

**Grand Haven Master Association, Inc.**  
**P.O. Box 354785**  
**Palm Coast, FL 32135**

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Community Development District .....	386-447-1888
LandMar Group .....	386-446-6428
Grand Haven Guard Gate .....	386-445-2376
Village Center Office .....	386-447-0192
Village Center Café .....	386-447-0239
Grand Haven Golf Club Pro Shop & Tee Times .....	386-445-2327
Grand Haven Golf Club Restaurant .....	386-445-1027
Palm Coast City Hall .....	386-986-3700
Flagler County Property Appraiser .....	386-313-4150



## President's message

Welcome to the first issue of The Oak Tree, the brand new newsletter published by the Grand Haven Master Association.

With this newsletter, we plan to inform all Grand Haven residents about the activities of the Grand Haven Master Association, the Architectural Design Committee and the Fine Committee. I have served as a member of the ADC for four years and the GHMA board for the past year. During that time, I have fielded many questions: "What do the boards do?" "Do they really do anything at all?" "Why don't they do something about.....?" "Do I need permission to.....?" And very frequently, "What is a CC&R and what do you mean, 'I live in a deed-restricted community?'"

These and other questions have led us to the conclusion that there is a lack of communication between the Grand Haven boards and the residents. This newsletter is an attempt to bridge that gap.

As the new president of the GHMA board, improving communication with residents is one of my major objectives and I think this newsletter is a first step.

*Kenny O'Connor*



## Mission Statement

What is the Grand Haven Master Association and what does it really do?

The Grand Haven Master Association has a mission statement, which may be clear for those lawyers in the community, but not to most others.

The Mission Statement:

"The Grand Haven Master Association seeks to enforce both equitably and in a timely manner all Covenants, Conditions and Restrictions pursuant to the Declaration,

while fixing, levying, collecting and enforcing payment from the Association members of all charges and assessments in accordance with Florida Law."

Got that, Grand Haven residents? Well, for those of us who are not lawyers, it means that the Master Association enforces the architectural rules of the community, maintains a budget to do so and collects a yearly assessment from all residents.

Residents cannot just paint their home in an olive drab camouflage motif with pink shutters, to accompany those plastic flamingos in the front yard. They cannot operate a mini mart in their garage, or a bed and breakfast in the house. The Architectural Design Committee, part of the GHMA, will not approve it. And that is a good thing.

Some residents are surprised when they learn that they cannot do what they want to their own property, because Grand Haven is a "deed restricted community." That means residents gave up some rights when they purchased their properties.

For more information on what residents can and cannot do in this "deed restricted community," read a future edition of this newspaper.

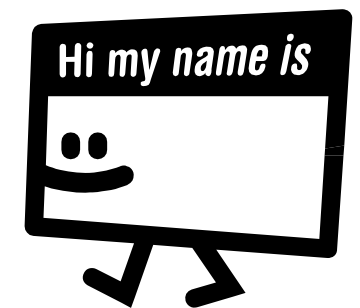
## Name change????

Did we change our name? It used to be Grand Haven Master Homeowners Association (GHMHOA or MHOA).

Now we call ourselves Grand Haven Master Association (GHMA).

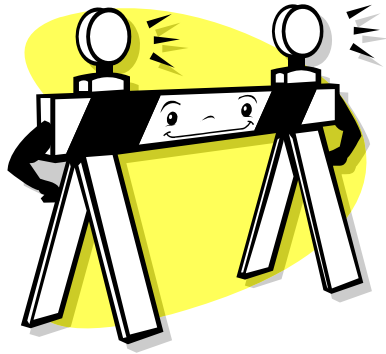
According to our incorporation papers, we were always Grand Haven Master Association, Inc. - abbreviated by the initials GHMA. There are some legal reasons why we need to call ourselves by the correct name, but we won't bore you with those details.

We are the GHMA or Grand Haven Master Association and our website address is [www.grandhavenmhoa.com](http://www.grandhavenmhoa.com).



## Unfinished condos

By Don (Toby) Tobin



The portable bathrooms are gone, the fence has been repaired, and the developer of the unfinished condominiums on Grand Haven's 10th fairway has been fined by the City of Palm Coast. But the bare concrete condos are still an eyesore and the company is seeking additional financing to finish the project.

The unfinished buildings are framed by expensive, well-manicured homes on the north, but residents, upset by the lack of progress on the project, have repeatedly asked who is responsible and what is happening.

The Riverview Condominiums in Grand Haven are being developed by Whitehall Homes at Grand Haven LTD, based in Sarasota. The company purchased the property in 2004 from Grand Haven Developers, LLC - one of the many LandMar related entities. The LandMar sales office has been handling sales of the Riverview units.

I have interviewed LandMar sales representatives as well as Jerry Andrews, vice president of finance for Whitehall. Riverview was planned as a two-phase project totaling eight buildings of twelve units each. Phase I, the four buildings adjacent the golf practice facility, is complete, although four unsold units remain in Whitehall's hands.

As the real estate market softened in 2007, buyers backed away from reservations for Phase II and Whitehall elected to begin construction on only two buildings. Only a few have been sold. In late 2007, Whitehall suspended construction on Riverview and other construction sites.



In a Jan. 21 conversation with Mr. Andrews, he told me that the company is attempting to arrange additional financing to finish the two buildings but he would not comment on a timeframe or discuss the negotiations. According to Andrews, both Whitehall and their lender of record, Bank Atlantic, want to find a solution. Even if negotiations are successful, he added, buildings three and four of Phase II will not be started until warranted by improved market conditions.

Several contractor liens have been filed against Whitehall. Property taxes for 2006 on Phase II, totaling \$14,770, are unpaid.

Whitehall's attempt to gain additional financing may not be successful, especially in light of the state of today's real estate and credit markets. In the event of foreclosure, subordinate liens are usually erased, while tax liens are not. Meanwhile, the job site sits vacant.

While there is no mechanism to force Whitehall to complete construction, the Palm Coast building department is responsible for the enforcement of codes related to construction sites. In general, the city has greater strength to leverage this type of situation than either the Grand Haven CDD or the Master Association.

Hampton Golf, under General Manager Mark Bowlus, has taken steps to improve the look of the area by repairing the fence surrounding the property.



It is, however, a problem that will not go away quickly. I will post on my website additional information about Whitehall and the condos as soon it becomes available.

*Don (Toby) Tobin is a real estate commentator and publisher of GoToby.com, a website providing real estate news, articles, commentary, and analysis. He is a resident of Grand Haven and a licensed Realtor® currently associated with Adams Cameron.*

## 2008 budget information

We are pleased to report that the Grand Haven Master Association is financially healthy. We begin the year with a reserve of \$100,000.



Projected revenues for this year are \$122,500.

Expenses are estimated at \$202,800. Expenses are \$80,300 greater than income. The difference will be paid from the reserves. Reserves are estimated to be \$19,700 at the end of 2008.

## Most frequent CC&R violations

One of the major objectives of this newsletter is to inform and educate the residents on the rules of Grand Haven. Your CC&Rs and the ADC guidelines define those rules.

When a resident's action breaks (or significantly bends) one of the rules, a violation letter will be sent. He or she will then have 10 days to respond to the letter, either stating the problem has been fixed, and how, or giving a time frame for compliance.



### **The 10 most common violations:**

10. Leaving a trailer in the driveway
9. Unapproved signs on the property
8. Low-hanging street trees
7. Empty garbage cans left outside
6. Mildew and mold on a house
5. Weeds between the pavers in a driveway
4. Unapproved changes to a house or landscaping
3. Dead trees on the property
2. Rust stains caused by well water
1. Dead sod.

Forewarned is forearmed: Avoid the mailing list for violations. There will be more articles on this subject in future issues.

## Enforcement stuff

There were 292 residential violations in 2007, with the vast majority of residents complying with Grand Haven regulations upon receipt of a violation notice.

Violations stem from noncompliance with the guidelines of the Architectural Design Committee and include, among many other things, dead lawns and shrubbery, rust stains and low-hanging oak trees. Landscaping and color changes to a home without an ADC permit are also violations.

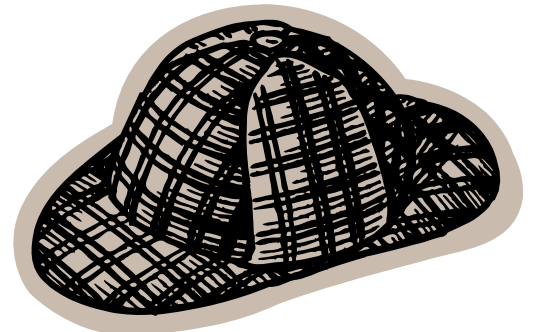


Construction violation notices have been sent to builders at the rate of 40 per month, with most being resolved within a specified time limit. The violations have included full dumpsters, sand in the street and general lot maintenance.

Build-out violation letters have been mailed on 73 lots, resulting in 54 fines.

Sixteen Grand Haven properties are currently in foreclosure. The properties include two in Wild Oaks, three each in Lake Haven and Hidden Lake and one each in Pine Harbor, Osprey, The Bluffs, Front Street, Riverview condominiums, Creekside, East Lake, and Heritage Oaks. The banks that have foreclosed on these properties are responsible for their upkeep. Unfortunately, foreclosed properties present unique problems in terms of compliance with community standards.

More information will be forthcoming in future editions of this newsletter.



## Philosophy of this newsletter

There are about 3,000 residents in Grand Haven. This new publication is an attempt to inform and educate all 3,000 people on the rules and procedures of how Grand Haven works.



Written from the homeowners' perspective, the editors and writers of this newsletter will not take themselves too seriously. We hope to make this publication

easy to read and fill it with articles of interest to Grand Haven residents.

We would like residents to help us with ideas and topics for future issues.

Do you want to write an article about something - a Grand Haven activity, club, happening, etc. for this newspaper? Let us know!

Have a question? Give it to a board member! We will have a section called FAQ (Frequently Asked Questions) where we will answer questions that have general resident interest

Contact Kenny O'Connor at [koconnor12@cfl.rr.com](mailto:koconnor12@cfl.rr.com) for more information or to volunteer.

## 2008 annual members meeting

The annual meeting of the Grand Haven Master Association was held on January 10, 2008. At this meeting two members had fulfilled their term and two new board members were elected to a two-year term.

Retiring from the board were Murray Salkovitz and Bill Hamm. Murray served as the president for the past year, while Bill served as the treasurer. Both men have put in many hours of service to our community. Their time and expertise has been greatly appreciated.

On behalf of the community, the board thanks them for all they have accomplished.

## The GHMA 2008 Board

President	Kenny O'Connor
Vice President	Rob Sedelmyer (newly elected)
Treasurer	Pat Driscoll (newly elected)
Asst. Secy.	Marc Dwyer
Asst. Treas.	Ray Smith

## Southern States Management Group

Southern States Management Group is an independent management firm hired to manage the daily operations of the GHMA. Any general questions, comments or concerns regarding the GHMA, The River Club and/or Private Lawn Maintenance (PLM) should be directed to **Troy Railsback** at (386) 446-6333 extension 307. For question or concerns regarding the Architectural Design Committee (ADC) and/or new construction within Grand Haven, please contact **Brandy Despang** at (386) 446-6333 extension 306. Both Brandy and Troy are licensed Community Association Managers with knowledge and experience to assist you.



## Website

The Grand Haven Master Association now has its very own website, [www.grandhavenmhoa.com](http://www.grandhavenmhoa.com). Its purpose is to make information accessible about Association activities.



It includes the names, e-mails and phone numbers of the Grand Haven Master Association board and

the Architectural Design Committee, meeting schedules, agendas, FAQ and financial information.

The site also lists ADC guidelines and forms for residents to use to make submittals for changes to their property.

For more information check out the website

## The last resort

While going to court is the last thing the Grand Haven Master Association wants to do in its role of enforcing the Grand Haven CC&Rs, it may sometimes be the only way to settle an unresolved dispute within Grand Haven.



If all steps have been exhausted and a resident or landowner refuses to pay the assessments or fines levied for infractions, then it is the responsibility of the GHMA to pursue the legal solution. To do less would be unfair to the vast majority of residents who abide by the community's rules. The board would also fail its fiduciary duty under state statutes.



During the last quarter of 2007, representatives of the GHMA appeared in court once; a second issue was resolved just prior to a scheduled court appearance.

The court action involved a fine for failure to comply with the three-year build-out requirement in the CC&Rs. A Grand Haven builder owned two vacant lots that were not in compliance. The builder was fined a total of \$2,000, \$1,000 for each lot.



The court ruled in favor of Grand Haven. The builder was also required to pay all court costs and attorney fees. Not surprisingly, the attorney fees, interest and court costs were more than the fines.

Once again, the ruling confirmed that the board's fine procedure is legally enforceable, which should give comfort to residents who look to the GHMA board to actively guard community standards.

The second case was similar, a violation of the CC&Rs. It was resolved four days before the scheduled court appearance.

Maybe the word is getting around that if all else fails, the board will use the last resort.

## Cleaning up the ponds

At a four-hour meeting on Jan. 28 organized by the Community Development District (CDD), residents and professionals debated some of the problems facing the community's detention ponds.

Organized by CDD board member Steve Davidson, the

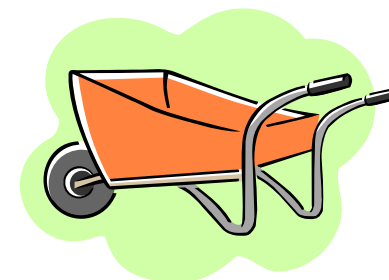


symposium included a six-member panel of experts from across the state. The CDD plans to use information gathered at the meeting to develop a program to combat the recurrent algae problem in the ponds.



Residents can restrict the algae growth by reducing the amount of fertilizer used on their lawns. They should use a dry product instead of a spray fertilizer and be careful not to let the fertilizer go into the ponds.

All residents, not just lake-front property owners, should cease blowing grass clippings into the streets, storm sewers and lakes.



More information on the care of the ponds will be included in future issues.