



# **BNGC Board Meeting**

## **March 9, 2020**

# **BNGC Declaration**

## **3.1 Golf Club Common Areas**

The Golf Club shall operate, maintain and, if deeded by the Declarant, hold record title to the Golf Club Common Areas. The Golf Club Common Areas shall include the golf course, golf practice facilities, golf cart facility and golf pro shop.



# Master HOA Declaration

1.7 “Common Areas” means any and all real property and improvements within Bonita National owned by, leased to, or dedicated to the Association for the use and benefit of its members, however, the golf course, golf practice area and the related facilities are not Common Area

# **Master HOA Declaration**

To repeat:

“the golf course, golf practice area  
and the related facilities are not  
Common Area”

# Turnover Committee Work

## July 2018 to February 2019

Identified HOA cost allocation issues from HOA to Golf

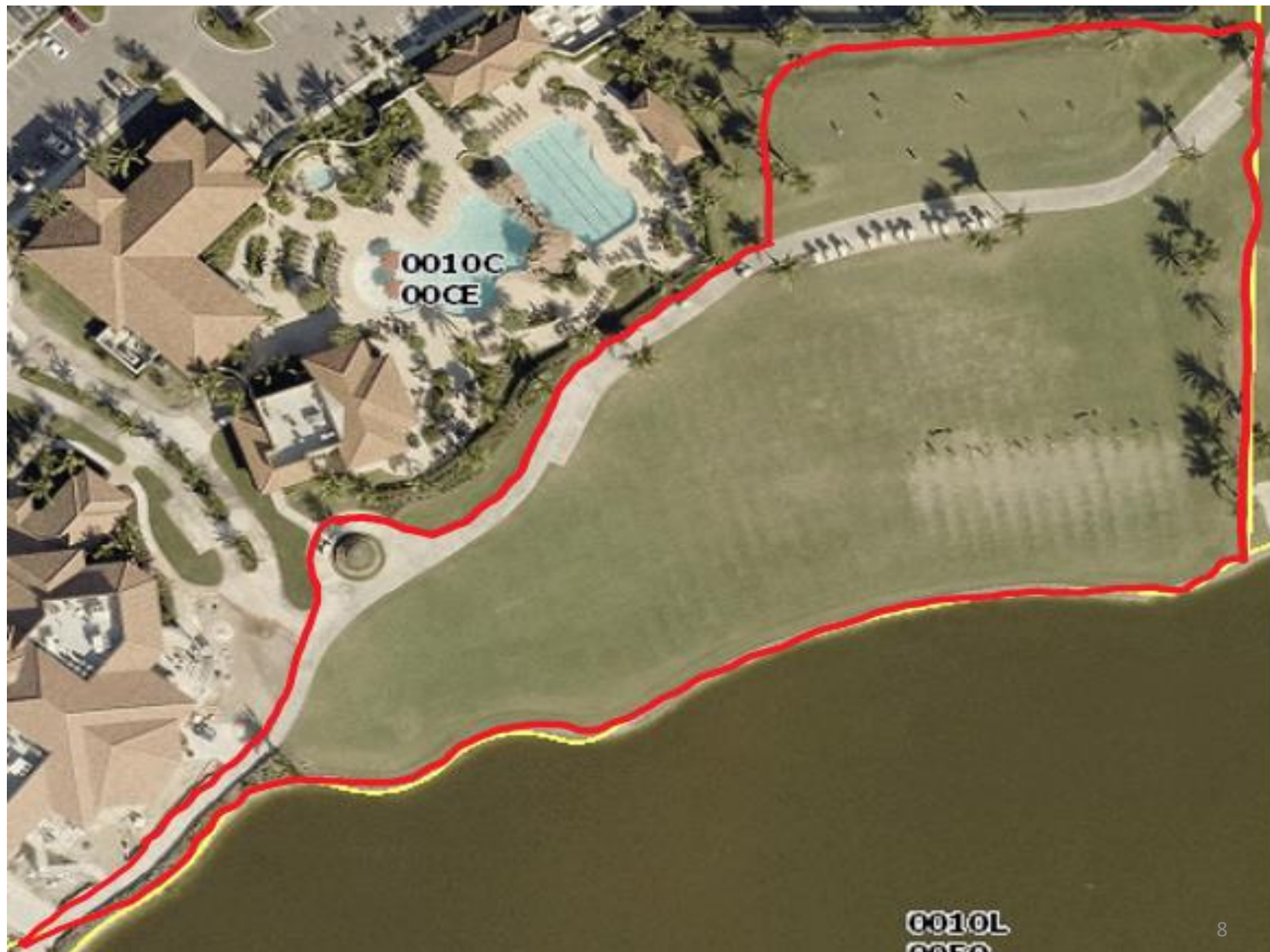
- Lennar modified virtually all components but came back to same total dollar amount.
- After a few rounds of questions Lennar produced a CSA between Master HOA & Golf Club:
  - ✓ Cost sharing of clubhouse costs
  - ✓ Cost Sharing of many other items
  - ✓ Signed by 2 Lennar employees representing **BOTH** the Master HOA & Golf Club
  - ✓ No mention of Golf Practice Area

# **Turnover Committee Work**

## **July 2018 to February 2019 (continued)**

- Researched property records of areas we expected to receive a deed
  - ✓ Noted putting green and driving range were with folio slated to go to Master HOA
- Transition Committee brought to Lennar's attention
  - ✓ They responded it was a mistake and promised to fix it







## **At Turnover – February 28, 2019**

- Lennar spent 15 minutes stating what documents were in what tab of binder
- ICON announced election results
- BOD members were given a binder
- Official Binder went to ICON

# One week after Turnover

- Discovered the CSA in official binder had amended grant of license to include Golf Practice Area
  - ✓ But not included in binders provided to newly elected BOD's
  - ✓ I'm not sure why Lennar thought this was necessary

FIRST AMENDMENT  
TO  
COST SHARING AGREEMENT BETWEEN BONITA NATIONAL HOMEOWNER'S  
ASSOCIATION, INC. AND BONITA NATIONAL GOLF CLUB, INC.

THIS FIRST AMENDMENT TO COST SHARING AGREEMENT BETWEEN BONITA NATIONAL HOMEOWNER'S ASSOCIATION, INC. AND BONITA NATIONAL GOLF CLUB, INC. (this "First Amendment") is made and entered into as of the 28 day of February, 2019, by and between BONITA NATIONAL HOMEOWNER'S ASSOCIATION, INC., a Florida not for profit corporation ("Association") and BONITA NATIONAL GOLF CLUB, INC., a Florida not for profit corporation ("Golf Club")

IN WITNESS WHEREOF, Association and Golf Club have executed this First Amendment as of the date set forth above.

**BONITA NATIONAL  
HOMEOWNER'S ASSOCIATION, INC.,**  
a Florida not for profit corporation

By:   
Print: Matthew Karatic  
Title: President

**BONITA NATIONAL GOLF CLUB, INC.,**  
a Florida not for profit corporation

By:   
Print: DAVID NEGIP  
Title: VP

# Email from Lennar

**From:** Matthew Koratich [mailto:[Matthew.Koratich@Lennar.com](mailto:Matthew.Koratich@Lennar.com)]

**Sent:** Wednesday, January 2, 2019 11:29 AM

**To:** john moran <[moranbngc@gmail.com](mailto:moranbngc@gmail.com)>; Jim Kurtzeborn <[JKurtzeborn@theiconteam.com](mailto:JKurtzeborn@theiconteam.com)>

**Cc:** [redoct49@yahoo.com](mailto:redoct49@yahoo.com)

**Subject:** RE: Ownership

Good morning,

The following are what will be conveyed to the Golf Association post turnover:

- Folio 10569126 – **Golf course**
- Folio 10568948 – **This is the parcel where all the amenities and the practice facility lie. We will need to divide this parcel to carve out the practice facility and the cart path to go to the Golf Association. We are already undertaking this process. Attached is a rough outline of the area to be carved out.**
- Folio 10569112 – **This is the maintenance facility.**

Best regards,

Matt Koratich, CAM, CMCA, AMS

HOA Operations Manager

10481 Six Mile Cypress Pkwy

Fort Myers, FL 33966

# **Lennar Promise**

**“We will need to divide this parcel to carve out the practice facility and the cart path to go to the Golf Association. We are already undertaking this process.”**



# July 2019 to February 2020

- Legal team focused on deeds
- November 2019 Lennar finally transfers deeds to golf course, maintenance facility but NOT putting area & driving range
- Negotiations continued
- By letter from Lennar attorneys received February 28, 2020
  - ✓ informing BNGC Lennar would not transfer and never intended to transfer deed for putting green & driving range
  - ✓ Lennar stated does not want to be in middle of dispute between Master HOA & BNGC

# **Lennar Promise**

**“We will need to divide this parcel to carve out the practice facility and the cart path to go to the Golf Association. We are already undertaking this process.”**