

POOL ISSUE

To: All WLTH Homeowners

From: WLTH BOD

We the WLTH BOD set forth open communication with all of you in a transparent manner to explain the ongoing "Pool Issue." This has been an ongoing issue for multiple years but has not been addressed previously in an in-depth proficient manner. This issue re-surfaced early summer when WLTH were assessed several thousands of dollars for repairs and upgrades. Neither WLTH BOD nor the Association as a whole were beforehand notified of any repairs/upgrades or were a participant in any decisions referencing the extent of the said repairs/upgrades. The assessment was rejected by WLTH BOD, however payment was made by Progressive Management to the Condos. This prompted the termination of Progressive Management and subsequently entered into an agreement with Ameri-Tech Community Management.

The following are the precise facts in reference to the Pool usage:

- An Agreement was entered on the 4th day of January 1991 between Westchester Lake Development Corporation (Developer) and Westchester Lake Condominium Association, Inc. (Association)
- This aforementioned agreement, however was never officially transferred to Westchester Lake Townhomes Association Inc. but rather loosely followed
- Subsequently, an identical Agreement was entered between Westchester Lake Condominium Association and the Townhomes of the Shores once the construction of the Shores community was completed
- The above Agreement states, "The Developer is desirous of constructing on the developed lots and selling homes, whereby the homeowners would be entitled to use and enjoy the recreation facilities of Westchester Lake Condominium.
- The Agreement further states, "WEREAS, the parties are desirous of establishing reasonable user fees."
- The pool recreation facilities was owned by the Westchester Lake Condominium Association at the time of the signed Agreement and remains the owner to date. Westchester Lake Townhomes only has usage of the pool and has NO input as to rules and regulations, repairs, upgrades, times of usage or any other issues including monthly fees
- To date, on an annual basis, The Westchester Lake Condominium issues a payment schedule that WLTH is to adhere to. There has been no accounting of how the payment was established on an annual basis until recently when WLTH BOD questioned the entire procedure
- In 2011 Westchester Lake Condominium issued a new agreement superseding the original Agreement. The Shores signed the new Agreement but WLTH refused to sign, thus WLTH is not under any present Agreement but continues to pay the monthly

amount for homeowner usage only. WLTH has declined to pay for excessive assessments for repairs and upgrades

- The WLTH BOD investigated the monthly usage fees and found WLTH was paying more than the Condos when they own the facility.
- Throughout the lifespan of WLTH a monthly usage fee has been included in each homeowner's Association fee
- The Condos indicated there were past vandalism issues at the pool which initiated the installation of security cameras. At the same time card readers were considered as keys can be duplicated but card readers cannot. Individual card readers also have the ability to be turned off at the discretion of the Condo Association.

In late June, Ed Tafelski called for a coordinated meeting with the Condos and the Shores to discuss the validity of excessive assessments along with presenting an arrangement to pay only monthly usage fees, under the provision WLTH would have reasonable input. The initial meeting was cordial and somewhat productive as Curry, the Condo's President was logical and open to restructuring the fee schedule. However, Curry subsequently resigned and we now are dealing with less equitable Condo Board members.

A subsequent meeting was held on September 9th with all board members from the three Associations in attendance. This meeting was less productive with multiple open concerns. The Condos indicated they are anticipating large repairs and/or renovations. The pool facilities are very old and have not been properly maintained. After widespread discussions the Condo Association agreed to initially obtain consultation and quotes for any and all potential future costs above and beyond the annual operational expenses.

WLTH does budget for the monthly usage fee but does not have any budget for extensive additional costs. Once the Condo Association provides the results of their inquiry into short term and long term additional repair, upgrade and/or renovations a better evaluation can be made of the cost ramifications. If these costs exceed WLTH's ability to support these possible payments, creative community wide involvement would be essential. We, as the WLTH BOD and also homeowners ourselves do not desire any special assessments. Within our community there are homeowners that are non-users of the pool along with families that use the pool on a consistent basis. In order to consider the how's, if's and what's of this potential dilemma an open community dialogue will be extended for everyone's input.

This information is being issued to all of the WLTH homeowners to have complete insight into the issue that has confronted our community. Subsequent to the Condo Association providing detailed information from their consultation and cost estimates The WLTH BOD will discuss options and alternatives and present to you for further consideration and decisions. It is important everyone has the opportunity and advanced time to have constructive thoughts on this issue and be able to openly express your opinions and desires. The above are the facts for all of you to be cognizant of and the second phase is the cost factor which will be forthcoming.

Thank you all