



# MAGNOLIA POINT

## *Community Association News*

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[www.MagnoliaCommunity.com](http://www.MagnoliaCommunity.com)

March 2008

### **Annual MPCA Membership Meeting . . . .**

The annual meeting of all homeowners will be held as follows:

**Wednesday, April 9, 2008 @ 6:30pm**  
**Clay County Shrine Club**  
**Highway 209, Middleburg**

Directions: Turn west on State Road 209 off of US 17 (the first stop light south of Black Creek bridge, NOT the light at Winn Dixie). Proceed on 209 for about 5 miles and the Shrine Hall is on the right.

Topics of Discussion at the Annual Meeting include:

- ▶ Treasurer's Report
- ▶ 2008 MPCA Budget
- ▶ 2007 Activities
- ▶ 2008 Projected Activities
- ▶ Presentation of the Amenity Package
- ▶ Vote on Amendment to Covenants & Restrictions

### **Proposed Amenity Package . . . . .**

Last year, an "Amenity Package" was proposed to the residents of Magnolia Point where every lot owner would have access to the following:

- ▶ Clubhouse dining rooms and meeting rooms
- ▶ Swimming pool
- ▶ Tennis courts
- ▶ Golf practice areas (chipping and putting green)
- ▶ Children's playground
- ▶ Play the golf course at reduced rates

The MPCA Board has determined that implementation of the proposal would promote the health and welfare of the community, and would have a positive effect on property values.

A preliminary package was mailed to each owner and surveys taken to ascertain the community's interest in the proposal. The MPCA received valuable opinions and constructive feedback from the homeowners. The Board has taken all concerns and suggestions into consideration, and has incorporated revisions to the package based on the responses received from the owners. For example, the

monthly cost has been reduced to \$31 per owner, with potential future reductions as additional lots are sold within Magnolia Point.

With input from legal council, preliminary negotiations have been completed between Magnolia Point Golf Club and the MPCA. The final Amenity Package Proposal, along with the Proposed Amendment to the Declaration of Covenants and Restrictions will be mailed to each owner approximately fourteen days prior to the MPCA Homeowners Annual Meeting on April 9<sup>th</sup>. If approved, the Board shall then negotiate a final binding contract with the club, containing the agreed upon terms of the final proposal.

In order for the Amenity Package to take effect, there must first be an Amendment to the Magnolia Point Declaration of Covenants and Restrictions. The amendment will give the Board of Directors the authority to levy an amenity assessment against each lot to meet contractual obligations with the club. The amenity assessment shall be subject to the same collection procedures and enforcement mechanisms as regular assessments. It is important to note that if passed, the amendment will be recorded in the public records and shall be part of the title encumbrances on each lot within the community.

To pass the amendment, the MPCA must receive the affirmative vote from 75% of the votes cast by owners at a duly called meeting of the association.

There are three ways to vote:

1. Owners attend the annual meeting and vote in person.
2. Owners may vote by limited proxy<sup>1</sup>. Owners may mail in their limited proxy in the self addressed envelope provided or otherwise provide the completed proxy form to the Secretary of the Association.
3. Owners may nominate a third party in the proxy form, and the third party nominee may cast the vote in person at the annual meeting. Limited proxy voting forms will be included in the Amenity Package mailing<sup>2</sup>.

<sup>1</sup>The limited proxy is the vehicle by which the membership votes on a specific item. It is a limited proxy as opposed to a general proxy; it will apply only for the purpose of voting on the proposed

amendment to the Covenants and Restrictions and will also be used to establish a quorum.

<sup>2</sup>In order for official business to take place at the annual meeting, a quorum of 50% plus one of the current lot owners must either be present in person or have submitted their limited proxy (424 of the 845 sold lots). Limited proxy votes mailed in prior to the meeting will count towards a quorum.

Every homeowner/lot owner is encouraged to vote. Your MPCA Board of Directors is unanimously in favor of the Amenity Package which will provide all Magnolia Point residents with access to the clubhouse and surrounding amenities, continued landscape serenity, and creating added value to our properties.



**Speeding . . . . .**

Speeding has become a problem on some of our roads. Accordingly, the Green Cove Springs police have increased their daily presence in our community.

**News Grams . . . . .**

There are times when it is necessary to get information to residents on short notice. How do we do this? By email "News Gram!"

In 2007, twenty News Grams were sent to residents who are on the MPCA email listing. If you are not receiving these messages, your email address is not registered. To sign up for this important service, email [MpcaCommunications@yahoo.com](mailto:MpcaCommunications@yahoo.com) and request your email address be added to our address book.. You do not have to provide your name, just your email address.

News Grams have been emailed pertaining to planned power outages, Conservation Area encroachment, Amenity Package info, community events, Luminary Night, public interest notices, etc. Email addresses are kept in strictest confidence. If you ever need to update your contact information, click on the "[Update Profile/Email Address](#)" link. Also, you can respond to a News Gram with a question or comment if you so desire. Just click on the [MpcaCommunications@yahoo.com](mailto:MpcaCommunications@yahoo.com) and you will receive a reply.

**Our Web Page . . . . .**

Our web page is undergoing a significant change. Look for more current and interesting information. Watch for details soon – via a News Gram!!!!

**Access Control . . . . .**

Renovations to the front gate guard house have recently been completed. Included was an all weather extension which allows the security personnel to handle incoming

visitors and vendors through a window alleviating the necessity of stepping out into a heavy rain. Also, the computer system has been upgraded including a new data base to better facilitate access control. Additionally, an infra-red security cameras focusing on incoming vehicles and license plates have been installed at both the front and back gates.

**Golf Carts On Our Roadways . . . . .**



Many of our residents have voiced concern over the youths who are driving on the roads and the high risk that is present when these operators are under the age of 16 and not licensed; many of these drivers are very young, perhaps between 8 and 14. Surely, we can

remember our younger days and some of the indiscriminate risks we took knowing that accidents always happened to others less fortunate.

Some of the high risk observations reported:

- ▶ carrying more passengers than the golf cart's design intent
- ▶ children driving down the wrong side of the road, horse playing with other occupants in the cart, creating inattentiveness
- ▶ children driving along side other children on bikes, scooters, etc., in an erratic manner perhaps seeing who could go the fastest
- ▶ children driving with an adult in the passenger seat and two very young children secured, hopefully, by the golf bag straps
- ▶ children driving onto and through the golf course with their fishing rods in tow while players on the course were hitting their golf balls

Magnolia Point Golf & Country Club members with cart privileges are mandated to register their carts with the club, provide proof of insurance, adhere to the color restrictions of beige or white, and must have functional headlights and tail lights. We conform to this request because it makes sense and is a mandated requirement to use our cart on the course.

It also makes sense to have requirements to operate golf carts on our private roadways within the community. The primary purpose is to protect those who are very dear to us; our children, our grandchildren and the children of all of our friends.

Are the operators of your golf cart and the passengers covered under an insurance policy? Normally auto and homeowner's policies have a special provision for this kind of coverage and is not usually in the policy unless you make a specific request for the coverage.

It is in our best interest to follow the guidelines set forth in the Association's Declaration of Covenants, Conditions and Restrictions, Section 1.17 and Section 3.17(a)-(c). Yes, there is a punitive side to any nonconformance to any of the Covenants, so please review your **Community Handbook of Covenants and Guidelines**, page 8, number 11. If you do not have this document, please contact your MPCA Manager's office at 998-5365.

Your MPCA Board of Directors shall make every effort to do whatever is necessary to safeguard the most precious asset we have, our children.

All residents who operate a golf cart on our streets should fill out a registration form that can be obtained from First Coast Association Management. Remember, **only licensed drivers age 16 and above are permitted to drive golf carts on our roads**. Mopeds, Go-Carts and All Terrain Vehicles may not be operated on any roads or other common areas of the community. (3.17, 3.1)

**Rules/Covenants** .....

Covenant Violations: At the end of 2007, there were approximately 50 covenant violations and some date back to May 2007. While the majority adhere to our covenants, lately, violations have been occurring more often.

There have been problems with ATV's and golf carts being driven by underage drivers on our roads, parking on community property along Colonial and miscellaneous boats and/or trailer parked or stored on properties for long periods. There have been issues with undeveloped lot owners which are being addressed and resolved. Many cleared lots that are vacant have had the weeds cut down or soon will be. The cost of this work is charged to the lot owner, not the Association.

But the number one issue continues to be "maintaining the house and grounds in good condition at all times (3.13)". In some cases, this issue exists when rental properties are unoccupied or a home is for sale and the owner leaves the area or the home is in foreclosure.

When a covenant violation notice is sent to the resident owner, they usually correct the identified issue with one notification and in a timely manner. However, there are still those few who do not. Failure to correct the violation is not fair to those owners that do. The Rules Committee has initiated action on approximately 20 violators who have failed to respond to two or more issue notices. According to Florida Law, fines can be up to \$100.00/ day.

For those owners that respond quickly to the notices, the Rules Committee would like to thank you and appreciate the effort expended.

**Reminders** .....

**Garbage Cans & BBQs:** Recent property inspections have shown that a number of homeowners/residents are leaving garbage cans, BBQ units and other items on their driveways. Please store these items out of sight when not actually in use as they are an eyesore for the community.

**Mildew Stains:** After the recent rains and warm weather, mildew has become very noticeable on some sidewalks, driveways and the sides of a few houses. This is unsightly and creates a slippery/dangerous condition when wet. The preferred method of cleaning is to pressure wash without chemicals to avoid damaging the landscaping. This will remove the mildew and flush it away. Algaecides and bleach can be used with care. We ask all homeowners to examine their property and take the action necessary to remove any stains.

**Roads & Potholes** .....

Annually, the MPCA conducts a road survey to determine the conditions of our streets, which are private and our responsibility to maintain. The survey report is used as a planning document and forms the basis for prioritizing repairs. Two years ago, beginning with the first road survey, an aggressive program was started to identify and budget repairs in the worst areas, forestalling repaving entire roadways until absolutely necessary.

The roads at Magnolia Point are, in some cases, older than their chronological years due to construction abuse and overall bad drainage conditions. We are indeed approaching a "crossroad" with respect to the lower end of Colonial Road, which is badly deteriorated and worsening with every rainstorm.

**Board of Directors & Committee Chairs**

- Board of Directors . . . . . Marcus Meide (ML)
- Board of Directors . . . . . Wayne Pope (ML)
- Board of Directors . . . . . Gary Dake (HO)
- Access Control . . . . . Dave Richard (DR)
- Rules/Covenants . . . . . Gordon Wood (HO)
- Communications . . . . . Bob Tague (HO)
- Landscaping/Irrigation . . . . . Mike Hallum (HO)
- Roads/Drainage/Ponds . . . . . Tom Branch (HO)
- Finance . . . . . Karen Seitzinger(HO)
- Architecture . . . . . Vacant (HO)

HO = Homeowner  
ML = Montgomery Land Co.  
DR = The Dave Richard Group

If you are interested in volunteering for the Chairman of the Architecture Committee, contact our association manager, Alice Hubbard, at 998-5365.



Ask Maggie P.

[MaggieP32043@aol.com](mailto:MaggieP32043@aol.com)

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**Dear Maggie** - After 20 years the developer still controls our Community Association. How and *when* will we homeowners get control? **T. on Colonial**

**Dear T.** How? By electing our Association's Board of Directors. But that voting right is now held by our developer. By law, we homeowners get voting rights only after the developer sells ALL of the remaining lots to builders and third parties. When? His current target date is December, 2009 or later.

**Dear Maggie** - I've noticed several very young children driving golf carts on our roads. Is that permitted? **Concerned**

**Dear Concerned** - No. Only licensed drivers may operate vehicles, including golf carts, on our privately-owned roads. It's a safety issue and a covenant violation. You should report all covenant violations to our Rules Enforcement Committee. What action can that committee take? Fines of \$100 for each violation, up to a total fine of \$1,000.

**Dear Maggie** - I noticed that one of my neighbors has three dogs, although they're rarely outside together. Is that permitted? **Curious**

**Dear Curious** - No. It's a covenant violation. Our covenants permit only two dogs or cats per household. Contact your Covenant Committee.

**Dear Maggie** - I'm very worried about a large water oak tree whose roots are starting to go under my house slab. Can I have the tree removed? **Treed**

**Dear Treed** - Yes, but if the tree is over 6" in diameter, you must apply to our Community Association Manager for permission to remove it. Include a photo or two with your application.

**Dear Maggie** - Does Magnolia Point Community Association have any legal justification? Isn't it all just an *ad hoc* organization? **Wondering**

**Dear Wondering** - Wonder no more! It is legal, incorporated, and operates under Florida Statute 720: Homeowners' Associations. That statute defines Homeowners' Associations as "a Florida corporation responsible for the operation of a community in which the voting membership is made up of parcel owners and in which membership is a mandatory condition of condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

Have a question? Write to [MaggieP32043@aol.com](mailto:MaggieP32043@aol.com) and find your answer in the next newsletter!

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