase in cost; labor costs, operational expenses such as insurance, health insurance, forklift supplies, utilities, office supplies, printing and mail/postage. We will continue to strive at providing you excellent service and as economically as possible.

**Voting Prior to the Special  
Membership Meeting**

If you do not intend to attend the Special Membership Meeting in person, please submit your votes prior to the Special Membership Meeting via one of the following methods:

1. Complete the LIMITED PROXY (Only if you are assigning another Owner attending the meeting, or Eileen Goldsmith Secretary/Treasurer) return it by mail, email, or hand deliver prior to the meeting on November 29, 2022.
2. Utilize the HOAst Inc. electronic voting platform. Electronic voting is the most convenient. Directions to utilize HOAst, Inc. are included herein.

**IN ORDER TO ENCOURAGE EVERYONE TO VOTE IN A TIMELY MANNER, WE WILL AGAIN PUT THE NAMES OF EACH RACK OWNER WHO RETURNS THE COMPLETED BALLOT/ELECTRONIC VOTE BY NOVEMBER 29, 2022, INTO A DRAWING TO WIN A \$50 GIFT CERTIFICATE TO POP'S RESTAURANT**

**The Association will also be utilizing the ZOOM Remote Meeting Platform for the Special Membership Meeting**

**Zoom Link**

Join Zoom Meeting

<https://zoom.us/j/92465816090?pwd=RIF4ZTdsakZld1dwYjJHeFF5KzRFZz09>

Meeting ID: 924 6581 6090

Passcode: 360105

Meeting ID: 924 6581 6090

**Please Complete a Voting Certificate if Necessary and Return to The Association**

Enclosed herein is a "Certificate Designating Voting Representative."

Article 3.03 of the Bylaws provides as follows:

**3.03 Designation of Voting Representative.** If a unit is owned by one person his right to vote shall be established by the record title to his unit. If a unit is owned by more than person, any one of those persons shall be entitled to cast the vote for the unit. If a unit is owned by a corporation, any officer, director or employee of such corporation shall be entitled to cast the vote for the unit. In the event that more than one person claims entitlement to cast the vote for a particular unit, the Association may require a certificate signed by all the record owners of the unit in the case of a unit owned by more than one person, or a certificate signed by the President or Vice President and attested to by the Secretary or Assistant Secretary of a corporation in the case of a unit owned by a corporation, such certificate shall specify the person entitled to cast the vote of the unit. In the event a certificate is required by the Association and no such certificate is delivered to the Association, the vote for that unit shall not be counted, either for purposes of establishing a quorum or for any other purpose. A certificate shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the unit concerned. A certificate designating the person entitled to cast the vote of a unit may be revoked by any owner thereof.

**Questions to be Voted on at the  
Special Membership Meeting**

**THE FOLLOWING QUESTIONS ARE PRESENTED ON THE LIMITED PROXY AND AT  
HOAst, INC:**

**Question Number 1 - Reserves**

1. *Do you want to provide for less than full funding of statutory reserves than is required by Section 718.112(2)(f), Florida Statutes?*

A Yes for the waiver will allow underfunding of reserve funds allocated for this year. Part-two to Question 1 - If Yes, select the amount for allocation for this year. A No vote, would mean 100% funding of the reserve account which would result in very large assessments per rack.

**Question Number 2 – Financial Reporting**

2. *Do you want to provide for a lower level of year-end financial reporting than is required by Section 718.111(13), Florida Statutes for this fiscal year? Currently, the Association is required to prepare an AUDIT.*

This is a budgetary question. A Yes for the waiver would save the association the costs and expenses associated with a year end audit. A No against the waiver would continue us paying for audits. Part-two to Question 2 - "Review" and "Compilation" are lower-level financial statements, but are more extensive and, therefore, more expensive than "Report of Cash Receipts & Expenditures".

**Question Number 3 - Surplus Rollover**

3. *Should any excess of membership income over membership expenses, for the tax year ending December 31, 2022, be applied against the succeeding tax years member assessments, as provided by IRS Revenue Ruling 70-604?*

If the Association has a surplus at the end of the fiscal year 2022, this Owner vote will assist the Association in avoiding paying any unnecessary taxes to the Federal Government. If the members vote no, the Association may be exposed to paying unnecessary and avoidable taxes.

**The 2023 Budget and the  
2023 Monthly Assessment**

If the 5% reserve funding is chosen by the majority of owners at Gulf Harbor, the monthly fee per unit will be \$196.00. If the 7.5% reserve funding is chosen by the majority of owners, the monthly fee per unit will be \$214.

**Other Business**

As many of you know, our Governing Documents (Declaration of Condominium, Articles of Incorporation, and Bylaws) are over fifteen (15) years old and contain out of date references to the Developer and in some instances out of date citing and references to Florida Law. As such, the Board tasked our Association Attorneys with re-drafting the Governing Documents. Copies of the drafts are being presented to you for your review. We will not be voting to approve these Amended and Restated Governing Documents until all Members have had an opportunity to review and provide feedback regarding the same. As such, we will be having a town hall style meeting with our Association Attorney after the Special Membership Meeting to discuss the draft Amended and Restated Governing Documents and to field any questions you may have regarding the documents. We hope you will all take the time to review the documents and participate in the town hall meeting.

We want to thank everyone in advance for **VOTING IN A TIMELY MANNER.**

Michael Burke  
President

Eileen Goldsmith  
Vice President

Gordy King  
Treasurer/  
Secretary

## **NOTICE OF SPECIAL MEMBERSHIP MEETING**

**NOTICE IS HEREBY GIVEN** that a Special Membership Meeting of GULF HARBOR MARINA CONDOMINIUM ASSOCIATION, INC. will be held on November 29, 2022, at 6:00 p.m., at 100 Circuit Court Road, Nokomis, Florida 34275.

It is very important that you participate in the business of the Special Membership Meeting by utilizing any of the following methods:

- A. **Attending the Special Membership Meeting in person.**
- B. **Timely returning a completed Limited Proxy; or**
- C. **Casting your vote by registering and utilizing the internet based online voting service HOAs, Inc.**

### **MEETING AGENDA**

The **AGENDA** for the Special Membership Meeting will be as follows:

- 1. Call Meeting to Order by President.
- 2. Calling of the Roll or Certifying of Proxies.
- 3. Proof of Due Notice of Meeting.
- 4. New Business –
  - A. Discussion & Vote on Waiving Statutory Reserves
  - B. Discussion & Vote to Waive Audit of the Financial Statements
  - C. Discussion & Vote to Rollover Year-end Surplus to Avoid Unnecessary Federal Taxes

**WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

- 5. Adjournment

**LIMITED PROXY**

If it is possible that you may not be able to attend the meeting in person, it is very important that you complete, sign and return the enclosed Proxy. After completing, dating, and signing your Proxy, please mail, hand-deliver, or email it to:

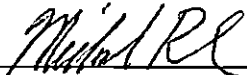
**GULF HARBOR MARINA CONDOMINIUM ASSOCIATION, INC.**  
100 Circuit Road  
Nokomis, FL 34275  
Fax Number (941) 488-7739  
Email Address: [accounting@gulfbormarina.com](mailto:accounting@gulfbormarina.com)

**HOast INC. – INTERNET BASED ONLINE VOTING**

Pursuant to Section 718.128, Florida Statutes, the Association utilizes an internet based on-line voting system. You may cast your votes by registering and utilizing the online voting service **HOast, Inc.** **An instruction sheet on how to utilize HOast, Inc. is attached hereto.**

Thank you for your interest and participation in the business of your Association.

**GULF HARBOR MARINA CONDOMINIUM ASSOCIATION, INC.**

By:   
Michael Burke, President (Corporate Seal)







## SPECIAL MEMBERSHIP MEETING LIMITED PROXY

The undersigned, owner(s) or designated voter of Rack\Unit No. \_\_\_\_\_ in **GULF HARBOR MARINA, A CONDOMINIUM**, appoints \_\_\_\_\_ [Please note the named person must be physically present at the meeting] or, if I have filled in no name, hereby appoints Secretary Eileen Goldsmith as my proxyholder to attend the Special Meeting of the Members of **GULF HARBOR MARINA CONDOMINIUM ASSOCIATION, INC.**, to be held on **November 29, 2022 at 6:00 p.m., at 100 Circuit Court Road, Nokomis, Florida 34275**. The proxyholder named above has the authority to vote and act for me to the same extent that I would if personally present, with the power of substitution, except that my proxyholder's authority is limited as indicated below:

**GENERAL POWERS:** (You may choose to grant general powers, limited powers, or both. Check "General Powers" below if you want your proxy holder to vote on other issues which might come up at the meeting and for which a limited power is not required.)

I authorized and instruct my proxy to use his or her best judgment on all other matters which properly come before the meeting and for which a general power may be used

**LIMITED POWERS:** (FOR YOUR VOTE TO BE COUNTED ON THE FOLLOWING ISSUES, YOU MUST INDICATE YOUR PREFERENCE IN THE BOXES PROVIDED BELOW). I SPECIFICALLY AUTHORIZE AND HEREBY INSTRUCT MY PROXY HOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTERS AS INDICATED BELOW:

1. Do you want to provide for less than full funding of statutory reserves than is required by Section 718.112(2)(f), Florida Statutes?

**YES, FOR the waiver**                       **NO, AGAINST the waiver**

If YES, please vote for one of the Board proposed options below: (The option with the most votes will be the one implemented).

**5% Reserve Funding (\$196.00)**                       **7.5% Reserve Funding (\$214.00)**

**WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

2. Do you want to provide for a lower level of year-end financial reporting than is required by Section 718.111(13), Florida Statutes for this fiscal year? Currently, the Association is required to prepare an AUDIT.

YES, FOR the waiver  **NO, AGAINST the waiver**

If YES, please vote for one of the Board proposed options below: (The option with the most votes will be the one implemented).

Review  Compilation  Report of Cash Receipts & Expenditures

3. Should any excess of membership income over membership expenses, for the tax year ending December 31, 2022, be applied against the succeeding tax years member assessments, as provided by IRS Revenue Ruling 70-604?

YES, FOR the rollover  **NO, AGAINST the rollover**

Dated: November \_\_\_\_\_, 2022.

**UNIT OWNERS** (or all owners of the Unit or that owner designated on the Voting Certificate, if applicable)

Name(print) \_\_\_\_\_

Sign \_\_\_\_\_

Name(print) \_\_\_\_\_

Sign \_\_\_\_\_

THIS PROXY IS REVOCABLE BY THE OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THIS PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.

*[For proxyholder use only, do not write below this line.]*

**SUBSTITUTION OF PROXYHOLDER:**

The undersigned, appointed as proxyholder above, designates \_\_\_\_\_ to substitute for me in the voting the proxy as set forth above.

Signature of proxyholder: \_\_\_\_\_ Dated: November \_\_\_\_\_, 2022.



**CERTIFICATE DESIGNATING VOTING REPRESENTATIVE**

To the Secretary of **GULF HARBOR MARINA CONDOMINIUM ASSOCIATION, INC.:**

**THIS IS TO CERTIFY** that the undersigned owners of Unit(s) \_\_\_\_\_ (insert all Unit numbers or Unit addresses) in the **Gulf Harbor Marina, a Condominium**, have authorized, approved, and agreed to designate:

\_\_\_\_\_  
*(Legal Name of Designated Voting Representative)*

as their representative to vote and to express all consents and approvals that such Unit owners may be entitled to cast or express at all meetings of the membership of the Association and for all other purposes provided by the Declaration of Condominium for **Gulf Harbor Marina, a Condominium** ("Declaration"), the Articles of Incorporation and Bylaws of **Gulf Harbor Marina Condominium Association, Inc.**

This Certificate Designating Voting Representative is made pursuant to the Declaration and Article 3.03 of the Bylaws and shall revoke all prior Certificates and be valid until revoked by a subsequent duly-executed and filed Certificate or a sale or transfer of the identified Unit(s).

Dated: November \_\_\_\_\_, 2022.

**UNIT OWNER(s):**

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_


Title: \_\_\_\_\_

**NOTE: This form is not a proxy and cannot be used as such.**

## LOGON INSTRUCTIONS for HOast Test

1. Go to [hoast-condo.myhoast.com](https://hoast-condo.myhoast.com) (do not enter "www")
2. Select "Logon" at the top right or bottom center
3. If you have received your email invitation with your temporary login credentials, you can proceed to enter them in the correct text fields and log on. If you have forgotten your username/password or need help logging on, follow the steps below.

This is the correct site:

 <https://hoast-condo.myhoast.com>

# Log on to hoast condo

Username

Password



Log on

Click [Here](#) if you don't know your username and/or password.

4. Select the "Here" button (see picture above)
5. Fill out the form and then select "Submit." If you receive an error (match does not occur), try again or select "I Need More Help."
6. A temporary username and password will be emailed to you if the criteria you entered matches with the myHOast database. If you selected 'I Need More Help', an alert will be sent to your community's administrator and they will be able to send you a set of temporary login credentials.