

Jim Hammond's Response to "13 Reasons to Vote NO" to Bring Back the Golf Course. A "Vote No" Facebook person published this and said that the questions came from several different residents.

13 Reasons to vote **NO** on the current proxy.

1) We don't own the golf course and shouldn't be using HOA funds to subsidize it.

JH: This is both a legal and a philosophical question. From a legal point of view, we have legal counsel telling us that we do have the legal right to spend money to protect and enhance property values by entering into this agreement. A **YES** vote would further show the majority of the community supported the issue. The HOA can for example spend money outside our community, if for example the county decided to rip up Collier Pkwy and put in an elevated North-South super highway, we would spend HOA money on legal and PR fees opposing it, even though it is off our property.

2) Where is the "Service Agreement"?

JH: We have provided the community with the Bill Place Service Agreement Proposal. The final legal contract is being drafted to match this proposal and put in contractual safeguards. Residents don't have to worry that the final legal agreement has any language that exceeds the language of the Proxy, i.e. commits us to anything longer than 5 years, over \$125k/year, payment before opening, payment if the course doesn't open etc. Once the contract is signed by the parties and the deal closes it will become public information for our residents like all other HOA agreements, including the Alan Cale report.

3) Once a precedent is set, the subsidy will never end.

JH: This is NOT true, just a fear tactic that is completely unfounded. Providing a Services Agreement has been a last resort to entice a buyer to buy our course. None of us really like it, BUT it is the prudent and responsible thing to do. The Services Agreement ends in 5 years! If Bill Place buys the course he will keep it for years and make it profitable, he has a track record.

4) There is no proof that a golf course will increase property values, no more than a developer who puts in Savanna style homes.

JH: I'm not completely against home development, it's just that a golf course at a reasonable cost is a far better option, and the only option on the table right now as critical time is running out.

There is wide spread belief that property values will be higher with a thriving golf course than with weeds and uncertainty or no golf course. This just makes common sense, and many realtors have supported this claim. The question about our housing prices being higher IF a developer comes in and IF they put in Savanna type house just can't be proven, primarily because there are no similar comparisons in the region. In addition, what happens IF the developer puts in Reserve type houses with zero lot lines, or a mix of townhouses and single family houses? This community might be tied up for many years of further uncertainty and substantial legal fees. Imagine having to raise annual dues, to pay legal fees to fight rezoning of multi-family units that exceed the amount proposed to open the golf course?

One of the BIGGEST issues in the entire housing developer approach is the fear that even a small % of Plantation Palms residents opposing any housing could easily tie up the rezoning process for many

years. During this time we will have more uncertainty, continued housing prices that lag the entire area and ugly weeds.

5) There is a much higher risk that another golf course will fail AGAIN, yet there is little to no risk that new housing and nice trails, pools will fail.

JH: Another unfounded fear argument. If, instead of MJS, an experienced golf course operator had bought the course, like Bill Place tried to do in 2014, it would still be open today! The risk started when MJS, with no experience whatsoever, took out a massive loan and was immediately buried with a huge debt payment. Has Bill Place had a failed golf course, would he invest millions if he thought it would fail? NO! Furthermore, a buyer with private funds, not a bank loan, has a completely different mindset, they just don't walk away from their cash investment. Whereas a buyer with a commercial bank loan knows that a bank will just take a big right-off, it's just a normal part of their risk, banks reserve for write-off's every year, i.e. 15% of all loan values.

6) A new development will cost the community \$0 and it will strengthen our financial reserves. Even if they have a separate HOA they would still help maintain common areas.

JH: This may not be true. There is no legal requirement for a developer to join our HOA, they may just do an agreement with us to pay a modest fee for a portion say 1/8th of the common maintenance for only the common areas up to their community. They would have no requirement to pay a proportion for say roads beyond their entry road, or other areas. In addition, say any builder would donate all the remaining parcels over to the HOA, they would do this not because they are being kind, they just don't want to pay taxes and cut grass and carry the liability for these properties where they can't build anyhow. However, the HOA would now have to maintain these areas, pay 100% of the pond maintenance, pay for grass cutting, possibly carry liability insurance if we have trails, maintain the trails, and how about security to keep the motor bikes off the land etc. Keep in mind that the donated land still looks like a golf course under distress, not a conservation area. The community could spend a considerable amount of money over the years to develop the conservation area. There could be huge community costs for a development, possibly far more than the cost to just bring back the golf course.

So, with all this said, our overall costs of just these FREE 11-12 parcels could cost our average resident MORE THAN \$624, the amount they would pay over 4 years to Bring Back the Course.

7) Working with a developer is not outside the HOA board's scope of duty. Forcing the people to give money to a for profit business when we don't want to IS outside the board's scope of duty.

JH: Again your legal assumption is NOT correct, we do have the authority to buy services from a private company! Yes, the board can work with a developer and if a golf course, for whatever reason, is no longer possible, we'll do so. It's just not our first choice.

8) If the board works with a developer they will likely not get sued. If the board forces people to give money to a 3rd party business they will get sued.

JH: The treat of law suits doesn't do the community any good. If the resident's vote **YES** approving a Services Agreement, a court might have a hard time ruling that the residents aren't allow to determine their own choices. If there is a YES vote, and a group of NO vote residents decide to take legal action, all

residents would then witness the HOA paying money and using our insurance to cover legal costs for the HOA BOD, defending itself against these unwarranted legal action.

The **NO** voters choosing to take legal action would have to get "voluntary" contributions to cover their own legal expenses. In addition, you might expect the golf course buyer, who signed the Service Agreement with the HOA, to then sue the HOA and the entire community would again have to pay our legal fees to deal with that law suit and any resulting "settlement". The filing of law suits is just a way for attorneys to make money at the expense of our community. You say we don't have money for a golf course but we have money for law suits, really!

So, if we get a **YES** vote, trying to sue the HOA would produce a HUGE burden on the people the NO votes say they are trying to protect.

9) Despite the wide range of analysis on the potential future of the Florida golf course industry....there are NO guarantees that the next PP golf course will succeed.

JH: There are few guarantees in life. However read #5, same answer. If you are in doubt, go talk to Bill Place, as him this question, don't just pose questions on Facebook. If he's confident, we too should be.

10) The community spoke with a NO vote on the last proxy....there is no community appetite for the board to spend HOA reserves or other money for a private business.

JH: I disagree that the Tax Deed vote was a vote against the golf course. This was an ugly, no win issue and I didn't lose any sleep over it. Actually the NO vote on Tax Deeds actually helps the golf course cause. It sets another critical deadline for a potential disaster. If we don't get a golf course deal closed quickly we could lose the two key parcels to a tax deed sale in June or July!

I would also call attending to another vote that took place just a few weeks prior to the Tax Deed vote, where the entire slate of board candidates viewed as being associated with the BBOC golf course movement were impressively swept into office, including a candidate with almost NO community visibility, over other highly qualified, well known, well liked candidates. Many had predicted that just the Reserve vote alone would have easily carried one candidate into office. The message was REALLY clear, people liked the efforts and idea of the BBOC, they voted to Bring Back Their Golf Course! How else would you explain the elections vote?

11) Ask yourself... Why would a few people work so hard to BBOCAAC/R? Do they have an interest in getting a golf course deal done? Are any of the board members planning on moving any time soon?

JH: This statement seems to contradict a previous claim. The previous claim is that opening the golf course won't improve property values, if that's the case why would you be concerned if a board member moves? I take it that the implication is that a board member would support this vote, just so his/her property values rise and they would sell at a higher price. Which is it, do selling prices rise or not?

Do those supporting the BBOC have other "interest" in the golf course opening? I hope you aren't saying that they have some personal gain by doing all this volunteer work. I have put in massive volunteer hours over the last year, I'm just trying to do what I think is right for the community and will be really happy when all this is settled and I can have my life back for other things I've sacrificed. BTW, some of the loudest complainers, have DONE NOTHING for this community (but complain on Facebook).

12) Do we want to give the board permission to raise the 15% maximum cap on our annual HOA dues to dabble in the real estate market?

JH: We are not 'dabbling' in the real estate market, we are giving our residents the opportunity to vote on having a golf course. Let the resident's vote, majority rules, that's how things work!

13) If the deal is so great, couldn't it stand on its own merits and not require the "hard sell" that is currently taking place by the board, using marketing techniques that minimize the costs and risks associated with it?

JH: The people of our community are entitled to understand all the facts, this is by far the most important vote ever taken by this community. The BOD is trying to get the facts to all residents. Less than 50% of our residents vote on anything, we are trying to get to 100% of our residents since the outcome affects 100% of them. I would like to hear about the "hard sell" claims? Was it not "hard sell" that you are so proud of that voted NO on the tax deed issue? Is "hard sell" only allowed for the issues you support?

Can you provide examples of the "marketing techniques that minimize the costs and risks associated with it"? Is it the fact that we show the \$14/mo, on a flyer? But that is a fact! Exactly what are the risks? We believe the risks are to vote **NO** and have a tax deed sale or foreclosure take place. ALL the risk are associated with a **NO** vote, not a **YES** vote!

Jewel Comment: This list isn't meant to provoke division, it is simply in response to the board's one sided approach to the golf course of BBOCAAC/R.

JH Response: This response to the "13 Reasons to Vote NO", should clearly show that the BOD's have presented not only the facts but provide residents with both sides of the issues. Just a comment on the boards "one sided" approach, the last two boards (including Jewel as a past BOD member) have investigated multiple property options, held Land Committee meetings, hired an outside consultant, had conference calls with multiple failed buyers and so forth. ALL of these activities were along the same line, Bringing Back Our Golf Course. The clear message from the voters who voted for BBOC candidates and now a unanimous BOD's is allowing this entire issue to go to the voters.

**Let's let the people decide!**