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Directors Choice, LLC Newsletter

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Issue: #4

December/2010

Dear Janet,

This is the fourth in our series of monthly tips and newsletters for Condo and HOA Board members. We hope you continue to find them informative!

We are introducing a new section of our newsletter this month titled "Vendor Spotlight." In this monthly section we will be posting articles from experts in various field related to Condominium and Homeowners' Associations. This month we are delighted to have an article from Parliamentary expert and owner of DD Parliamentary Services, Dorothy Demarest, PRP. In the short time we have been able to spend with her, she has provided us with a wealth of knowledge and we are very excited to work with her.

TIP OF THE MONTH

Collections 201

In last month's article we discussed the importance of following through with your collections processes uniformly and aggressively for the sake of the association and your responsible paying owners.

How about those owners in your neighborhood who are not so responsible? Some homeowners purchased residences as rental units and do not pay their fees but enjoy the benefit of leasing their home to a tenant for a profit. This can be infuriating for Boards and homeowners who must cover expenses for those delinquent owners.



There are several remedies we suggest for this. Most associations require an application to lease a residence and we always recommend this. We also suggest adding a lease addendum to the application process. The addendum encompasses items such as following the various association rules and governing documents. More importantly a clause should be added to the addendum which states if the owner of the residence becomes delinquent at any time in their payments due to the association, the tenant shall be required to forward their rental payments to the association until such time as the account becomes current. Both the owner and the applicant should sign the addendum and submit it with the application to lease the residence. Of course, we suggest you have your association's attorney write up or review any proposed addendum you would require.

Florida Statute 718, which governs Condominium Associations, also provides associations with the option to begin a foreclosure on a residence and then request the judge in the case appoint a receiver to collect the rent from any tenants who may be residing in the residence. (FS 718.116(6)(c))

Finally, on July 1, 2010, Senate Bill 1196 went into effect. This bill covered a large number of issues for Florida Associations including tenants in residences where the owner is not paying their fees. This bill provides associations the option to act as a landlord in the event a residence is leased and the owner is not paying their fees. The association is only the landlord for purposes of collecting the rent until the account is made current and the association may evict the tenant if they refuse to pay the rent. (FS 718.116)

If you wish to use any of these options to collect rent or evict tenants we always recommend discussing it with your association's attorney first. Also, remember this does not remove your duty to collect against the delinquent owner.

As always, if you have questions, feel free to contact us. We are happy to help!

VENDOR SPOTLIGHT

CONDO MEETING PROCEDURE MYTHS AND MISTAKES ©



Here are the Four Myths we will be addressing this month:

Myth #1 - The name of the correct parliamentary authority to use is "Robert's Rules".

Myth #2 - ALL motions need a "second".

Myth #3 - The name of the member who makes the second belongs in the minutes.

Myth #4 - You have to agree with the motion in order to second it.

Condo associations predominantly believe they use "Robert's Rules" to conduct their meetings. However, the correct name of the book is *Robert's Rules of Order Newly Revised* and the latest edition was published in the year 2000. It has a gold cover. If your book is just called "Robert's Rules" or "Robert's Rules of Order" and/or doesn't have a gold cover it's a knock-off and the rules within most likely date back to 1876 when General Henry M. Robert first wrote his manual. These knock-offs have been written since the title became part of the eminent domain over thirty years ago so there are many versions. In this article the REAL parliamentary authority will be cited as RONR.

Many people contend that parliamentary rules bog down their meetings. However, experience teaches us it is the misuse and misconceptions about parliamentary procedure that slow things down. Here are a few ways to speed up your meetings and do a better job of conducting the meetings properly.

Most members think all motions need a "second". Not true. RONR p. 34 states, "Motions need not be seconded in a small board or a committee." Therefore seconds are not required at most condo association board meetings as the board usually consists of between three and nine members. Any membership of twelve and under is considered a "small board" (RONR p.470). Stopping those unnecessary seconds can be a real timesaver, especially if the secretary includes the name of the person who made the second in the minutes. RONR p. 453 states, "The name of the seconder of a motion should not be entered into the minutes unless ordered by the assembly." One other misconception is that a member must agree with a motion in order to second it. A second of a motion merely means that the member wishes the motion to be considered (RONR p.34). It is possible that the seconder hopes to convince the membership during debate that the motion is contrary to what

he/she believes is in the best interest of the condo association. By placing the motion on the floor for a vote, it may be the desire of the seconder to have the condo association on record in opposition to the proposed motion. It's a very smart tactic to remember.

Think back to your last condo association board or membership meeting to review the areas where these myths and misuses of parliamentary rules prevailed. Shorter meetings and minutes can be accomplished as you learn the correct procedures. Next month we will cover a few additional "Condo Meeting Procedure Myths and Mistakes."

By
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*Ms. Demarest currently serves as the parliamentarian for the Florida State Association of Parliamentarians, president of the Florida Unit of Registered Parliamentarians, and the vice-president/education chairman of the NY based Lee Demeter Registered Parliamentarians Unit. She is also the bylaws chairman/parliamentarian for the Naples Area League of Professional Services. Visit her website @ parliamentaryexpert.org for more information

Directors Choice, LLC is a Naples, Florida based Community Association Management Company working with Condominium and Homeowners' Associations. We provide a full range of management, financial, and consulting services to our clients.

We wish you and your families a wonderful holiday season and a very happy New Year!

Sincerely,
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