

2018-2019

ORA at MELBOURNE BEACH, INC.

**An Owners Guide to life In a Resort Condominium**

210 Galaxy Lane Melbourne Beach, Florida, 32951 (321) 724-6056

**Message from the President**

**Life in a RV Condominium can be a richly rewarding experience. The sense of community, opportunities for interaction with fellow owners, even the wonderful location of ORA at Melbourne Beach on this magnificent barrier island, make this an outstanding choice for your leisure lifestyle. Your Board of Directors extends a hearty Welcome. We hope that you enjoy every moment you spend here.**

**Jim Day**

**Your Board of Directors**

Yearly listings of the members of the Board of Directors can be found in the condo office.

**Manager** - Charles Gooding

**Managerial Assistant** - Misty D. Jones

**Telephone #s**

Condo Office - Rental Office

321-724-6056 321-537-2600

**Have an Emergency? No Electricity? Sewer Backup? Water line Break? And, of Course, the office is closed !!**

Managers Cell = President's Cell

321-302-3729 321-984-0775

**Condo Office Hours:**

M-F 9 am– 3:30 pm.

A worker is on weekend duty each Sat. and Sun. Approximate hours 7 am—2 pm.

**Services in the Park**

**Trash pickup:** Leave trash daily at curbside by 11:00 am.

**Recycling areas:** Near Condo office, center area, washrooms at Dockside and Carousel.

**Tools:** Honor system— next to condo office. Power tools are not available due to insurance liability.

**Owners Lounge:** Reservations for use are made at condo office (\$25 refundable deposit) **Gas Grill:** For use at Owners Lounge (\$25 refundable deposit)

**Laundry:** Services at rec hall, center pool, balmy bathhouse, dockside bathhouse, and Post office.

### **Work Orders**

See something on your lot or anywhere else in the park which needs fixing? Please fill out a “work order” at the condo office. We **will** fix it.

### **Facilities Ocean area: Tennis courts: Spa, Sauna: Shuffleboard: Bocce: Horseshoes: River Club: Club House:**

Private beach access, pool, restrooms Main entrance, center pool, river area Center pool area

River Club

Post office area Post office area

Library, owners lounge and TV room Seasonal events—  
(See listing of rec events)

### **ORA Directory**

Contains the names, addresses, email address and phone numbers of all owners. It is published and distributed yearly. Please read the Directory for emergency numbers, religious activities and index of our commercial services available.

### **Recreation.**

A weekly recreation calendar is published along with our information newsletter. It is distributed at the Post office.

### **Information about the Business of the Resort:**

Posted on bulletin boards located at Condo office, Club House, Center Pool area, Outside Post office and Outside River Club.

**ORA Chapel** is a private non denominational group which holds Church services in our Club House each Sunday from the first Sunday in November to approximately three weeks into April subject to Easter Sunday. All are welcome to attend.

### **Hospitality**

Further help and information is available from our hospitality committee: Please contact: Elizabeth Szylin - 822 Carousel Lane Gail Bunnell - 377 Pier Lane

### **Ownership Reminders:**

You should have in your possession:

Declaration of Condominium of ORA at Melbourne Beach

Bylaws of ORA

Administrative Rules and Regulations

Continuing Resolutions of the ORA Board

(All of the above documents have been updated and posted on our website. They are there for you to view at your leisure. We encourage you to become familiar with them.

Security Gate cards (2)  
Keys (2) for gates, card room and river club  
For Exercise room and Owners Lounge  
(Available from previous owner or Condo office for a small fee)

### **Board Meetings**

Meetings are normally held on the second Saturday of the month 9am in the Club House.. Check Bulletin Boards for schedule of meetings and agenda for each meeting. While these meetings are for the Board of Directors to conduct your business. The Board votes upon final decisions. We provide an opportunity for any owner in attendance to address the Board on any agenda item. Simply fill out a “Request to Speak” form when you enter the meeting area, and you will be called upon to speak when we get to that agenda item. Further, at the conclusion of each meeting, we adjourn the meeting of the board and then have an “**OWNERS FORUM**”. At this time any owner may raise any topic he/ she wishes. If we can provide an answer to your concern or question we will do so. If not, we will research it and provide an answer as soon as possible.

### **Lot Alterations**

**Any change to your lot**– cement, shrubs, screen rooms, units, adding appliances, no matter how small you think it may be– requires that you file a **lot alteration form** with the manager and get written approval before beginning the project. Make sure before you begin that you will not be violating our documents. Most problems develop because someone is not familiar with restrictions clearly spelled out in the documents. Please read and understand them.

### **Your address of Record and ownership information**

Please place this information on file in the Condo office. All Correspondence– billing, notices, ballots, etc. – will be mailed to that address. You are responsible for keeping the data up to date.

### **ORA Post Office**

The United States Postal Service delivers our mail to one location– the condo office. We hire three postal employees to distribute mail. The ORA Post office is located at the River tennis court area. Hours change with the seasons. They are posted on the front of the post office. We provide mail forwarding for all our owners who request it. Please make sure you have provided the postmistress with a sufficient number of forwarding labels. **We are on the web:**

[ora-melbournebeach.org](http://ora-melbournebeach.org)

Webmaster is Debbie Glueck Please visit frequently.

### **Email:**

We have the ability to notify owners of important events via email. If you would like to be included on our list please notify our webmaster,

**Jim Day (321) 984-0775**

**Electrical Failures**– We recommend that you first contact Florida Power and Light Company. They will send out a crew free of charge. If they determine that it is not their problem then notify the office and we will contact our electrician. **FPL Phone# 321-723-7795**

### **ORA Committees**

We have a number of committees at ORA. Each year the President of the board appoints owners to serve as Chairpersons for these committees and then the Chairpersons select members. If you would like to offer your services please contact the Chairperson listed below:

Recreation:

Buildings: Ombudsman:

Park Improvement and Long range Planning Safety/Security

Park Beautification: Ballot / elections: Park Directory

Michele Shirkey Norman Busby Ron Paul

Ray Glueck Ginny Dubas

Darlene Uszacki, Carol White Donna Riley

Joan Livieri

### **Seawalls. Reminder**

**The Association owns and is responsible for the maintenance of seawalls abutting common ground. Each owner of a water front lot owns and is responsible for the maintenance of the seawall at the rear of their lot.**

### **Rights and Responsibilities for Better Communities**

*Principles for Homeowners and Community Leaders*

#### **Homeowners Have the Right To:**

A responsive and competent community association.

Honest, fair and respectful treatment by community leaders and managers.

Participate in governing the community association by attending meetings, serving on committees and standing for election

Access appropriate association books and records.

Prudent expenditure of fees and other assessments.

Live in a community where the property is maintained according to established standards.

Fair treatment regarding financial and other association obligations, including the opportunity to discuss payment plans and options with the association before foreclosure is initiated.

Receive all documents that address rules and regulations governing the community association-if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community.

Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.

#### **Homeowners Have the Responsibility To:**

Read and comply with the governing documents of the community.

Maintain their property according to established standards.  
Treat association leaders honestly and with respect.  
Vote in community elections and on other issues.  
Pay association assessments and charges on time.  
Contact association leaders or managers, if necessary, to discuss financial obligations and alternative payment arrangements.  
Request reconsideration of material decisions that personally affect them.  
Provide current contact information to association leaders or managers to help ensure they receive information from the community.  
Ensure that those who reside on their property (e.g., tenants, relatives, and friends) adhere to all rules and regulations.

### **Community Leaders Have the Right To:**

Expect owners and non-owner residents to meet their financial obligations to the community.  
Expect residents to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the association.  
Respectful and honest treatment from residents.  
Conduct meetings in a positive and constructive atmosphere.  
Receive support and constructive input from owners and non owner residents. Personal privacy at home and during leisure time in the community.  
Take advantage of educational opportunities (e.g., publications, training workshops) that are directly related to their responsibilities, and as approved by the association

### **Community Leaders Have the Responsibility To:**

Fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interests of the community.  
Exercise sound business judgment and follow established management practices. Balance the needs and obligations of the community as a whole with those of individual homeowners and residents.  
Understand the association's governing documents and become educated with respect to applicable state and local laws, and to manage the community association accordingly.  
Establish committees or use other methods to obtain input from owners and non-owner residents.  
Conduct open, fair and well-publicized elections.  
Welcome and educate new members of the community--owners and non-owner residents alike.  
Encourage input from residents on issues affecting them personally and the community as a whole.  
Encourage events that foster neighborliness and a sense of community.

## **CONDOMINIUM LIVING IN FLORIDA INTRODUCTION**

Condominium living offers many benefits that appeal to increasing numbers of individuals and families. The benefits of this form of home ownership include an economical solution to constantly rising land values, building costs, maintenance

expenses, and provide unit owners with an opportunity to enjoy commonly owned recreational and other facilities that might otherwise be unaffordable.

Condominium ownership is a concept that has existed in Florida since 1963.

Condominium purchasers and owners are often not familiar with the complex legal requirements. This booklet is intended to acquaint unit owners and prospective buyers with the basic concepts of condominium ownership. Part I describes condominium ownership and operation and focuses on the individual's role in the condominium. Part II highlights unit owner protections under Florida law, and Part III outlines the functions of the Division of Florida Land Sales, Condominiums and Mobile Homes.

## PART I

### **CONDOMINIUM OWNERSHIP AND OPERATION**

A condominium is a form of real property ownership in which an individual owns a unit exclusively and owns common elements jointly with all other unit owners in the condominium. Condominiums come in many sizes, shapes, and forms. Condominiums may be created at the time of initial construction or by converting previously existing apartments, townhouses, and hotels/motels to the condominium form of ownership. Other examples of condominiums include mobile home sites, recreational vehicle sites, boat docks, and office parks. Chapter 718 of the Florida Statutes, commonly known as the Condominium Act, and the corresponding administrative rules found in Chapters 61B-15 through 61B-24, Florida Administrative Code, are the basis for the information in this brochure and apply only to the condominium form of ownership. Common elements are those portions of the condominium property which are not included in the units. All unit owners share ownership of the common elements in an undivided manner. The structure of the building including the roof, falls in this category.

#### **The Board of Directors**

The Board of Directors, initially appointed by the developer and subsequently elected by the unit owners, is responsible for managing the affairs of the association. The board may appoint committees to assist with the various duties of the association. Often such committees include a Bylaws Committee, Budget Committee, and Grounds Committee. Effective committees are important to a well-run condominium association because they help the board carry out its powers and duties. A director is expected to carry out his or her powers and duties, as any other ordinarily prudent person would do under reasonably similar circumstances. Directors have a fiduciary relationship with the unit owners, and have the responsibility to act with the highest degree of good faith and to place the interests of the unit owners above the personal interests of the directors.

Although the board of directors is essentially the decision-making body for the condominium, the association's effectiveness rests primarily with its membership -- the unit owners. For an association to be successful, unit owners must take an active part by serving in leadership positions on the board of directors and/or its committees, attending association meetings, voting, and assisting in other affairs of the association whenever possible. These roles are essential to an association's success. Apathy on the part of the unit owners will render an association ineffective.

Each unit owner has the right to be informed and have a voice in the operation of the condominium. For this reason, Chapter 718, Florida Statutes, requires each condominium

association to hold an annual meeting of its unit owners, provide adequate notice of meetings, allow unit owner participation at meetings, conduct elections, permit unit owner inspection of the official records of the association, and prepare and distribute a year-end financial report to the members. These are just some of the requirements that unit owners can expect to be fulfilled by an association's board of directors.

## **Management**

The day-to-day management of the condominium property is one of the most important association functions. While the documents provide an outline for orderly operation, real-life operation can be a vastly different experience. It is the board's duty and responsibility to determine the association's needs, limited by the association's fiscal resources. An association may be self-managed or hire professional management. Each association must determine the type of management best suited to its unique needs, desires, and capabilities.

Although the Condominium Act does not *require* any condominium association to do so, many condominium associations choose to contract with an outside individual or management company. However, if an association chooses to hire a manager to assist the board of directors, that person may be required to be licensed as a Community Association Manager, (CAM) under Part VIII, Chapter 468 of the Florida Statutes, known as the Community Association Management Law. This law is administered by the Division of Professions. For information concerning licensure and regulation of community association managers call (850) 487-1395. The hiring of a manager to administer the day-to-day operational functions of an association does not relieve the board from the responsibility to ensure the association complies with the Condominium Act and the Division's administrative rules.

Although buying a condominium unit offers advantages over buying a single family home, there are restrictions and responsibilities that accompany condominium ownership.

## **Restrictions**

Restrictions on the use of both the individual unit and the common elements help to preserve the best interests of all unit owners. Many condominiums provide for limitations on the use, occupancy, and transfer of a condominium unit. For example, there may be restrictions on types of window coverings, pets, leasing, and the number of unit occupants.

Just as the use of the unit may be restricted, so may the use of the common elements. While all unit owners have the right to use the common elements, they must use them in the manner provided in the condominium documents and in the rules and regulations adopted by the board of directors of the association. Typical restrictions on the use of the common elements include limitations on parking and types of vehicles allowed on the premises, limitations on modifications to the condominium exterior, and restrictions on the use of recreational and other common facilities.

Since each condominium association has its own set of documents, the only way to determine the specific restrictions pertaining to a particular condominium is to review those documents. In addition to the use restrictions provided in the declaration of condominium, bylaws and articles of incorporation, the Condominium Act gives the board of directors the authority to adopt reasonable rules and regulations concerning the

use of the common elements, common areas, and the recreational facilities. Restrictions are subject to change when the board of directors or unit owners properly amend the documents to provide for such a change.

### **Financial Responsibilities of Unit Owners**

The cost of operating and maintaining the condominium is funded through collection of assessments by the association. Unit owners pay assessments for their shares of the common expenses according to the proportions or percentages set forth in the declaration of condominium. In a residential condominium, a unit owner's share of common expenses must be in the same proportions as their ownership interest in the common elements and the common surplus or deficit. Also, for residential condominiums created after April 1, 1992, the ownership share of the common elements assigned to each unit is required to be based either on square footage or on an equal fractional basis. Unit owners are expected to pay assessments; therefore, assessments cannot be avoided by a unit owner choosing not to utilize various common facilities.

Assessments to unit owners vary depending upon the amenities and level of services being offered in a particular condominium. If you are purchasing a unit from a developer, you are entitled to receive an estimated operating budget showing the expected costs of operating the condominium prior to closing on your unit. Note that the budget is based on estimated expenses and may differ significantly from the actual cost of association operations. Developers often provide a guarantee of assessments for one or more fiscal periods. Such guarantees typically hold assessments to a lower amount than might occur without the developer's guaranteed subsidy. Purchasers can expect an increase in the budget after the guarantee period expires.

Unit owners may also expect to face special assessments. These assessments are in addition to the regular assessments that each unit owner pays. Special assessments are typically levied when the association determines that there is either not enough money in the budget for a particular expenditure, or the expenditure was not anticipated and therefore was not included in the annual budget. Condominium documents often contain restrictions on the board's ability to levy special assessments.

Some of the expenses which may be found in a condominium budget include: administration, management fees, maintenance, insurance, taxes, garbage collection, pest control, utilities for common areas, and reserves for capital expenditures and deferred maintenance. There are requirements in both the Condominium Act and the Division's administrative rules regarding how these expenses should be disclosed.

In addition, the unit owner should expect to be individually responsible for such items as: real estate taxes, cost of private telephone service and equipment, insurance covering the contents and interior of the unit, maintenance of the interior of the condominium unit, privately contracted janitorial or maid services, and utility costs billed directly to the unit owner. Further information along these lines may be found in the condominium documents.

### **FLORIDA CONDOMINIUM LAW: PROTECTIONS FOR UNIT OWNERS**

In addition to various protections granted to buyers, the Condominium Act contains provisions protecting the rights of unit owners. These rights ensure that unit owners have the opportunity to be informed regarding the affairs of their condominium. Others are intended to prevent problems and provide remedies for existing problems. Some of these



rights are summarized below. Association Meetings

Unit owners are entitled to have an annual meeting. The date of the annual meeting for each association should be stated in its bylaws. Unit owners are also entitled to receive advance notice of all other association meetings, board of directors' meetings, and committee meetings. Depending upon the type of meeting, the noticing requirements contained in the Condominium Act may be met by the association posting advance notice of a meeting on the condominium property, and/or by mailing or delivering notice to each unit owner. The documents may also require additional notice. In addition to the right to receive notice of meetings, unit owners also have a right to attend all unit owner meetings, board of directors' meetings, and committee meetings (except those meetings specifically exempted by the law). Owners also have the right to speak at these meetings on designated agenda items.

### **Elections**

The election procedures provided in the Condominium Act require the use of secret ballots or voting machines, and do not permit elections to be conducted by proxy. The association may provide for alternate election procedures in its bylaws upon the approval of a majority of its total voting interests. These alternate procedures may provide for elections to be conducted by general or limited proxy.

Along with the right to elect directors in a condominium association, the Condominium Act also provides a procedure by which directors can be removed from office. This process is known as recall. Directors may be recalled from the board with or without cause by the vote or agreement in writing of a majority of the total voting interests.

### **Assessments**

Unit owners cannot be required to pay assessments (regular assessments based on the adopted budget) less frequently than quarterly. Most associations collect monthly or quarterly assessments, the condominium documents should describe the frequency of collection, due dates and provide for late fees and interest on delinquent assessments. If the board adopts a budget requiring an increase in excess of 115 percent of the assessments for the previous year, the board, upon receiving a petition of 10 percent of the voting interests, shall call a special meeting of the unit owners to consider an alternate budget. At this special meeting, unit owners can enact a new budget with the approval of a majority of the total voting interests. If the association is under developer control, a budget cannot impose assessments greater than 115 percent of the assessments for the previous year without approval of a majority of all the voting interests, including the voting interests of the developer.

At the end of each fiscal year, unit owners are entitled to receive a year-end financial report. Depending upon the size of the association and the amount of its annual revenues, a report of cash receipts and disbursements or more detailed financial statements, prepared in accordance with generally accepted accounting principles is required to be prepared. The association must either notify the owners that the report is available and provide a copy to the unit owner upon request (at no charge to the owner) or distribute the report directly to the unit owners.

### **Association Books and Records**

Unit owners are entitled to have access to the official records of the association. These

records must be maintained within the state. Within five working days after receipt of a written request, the association must make the official records available for a unit owner's inspection. An association is required to maintain these records for a specified period of time. For example, minutes of any meeting and all accounting records must be maintained for at least seven years. Ballots, proxies, and other papers relating to voting by unit owners must be maintained for at least one year. Other records, such as a copy of the recorded declaration of condominium, must be retained permanently.

#### Miscellaneous

Unit owners may void certain types of contracts entered into by the developer in the name of the association. Subject to specific requirements, unit owners may also vote to cancel contracts entered into by unit owner controlled associations, such as a contract for cable television service assessed against the unit owners as a common expense.

Finally, the Condominium Act provides unit owners and their invited guests the right to peaceably assemble on the condominium property. This right is subject to reasonable rules and regulations, promulgated by the board of directors, pertaining to the use of the common elements and recreational facilities.