

MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.

c/o Star Hospitality Management

26530 Mallard Way

Punta Gorda, FL 33950

January 29, 2023

Dear Unit Owner:

The Annual Membership Meeting of the Magdalena Gardens Condominium Association, Inc. will be held on Thursday, February 23, 2023, Poolside. Please try to participate at this meeting as your input is very important.

Enclosed are the following:

- ◆ Second Notice and Agenda for Annual Meeting
- ◆ Limited Proxy
- ◆ Pre-addressed Return Envelope
- ◆ Membership meeting minutes from 2022
- ◆ Owner Information Sheet/Authorization to Release Information Form
- ◆ Consent to Receive Electronic Notice (Please return if not previously submitted)

The enclosed Proxy **MUST** be completed and returned. A proxy will be used to establish your presence and cast your vote on the questions. The proxy holder must attend the meeting to enable us to count your proxy.

Please note the following information about PROXIES:

1. A proxy is for the purpose of appointing another person to vote for you as specifically directed (except for the non-substantive items). It must be signed by all owners of the unit or the designated voter.
2. The proxy should be submitted **prior to the established time of the meeting**. It can be mailed to the Association or hand-delivered, either by you or your proxy. It is encouraged that the proxy be submitted as long before the meeting as possible.
3. A proxy may be **revoked** in writing or **superseded** by a later proxy. It may also be **assigned** (substituted) by the person designated on the proxy to a third person if the person you designate as proxy decides that he or she will be unable to attend the meeting.
4. Please mail your proxy in the enclosed return envelope.

Enclosed is an owner information/release of information form. We would like to take the opportunity at this time to update our records.

If you have any questions, please do not hesitate to call Sherry Danko, the Association Manager, at (941) 575-6764 or by e-mail to s.danko@starhospitalitymanagement.com.

Sincerely,

The Board of Directors

The Board of Directors - Magdalena Gardens Condominium Association, Inc.

**MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.
SECOND NOTICE OF ANNUAL MEMBERSHIP MEETING**

TO: ALL MEMBERS

Notice is hereby given that the Annual Membership Meeting for Magdalena Gardens Condominium Association, Inc. will be held at the date, time and place noted below.

Date: Thursday – February 23, 2023

Time: 4:00 PM

Place: POOLSIDE

Purpose: To Discuss Agenda Items Listed Below

Agenda: As required by law, the meeting Agenda is included with this notice

Posting: This notice with attached Agenda was posted and mailed in accordance with Association Bylaws and Florida Statute 718.

Magdalena Gardens Condominium Association, Inc.

Sherry Danko

Sherry Danko, CAM

For the Board

AGENDA:

Call meeting to Order

Establish a Quorum

Proof of Notice of Meeting

Approval of Minutes (2-17-22/3-21-22)

Owner Comments on Agenda Items -3 minutes

Reports of Officers

Unfinished Business

Hurricane Update

New Business

Vote to Approve Amendment to Article X(H) of the Declaration of Condo. Regarding the Storage of Flammable Products in the Garage

Vote to Approve Amendment to Article X(M) of the Declaration of Condo Allowing a Welcome Mat

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing a Pocket Screen Door

Vote to Approve the Carry Over of Surplus Funds

Vote to Provide for a Lower Level of Year-end Financial Reporting than is Required by Florida Statute 718.111(13)

Announcement of Directors

Owner Comments on Non-Agenda Items – 3 minutes

Next Meeting-Board of Directors: 3-21-23 or As Determined By the New Board

Adjournment

Pursuant to Florida law, an election of the directors of this Association is NOT required, as the number of persons wishing to run for the Board is less than or equal to the number of vacancies to be filled. Accordingly, the names of the elected Board Members shall be announced at the Annual Meeting.

Organizational Meeting

February 23, 2023

Following the Annual Membership Meeting

AGENDA

Call Meeting to Order

Certifying a Quorum

Proof of Notice of Meeting

Appoint Officers

Adjournment

Magdalena Gardens Condominium Association, Inc.
Annual Membership Meeting
February 17, 2022
Minutes

Call to Order: The meeting was called to order at 4:07 PM poolside.

Establish a Quorum: A quorum was established with 71 units represented in person or by proxy.

Proof of Notice: The notice was posted in accordance with the Association Bylaws and Florida Statute 718.

Close Election Balloting: Balloting was closed. The vote counters will open the envelopes and tally the votes.

Approval of Minutes: Bob Arno moved, and Jerry Gillette seconded to approve the February 18 and March 9, 2021 minutes as presented. The motion carried.

Owner Comments on Agenda Items: None.

Reports of Officers:

President: Bob Arno thanked everyone for attending; thanked the volunteers; and thanked the Board members for their contributions. He gave an overview of items accomplished during the past year.

Treasurer: An update on the financials through January 31, 2022, including the current bank balances was provided.

Unfinished Business: None.

New Business:

Amendments Votes: Jerry Gillette moved, and Cory Charron seconded to suspend the annual meeting after announcing the election results and reconvene in 30 days to allow more owners to submit their proxies. The motion carried with 21 "yes" votes, 18 "no" votes and 1 "abstention."

Election Results: Sherry Danko thanked the candidates for running and also thanked the vote counters for their assistance. She announced the votes as follows:

Robert Arno	45
David Bockmann	40
Mary Lynn Buzzell	41
Cory Charron	32
Linda Christ	47
Jerry Gillette	39
Scott Klockow	29
Arnie Paradis	44

The five candidates with the most votes are: Bob Arno, David Bockmann, Mary Buzzell, Linda Christ, and Arnie Paradis. They will serve on the Board.

Recess: The meeting recessed at 5:12 PM.

Continuation of the Annual Membership Meeting
March 21, 2022

Call to Order: The meeting reconvened at 10:00AM at Star Hospitality Management.

Establish a Quorum: A quorum was established with 78 units represented in person or by proxy.

Proof of Notice: The notice was posted in accordance with the Association Bylaws and Florida Statute 718.

New Business:

Vote to Approve Amendment to Articles X(J) of the Declaration of Condominium Regarding the Notification for Guests: The vote failed with 67 "yes" votes and 2 "no" votes.

Vote to Approve Amendment to Articles X(H) of the Declaration of Condominium Regarding the Storage of Flammable Products in the Garage: The vote failed with 56 "yes" votes and 14 "no" votes.

Vote to Approve Amendment to Articles X(M) of the Declaration of Condominium Regarding the Storage of Personal Property in the Limited Common Elements: The vote failed with 67 "yes" votes, 2 "no" votes, and 2 "abstentions".

Vote to Approve Amendment to Article X(M) of the Declaration of Condominium to Allow for Welcome Mats: The vote failed with 65 "yes" votes, 3 "no" votes, and 1 "abstention".

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing a Pocket Screen Door: The vote failed with 60 "yes" votes and 9 "no" votes.

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing Units Ending in 12 to Add Tiles Between the Archway and Front Entry Door: The vote failed with 57 "yes" votes and 12 "no" votes.

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing Panels Along the Bottom of the Lanai Screen: The vote failed with 67 "yes" votes and 3 "no" votes.

Vote to Carry Over the Surplus Funds into the Next Year: The vote carried with 67 "yes" votes, 0 "no" votes, and 1 "abstention".

Vote to Provide for a Lower Level of Financial Reporting than is Required by Florida Statute 718: The vote carried with 55 "yes" votes and 24 "no" votes. There were 5 votes for providing a Balance Sheet and Income Statement and 32 votes to have a compilation done. Therefore, a compilation will be performed.

Adjournment: Linda Christ moved, and Bob Arno seconded to adjourn. The motion carried, and the meeting adjourned at 10:03 AM

Sherry Danko

Sherry Danko for the Board

It was later determined the proxies had been miscounted in February. Therefore, the final vote count is as follows:

Vote to Approve Amendment to Articles X(J) of the Declaration of Condominium Regarding the Notification for Guests: The vote **passed** with 75 "yes" votes and 3 "no" votes.

Vote to Approve Amendment to Articles X(H) of the Declaration of Condominium Regarding the Storage of Flammable Products in the Garage: The vote failed with 66 "yes" votes and 12 "no" votes.

Vote to Approve Amendment to Articles X(M) of the Declaration of Condominium Regarding the Storage of Personal Property in the Limited Common Elements: The vote **passed** with 75 "yes" votes, 2 "no" votes, and 1 "abstentions".

Vote to Approve Amendment to Article X(M) of the Declaration of Condominium to Allow for Welcome Mats: The vote failed with 67 "yes" votes, 3 "no" votes, and "abstentions".

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing a Pocket Screen Door: The vote failed with 64 "yes" votes, 13 "no" votes, and 1 "abstention".

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing Units Ending in 12 to Add Tiles Between the Archway and Front Entry Door: The vote failed with 6 "yes" votes and 17 "no" votes.

Vote to Approve Amendment to Article X(E) of the Declaration of Condo Allowing Panels Along the Bottom of the Lanai Screen: The vote **passed** with 67 "yes" votes and 5 "no" votes.

Vote to Carry Over the Surplus Funds into the Next Year: The vote carried with 77 "yes" votes, 0 "no" votes, and 1 "abstention"..

Vote to Provide for a Lower Level of Financial Reporting than is Required by Florida Statute 718: The vote carried with 56 "yes" votes, 21 "no" votes, and 1 "abstention". There were 12 votes for providing a Balance Sheet and Income Statement, 40 votes to have a compilation done, and 2 "abstentions". Therefore, a compilation will be performed.

MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.
LIMITED PROXY

The undersigned, owner(s) or designated voter of Unit _____ at the MAGDALENA GARDENS CONDOMINIUM, appoints _____ or, if I have filled in no name, hereby appoints the President of MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC. ("Association") on behalf of the Board of Directors, with full power of written substitution, as my proxy holder to attend the **ANNUAL MEETING OF THE MEMBERS OF THE ASSOCIATION TO BE HELD ON, FEBRUARY 23, 2023, AT 4:00 PM POOLSIDE and any adjournment thereof.**

The proxy holder named above has the authority to vote and act for me to the same extent that I would if personally present, with power of substitution, except that my proxy holder's authority is limited as indicated below:

GENERAL POWERS: You may choose to grant general powers, limited powers or both. Check below if you want your proxyholder to vote on other issues which might come up at the meeting for which a limited power is not required.

_____ I authorize and instruct my proxy to use his or her best judgment to vote on all other matters which properly come before the meeting and for which a general power may be used.

LIMITED POWERS: (FOR YOUR VOTE TO BE COUNTED ON THE FOLLOWING ISSUES, YOU MUST INDICATE YOUR PREFERENCES IN THE BOXES PROVIDED BELOW). I SPECIFICALLY AUTHORIZE AND HEREBY INSTRUCT MY PROXYHOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTERS AS INDICATED BELOW:

1. ***Storage of flammable products are not permitted inside the garage. A "YES – I APPROVE" vote will alter this so that flammable products can be stored in the garage as long as the law permits them.***

[Additions are indicated by underline; deletions by ~~strike-through~~]

H. Safety. A Unit Owner shall not do anything within his Unit or on the Common Elements which would adversely affect the safety or soundness of the Common Elements or any portion of the Association Property or Condominium Property which is to be maintained by the Association. No flammable Flammable products shall only be stored in any a Unit or upon the Common Elements or in the Limited Common Elements garage space in a manner and quantity in strict compliance with Chapter 633, Florida Statutes, as amended from time to time, as well as any local and or County ordinances as amended from time to time. Flammable products shall not be stored in the Unit or in the Common Elements. This Article does not apply to fuel stored in an automobile internal gas tank.

Q: DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(H) OF THE DECLARATION?

☐ **YES – I APPROVE** the proposed amendment to Article X(H) of the Declaration.

☐ **NO – I DO NOT APPROVE** the proposed amendment to Article X(H) of the Declaration.

2. ***No personal property is allowed on common element. A "YES – I APPROVE" vote will allow a welcome mat in front of each Unit's entry door.***

[Additions are indicated by underline; deletions by ~~strike-through~~]

M. Outside Storage of Personal Property. The personal property of any Unit Owner shall be kept inside

Magdalena Gardens Condominium Association, Inc.

Limited Proxy

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Unit No: _____

the Unit, and no personal property may be stored on the exterior of any Unit or on the Common Elements or Limited Common Elements. Exception is made for one tasteful welcome mat no larger than 2' by 3' in front of each entry door.

Q: DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(M) OF THE DECLARATION?

☐ **YES – I APPROVE** the proposed amendment to Article X(M) of the Declaration.

☐ NO – I DO NOT APPROVE the proposed amendment to Article X(M) of the Declaration.

3. ***Material changes cannot be made to the property without agreement by 75% of owners. A “YES – I APPROVE” vote could allow for pocket screen doors.***

[Additions are indicated by underline; deletions by ~~strike-through~~]

E. Alterations. No Unit Owner shall make, allow or cause to be made, any structural addition or alteration of his Unit or the Common Elements or Limited Common Elements without the prior written consent of the Association, except as otherwise specifically provided for in this Declaration. Pocket screen doors can be permitted with prior written consent.

Q: DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(E) OF THE DECLARATION?

☐ **YES – I APPROVE** the proposed amendment to Article X(E) of the Declaration.

☐ NO – I DO NOT APPROVE the proposed amendment to Article X(E) of the Declaration.

4. ***Any excess of membership income over membership expenses for the year ended December 31, 2023, as defined in IRC Sec 277 will be applied against the subsequent tax year members' assessments, if required to comply with IRS Revenue Ruling 70-604. (If not approved, the excess could be subject to Corporate Income Tax)***

Q: DO YOU APPROVE CARRY OVER OF EXCESS FUNDS?

☐ **YES, I APPROVE** carry over of excess funds.

☐ NO, I DO NOT APPROVE carry over of excess funds.

5. ***Currently the Association is required to prepare a reviewed financial statement.***

Q: DO YOU WANT TO PROVIDE FOR A LOWER LEVEL OF YEAR-END FINANCIAL REPORTING THAN IS REQUIRED BY SECTION 718.111(13), FLORIDA STATUTES, FOR FISCAL YEAR 2022?

☐ **YES, I APPROVE** a lower level of year-end financial reporting for 2023.

☐ NO, I DO NOT APPROVE a lower level of year-end financial reporting for 2023.

Magdalena Gardens Condominium Association, Inc.

Limited Proxy

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IF YES, vote for one of the proposed options below: (The option with the most votes will be the one implemented.)

☐ Report of Cash Receipts and Expenditures.

☐ Compiled Financial Statement.

☐ Review

DATED this _____ day of _____, 2023. Unit #: _____

The Owner(s) of the Unit, or the Owner designated as voting representative on a certificate signed by all Owners of the Unit.

Signature: _____

Signature: _____

Print: _____

Print: _____

Unit Address: _____

THIS PROXY IS REVOCABLE BY THE UNIT OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THE PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.

(The portion below is not to be completed by the Owner)

SUBSTITUTION OF PROXYHOLDER

The undersigned, appointed as proxy holder above, designates _____, to substitute for me in voting the proxy set forth above

Signature of proxyholder: _____ Date _____, 2023

Magdalena Gardens Condominium Association, Inc.

Limited Proxy

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MAGDALENA GARDENS CONDOMINIUM, INC.
OWNER INFORMATION SHEET

Owner Name (s): _____

Assoc. Address: _____ Lot #: _____ City: _____ Zip: _____

Home Phone#: _____ Fax #: _____

Cell Phone #: _____ Email Address: _____

2nd Cell Phone #: _____ 2nd Email Address: _____

Alternate Mailing Address:

Address: _____ City: _____ State: _____ Zip: _____

Home Phone #: _____ Work Phone #: _____

Please be sure to notify the office when changing addresses from season to season.

AUTHORIZATION TO RELEASE INFORMATION

I/We, the undersigned owner(s) of the Magdalena Gardens Condominium Association, do hereby consent to the Board of Directors, its agents, managers or representatives, to release the following information to other owners of the association:

_____ Email address(es) _____ Alternate physical/mailing addresses

We understand that by signing this authorization, we are waving our right pursuant to Florida Statute 718.111(12) not to have this information disclosed to other unit owners. We further acknowledge that if we do not sign this authorization, this information will not be included in any association directory or other association related documents which the Board of Directors may publish from time to time.

Phone numbers may be disclosed unless the owner directs not to.

_____ Do not disclose our phone numbers.

To be valid, this authorization must be signed by all owners of record of the lot.

Signature

Printed Name

Date

Signature

Printed Name

Date

PLEASE COMPLETE THIS FORM AND RETURN IT TO:

Magdalena Gardens
26530 Mallard Way
Punta Gorda, FL 33950
Phone: (941) 575-6764 Fax: (941) 575-7968
s.danko@starhospitalitymanagement.com

Magdalena Gardens Condominium Association, Inc.

Consent to Receive Electronic Transmissions

The undersigned owner(s) of unit number (s) _____ hereby give consent to receive official notices and other correspondence for Magdalena Gardens Condominium Association via electronic transmission.

Date _____

Unit # _____

E-mail address

Signature

Printed name

Signature

Printed name

This may be revoked any time by the owners.