



# OURROC-SWF

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Our Resident Owned Communities - Southwest  
Florida, Inc.

Minutes: December 20, 2017 Membership General Meeting.

Location: Orange Harbor

1. Roll Call: President/Director Gary Mathews (River Forest) called the meeting to order at 9:30AM with the Pledge of Allegiance. Other Directors present were Treasurer Bill Bauer (Oak Park) and Secretary Dennis Kriesen (Orange Harbor). Vice President Bob Snyder (Sun-N-Fun) was absent. Member Parks in attendance were River Forest, Lazy Days, Orange Harbor, Forest Park, Oak Park, Sun-N-Fun, Mary LU, Alpine, Burnt Store, Japanese Gardens and Alpine Village. Soon to be member Old Bridge Village also attended. Professional Member Barefoot Reality was also in attendance. Total attendance, 41 including 3 Directors.
2. Proof of notice of meeting: Two different announcements were emailed to all on the mailing list several weeks prior.
3. Reading of Minutes of prior meeting: Minutes of December Meeting, having been sent to all on the mailing list were not read. **Motion** to approve by Gary Jones, **Seconded** and **Passed** ayes all. **Motion Carried.**
4. Report of Officers: Report of Committees:
  - Treasurer Bill Bauer reported a Wells Fargo checkbook balance of \$3,059.29 with no outstanding payable or receivables.
  - Gary encouraged attendees to consider running for a position on the Board. Elections are held at the April 18 Annual Meeting.
5. Unfinished Business: None.
6. New Business – None
7. Presentation: REAL ESTATE by Charity Cicardo, Barefoot Reality. Highlights: (comments hold for small to large communities)
  - Real Property: Anyone can sell their own home. If they do not sell it themselves, then they should hire a licensed realtor to sell the home. According to the Department of Business and Professional Regulation, anyone “selling or attempts to sell real property of

another for compensation” is required to have a real estate license. Compensation is defined as “monetary compensation as well as valuable consideration, which includes benefits other than cash or tangible goods.

- Resident who owns the home only: Any home owner can sell their own home, but if they don't want to sell the home themselves, they should use a manufactured home dealer. According to the Department of Motor Vehicles, which governs manufactured home dealers who buy and sell manufactured housing, any person who sells one or more mobile home(s) in a 12-month period must have a dealer's license.
- State sales tax on manufactured home: Do not enter an amount on the bill of sale for an amount less than the actual purchase price. Doing so is fraud since the state is being cheated out of its due sales tax. Be careful if excluding furniture, etc. as the determination of value should be made by a licensed appraiser and most people do not consult an appraiser to determine value.
- The state has a Tourist Development Tax of 5% for anyone from hotels to an individual who rents his home out for less than six months. In addition to this tax, a person renting their home for less than six months must collect for sales tax as well. In Lee County, sales tax is 6%. Therefore, a person renting their home has to collect 11% on top of the rental fee. If renting a home for more than six months, neither of these taxes have to be collected.
- There are known cases where a disgruntled *whistle blower* in a community has turned in a person who was deemed to be doing something illegal, such as the above examples. To avoid an intrusion/enforcement/fines by state or local agencies a recommended practice is Park Management should make sure all residents are aware, by way of written policy, what must be done with the sale or rental of a property.
- It is recommended a community have a written process on file for acceptance criteria, such as credit score, for someone looking to buy. Be sure to consult a real estate attorney about what can be included in the criteria.
- Regarding share transfers of Real Property, this action is deemed as a legal action that should be conducted by a licensed attorney. Why? The buyer may have questions that only an attorney should

be answering. Having someone who is not an attorney answer a question may result in a legal problem for the person giving an opinion.

#### Q&A.

- Regarding whether the community as a whole can be deemed responsible for transaction violations, there is a growing trend to support this, especially with short-term rentals. The best defense is to have a written process policy in place that shows the community is informing its residents of the current law.
- Yes, the same real estate laws apply to any of the various community statutes.
- Yes, the sale of manufactured homes on rented ground falls under the DMV who issues manufactured home dealer licenses.
- Regarding exclusions to a community because of things like age or credit score, it is recommended an attorney be involved.
- A share represents two types of ownership: the ownership of the land under the home and ownership in the entire community. Individual property boundaries are usually determined by known zoning setback requirements of the community as it is usually stated in by-laws. See Chapter 719 of the Florida Statutes for a better understanding of ownership of shares.
- State employees are known to, unannounced, visit a community for the sole purpose of testing compliance with the law.
- Referrals are typically the best way to find a licensed manufactured home dealer or licensed real estate salesperson who is experienced in the sale of mobile homes.

A document from the Florida DBPR (Department of Business and Professional Regulation) Division of Real Estate and the Department of Motor Vehicles was made available as backup to the discussion.

#### ADJOURNMENT.

Next Meeting: Park Finances.  
January 17<sup>th</sup>, 2018.  
HOST: Old Bridge Village.  
Meeting details coming.

Dennis Kriesen, Secretary.