

EXHIBITS

CASE # VAR 2012 - 00007

CASE NAME: ISLAND PARK ROAD FENCE REPLACEMENT

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

APPLICANT

#1 southern segments

#2 northern segments

#3 elevations

#4 Revolution Wall example

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Aerial

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

**MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: August 14, 2012

TO: Laura B. Belflower

FROM: Chahram Badamtchian, AICP *CB*

Lee County Deputy Hearing
Examiner

Senior Planner

SUBJECT: VAR2012-00007, Island park Road Fence Replacement

Pursuant to the Order to Reopen and Continue Public Hearing, issued by your Office on August 13, 2012, concerning the above referenced case, attached you will find five Affidavits for Public Hearing signed by the owners and officers of the homeowner's and condominium associations.

Attached you will also find a CD containing copies of all documents in the file.

Staff's ex 1

2012 AUG 14 PM 1:37
HEARING EXAMINER
LEE COUNTY

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

RECEIVED

MAR 29 2012

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, DAVID F. HAINES, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property

(Strap No. 01-46-24-00001.0000) and that:

VAR2012-00007

1. I have full authority to secure the approval(s) requested and to impose covenants and Restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

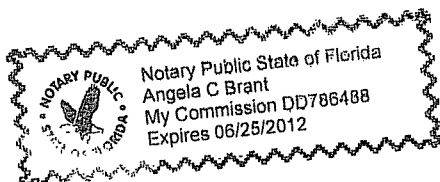
David F. Haines
Signature

DAVID F. HAINES
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 22, 2012 (date) by DAVID F. HAINES (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.



Angela C. Brant
Signature of Notary Public
Angela C. Brant
Printed Name of Notary Public

RECEIVED

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, VICTOR ERML, swear or affirm under oath, that I am the owner or the
authorized representative of the owner(s) of the property

(Strap No. 01-46-24-00-00002.00C0) and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and Restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
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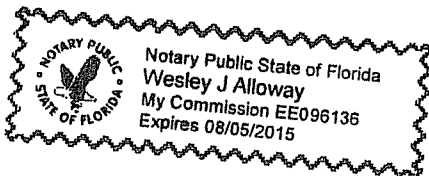
Victor J. Erml
Signature

VICTOR ERML
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this
MARCH 21, 2012
(date) by VICTOR ERML (name of person providing oath or affirmation),
who is personally known to me or who has produced
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

RECEIVED

MAR 29 2012

COMMUNITY DEVELOPMENT

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, MIKE BECKER, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property

(Strap No. 01-46-24-06-00000.00CE) and that:

VAR 2012-00007

1. I have full authority to secure the approval(s) requested and to impose covenants and Restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
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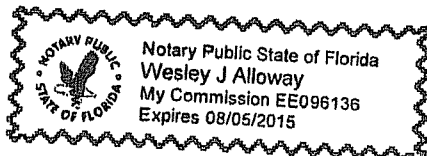
Mike Becker
Signature

MIKE BECKER
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 23, 2012
(date) by MIKE BECKER (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, DEBBIE GILLESPIE, swear or affirm under oath, that I am the owner or the
authorized representative of the owner(s) of the property

(Strap No. 01-46-24-07-00000.00CE) and that:

RECEIVED
MAR 29 2012
COMMUNITY DEVELOPMENT

1. I have full authority to secure the approval(s) requested and to impose covenants and Restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
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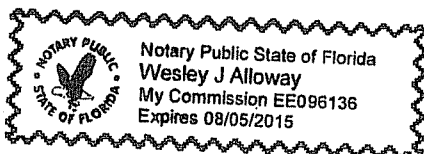
Debbie Gillespie
Signature

DEBBIE GILLESPIE
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this
MARCH 21, 2012
(date) by DEBBIE GILLESPIE (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

VAR2012-00007

RECEIVED

MAR 29 2012

AFFIDAVIT FOR PUBLIC HEARING COMMUNITY DEVELOPMENT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, MARIA FABARTINI MANDERS swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property

(Strap No.01-46-24-02-00009.0010) and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and Restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
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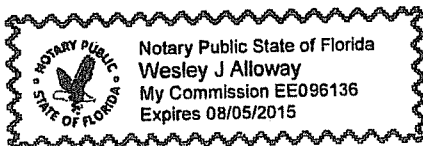
Maria R. Manders
Signature

MARIA FABARTINI MANDERS
(Type or printed name)

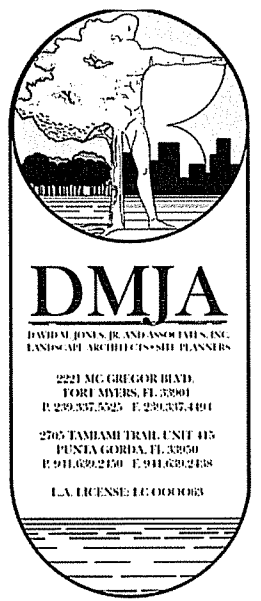
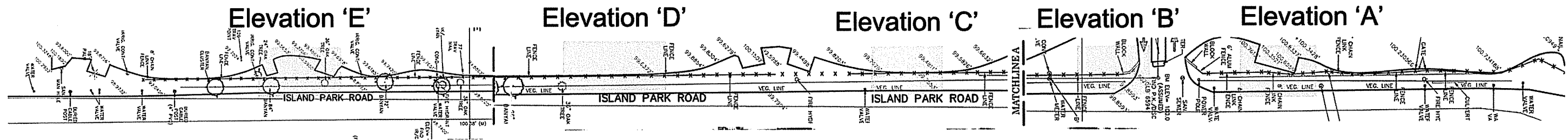
STATE OF FLORIDA

COUNTY OF LEE

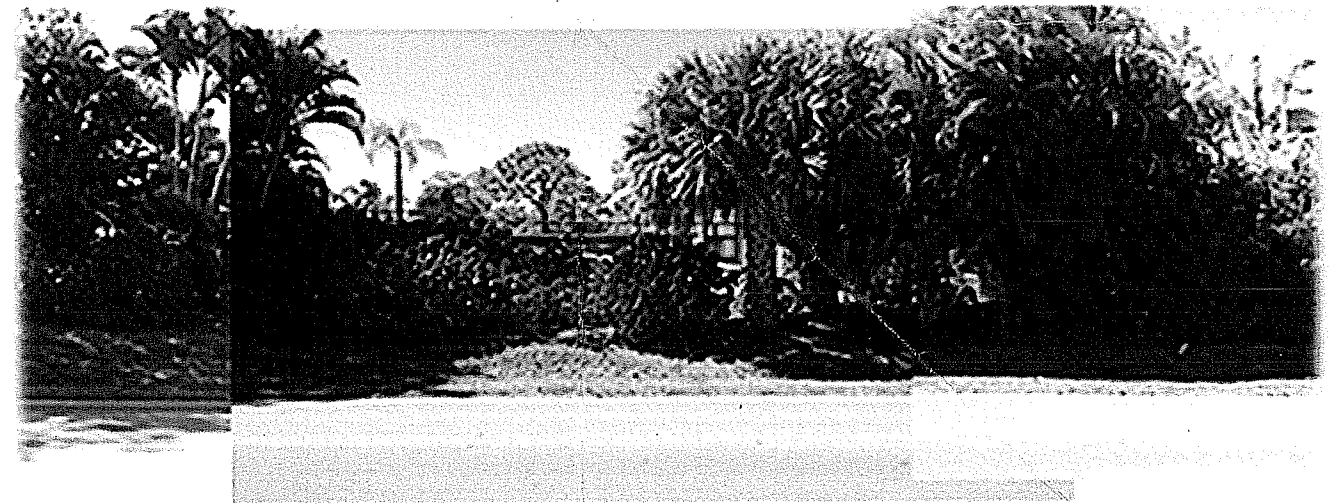
The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 23, 2012
(date) by MARIA FABARTINI MANDERS (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public



Elevation 'C'



Elevation 'A'



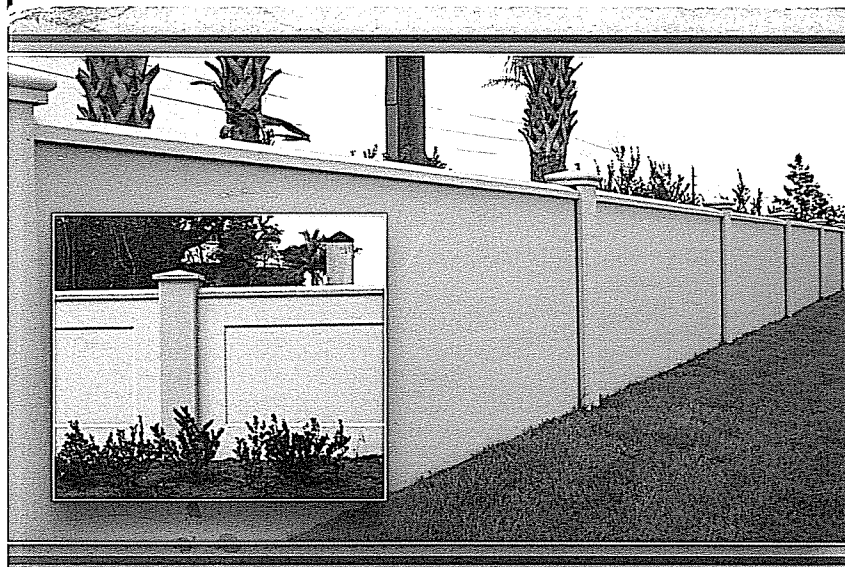
Elevation 'D'



Elevation 'E'



Elevation 'B'



R
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Fort Myers, FL 33912

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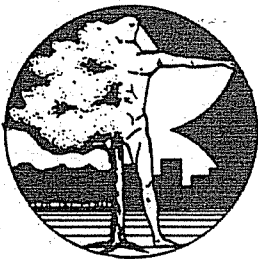
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JAR2012-00007

APPLICANT'S
EXHIBIT # 4



David M. Jones, Jr. and Associates, Inc.
Landscape Architects and Planners

August 15, 2012

Laura B. Belflower,
Lee County Hearing Examiner
Office of the Hearing Examiner
Lee County, Florida

Copy to:
Mr. Chahram Badamchian
Lee County Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902

2012 AUG 15 AM 9:59
LEE COUNTY
HEARING EXAMINER

Re: Island Park Road Fence Replacement (VAR2012-00007) Additional Information as Requested.

Ms. Belflower;

Our office is in receipt of the request for additional information required for your review and decision pertaining to the variance request.

Specifically:

"Staff's and Applicant's submittal of documents, written materials, or other evidence that demonstrate that the Applicant, The Forest Property Owners Association, has sufficient current and on-going ownership/control of the proposed wall and the ground area around the wall as to implement and continue to abide by any requirements or conditions that may be placed on the requested variance."

On behalf of the Forest Property Owners Association and the property owners, our firm is providing the following documentation for your consideration.

1. The variance application was submitted by the FPOA as the governing authority for administrative and maintenance issues pertaining to the properties within The Forest Country Club. The application was on behalf of the property owners for the individual strap numbers included in the variance application. Letters of authorization from each property owner was included in the application and is being retransmitted with this correspondence.

2221 McGregor Boulevard
Fort Myers, FL 33901

LC000063

Phone: (239) 337-5525

Fax: (239) 337-4494

2705 Tamiami Trail Unit 415
Punta Gorda, Florida 33950

Appl. Exh 5

Phone: (941) 235-2217

2. A copy of the Amended and Restated Articles of Incorporation, The Forest Property Owners' Association, Inc. was provided and is being retransmitted with this correspondence. Specific areas we believe convey the authority to the FPOA are highlighted for ease of reference.
3. Minutes from two FPOA Board of Directors meetings (Jan 17, 2012 and Oct 18, 2005) are attached which demonstrate the Board's history of discussions and actions pertaining to the Perimeter boundaries.
4. Minutes from Partridge Court's Board of Directors Special Assessment Meeting of July 10, 2006 which establishes a self imposed special assessment for the installation of the perimeter wall.
5. Keeping You Informed: A monthly newsletter to the Forest property owners outlining the continued efforts of the community to implement their Perimeter Plan.
6. The FPOA previously permitted and installed portions of a perimeter wall along various perimeters of The Forest Country Club as part of their duties to maintain security, aesthetics and access. The FPOA is currently maintaining these walls/fences and will continue to do so in the future. (Permits LDO 2007-00220 and FNC2007-01043, FNC2007-02081)
7. The FPOA has been maintaining the landscaping on the exterior of the existing fence along Island Park Road. The FPOA has a contract with a local maintenance company to provide these services and will continue to have the required maintenance provided as they do with all common area elements.

The Forest Country Club is a residential community that has always taken pride in the aesthetics of their community. The requested variance is required to maintain these high values in a safe and code compliant manner. We submit the above items as evidence that demonstrates the FPOA's and the communities control for on-going ownership/control of the proposed wall.

We look forward to what we hope is a favorable decision

Sincerely,

DAVID M. JONES, JR. AND ASSOCIATES, INC.



Gregory J. Diserio, RLA
Vice-President

Cc: Wes Alloway, FPOA
File

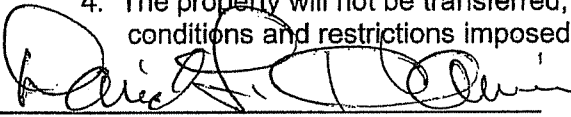
PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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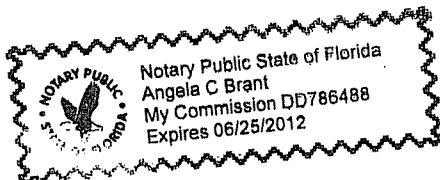

Signature

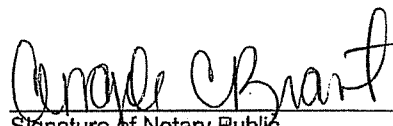
DAVID F. HAINES
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 22, 2012
(date) by DAVID F. HAINES (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.




Signature of Notary Public
Angela C. Brant
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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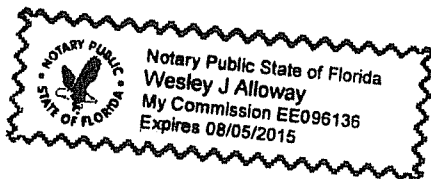
Victor J. Erml
Signature

VICTOR ERML
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

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(date) by VICTOR ERML (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

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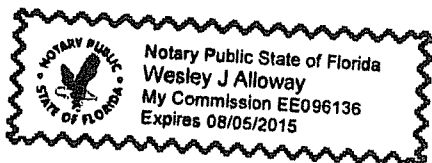
Mike Becker
Signature

MIKE BECKER
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 23, 2012
(date) by MIKE BECKER (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

AFFIDAVIT FOR PUBLIC HEARING
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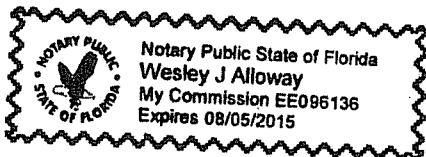
Debbie Gillespie
Signature

DEBBIE GILLESPIE
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

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(date) by DEBBIE GILLESPIE (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, MARIA TABARRINI MANDERS swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property

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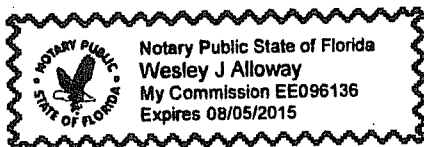
Maria R. Manders
Signature

MARIA TABARRINI MANDERS
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this MARCH 23, 2012
(date) by MARIA TABARRINI MANDERS (name of person providing oath or affirmation),
who is personally known to me or who has produced _____
(type of identification) as identification.



Wesley J. Alloway
Signature of Notary Public
WESLEY J. ALLOWAY
Printed Name of Notary Public

Prepared by and returned to:

Becker & Poliakoff, P.A.
Joseph E. Adams, Esquire
12140 Carissa Commerce Court, Suite 200
Fort Myers, FL 33966

INSTR # 2010000082899, Pages 13
Doc Type CER, Recorded 04/01/2010 at 02:39 PM,
Charlie Green, Lee County Clerk of Circuit Court
Rec. Fee \$112.00
Deputy Clerk JMILLER
#1

CERTIFICATE OF RECORDATION

AMENDED AND RESTATED ARTICLES OF INCORPORATION

THE FOREST PROPERTY OWNERS' ASSOCIATION, INC.

I HEREBY CERTIFY that the attached Amended and Restated Articles of Incorporation of The Forest Property Owners' Association, Inc. were duly adopted by the Association membership at the duly noticed Annual Members' Meeting of the Association on the 14th day of March 2010. These original Articles of Incorporation were filed with the Florida Department of State the 7th day of December 1979, under Document Number 750095. The Forest consists of the following lands:

(a) Lands described in Plat Book 33, Pages 85 – 88, of the Public Records of Lee County, Florida (The Forest Unit One), and as described in The Forest Deed of Restrictions, Unit One, recorded at O.R. Book 1431, Page 664 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(b) Lands described in Plat Book 34, Pages 20 – 22, of the Public Records of Lee County, Florida (The Forest Unit Two), and as described in the Deed of Restrictions, The Forest, Unit Two, a Subdivision, recorded at O.R. Book 1522, Page 1328 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(c) Lands described in Plat Book 35, Pages 37 – 37, of the Public Records of Lee County, Florida (The Forest Unit Three), and as described in the Deed of Restrictions, The Forest, Unit III, a Subdivision, recorded at O.R. Book 1642, Page 1206 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(d) Lands described in Plat Book 37, Pages 51 – 55, of the Public Records of Lee County, Florida (The Oaks Unit One), and as described in the Deed of Restrictions, The Forest Oaks, a Subdivision, recorded at O.R. Book 1845, Page 1416 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(e) Dove Hollow Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1569, Page 2023 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(f) Dove's Nest Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1701, Page 283 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(g) Eagle's Landing as described in the Declaration of Covenants and Restrictions thereof, recorded at O.R. Book 1752, Page 2437 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(h) Falcon Crest as described in the Declaration of Covenants and Restrictions thereof, recorded at O.R. Book 2890, Page 2741 *et seq.*, of the Public Records of Lee County, Florida, and as amended. The property encompassed by the Declaration of Covenants and Restrictions is further described at Plat Book 61, Page 17 - 18, and Plat Book 65, Page 96 - 97 of the Lee County Public Records;

(i) Fairway Woods at the Forest, A Condominium, Section I, as described in the Declaration of Condominium thereof, recorded at O.R. Book 1866, Page 644 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(j) Fairway Woods at the Forest, A Condominium, Section II, as described in the Declaration of Condominium thereof, recorded at O.R. Book 2003, Page 3510 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(k) The Heron Coach Houses, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 2140, Page 1798 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(l) The Heron Coach House Villas, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 2598, Page 1694 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(m) Partridge Court Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1544, Page 228 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(n) Partridge Place Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1488, Page 372 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(o) Pheasant Court Villas as described in the Deed of Restrictions thereof, recorded at O.R. Book 1453, Page 1657 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(p) Quail Cove Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1606, Page 1563 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(q) Sparrowood, A Condominium, as described in the Declaration of Condominium thereof, recorded at O.R. Book 1741, Page 1403 *et seq.*, of the Public Records of Lee County, Florida, and as amended; and

(r) Water's Edge, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1725, Page 1848 *et seq.*, of the Public Records of Lee County, Florida, and as amended; and

(s) Property titled in The Forest Property Owners' Association, Inc., as evidenced by deeds of record.

WITNESSES:
(TWO)

THE FOREST PROPERTY OWNERS'
ASSOCIATION, INC.

David E. Dumlaker
Signature

David E. Dumlaker
Printed Name

Robert K. Thomas
Signature

ROBERT K THOMAS
Printed Name

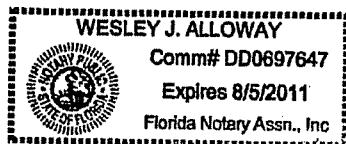
BY: David Fullen
David Fullen, President

Date: 3/19/2010

(CORPORATE SEAL)

STATE OF FLORIDA)
COUNTY OF LEE) SS:

The foregoing instrument was acknowledged before me this 19TH day of MARCH, 2010, by David Fullen as President of The Forest Property Owners' Association, Inc., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced (type of identification) _____ as identification.



Wesley J. Alloway
Notary Public

Printed Name

My commission expires: _____

ACTIVE: 2910824_1

**ARTICLES OF AMENDED AND RESTATED
ARTICLES OF INCORPORATION**

Pursuant to the provision of Section 617, Florida Statutes, the undersigned corporation adopts the following Articles of Amended and Restated Articles of Incorporation.

FIRST: The name of the corporation is The Forest Property Owners' Association, Inc.

SECOND: The attached Amended and Restated Articles of Incorporation were adopted by the membership.

THIRD: The attached Amended and Restated Articles of Incorporation were adopted by the required vote of the members on the 14th day of March 2010.

FOURTH: The number of votes cast were sufficient for approval.

WITNESSES:
(TWO)

THE FOREST PROPERTY OWNERS'
ASSOCIATION, INC.

David E. Dummer
Signature
DAVID E. DUMMER
Printed Name

BY: David Fullen
David Fullen, President

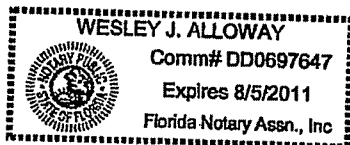
Date: 3/19/2010

Robert K. Thomas
Signature
ROBERT K. THOMAS
Printed Name

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF LEE) SS:

The foregoing instrument was acknowledged before me this 19TH day of MARCH, 2010 by David Fullen as President of The Forest Property Owners' Association, Inc., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced (type of identification) _____ as identification.



Dr. Duley
Notary Public

Printed Name

My commission expires: _____

AMENDED AND RESTATED
ARTICLES OF INCORPORATION

THE FOREST PROPERTY OWNERS' ASSOCIATION, INC.

The undersigned corporation, pursuant to Chapter 617 of the laws of the State of Florida, hereby adopts the following Amended and Restated Articles of Incorporation:

ARTICLE 1
NAME

The name of the corporation is THE FOREST PROPERTY OWNERS' ASSOCIATION, INC. For convenience, the corporation shall be referred to in this instrument as the "Association", these Articles of Incorporation as the "Articles", and the By-Laws of the Association as the "By-Laws" or "Bylaws".

ARTICLE 2
PURPOSES

The general nature, objects, and purposes of this corporation shall include, but not be limited to:

(a) Enforce the maintenance and preservation of the drainage and surface water management system serving The Forest to the extent provided in permits of record and to levy assessments and to collect same for the purpose of providing funds with which to continue the operation, enforcement and maintenance of the drainage and surface water management system;

(b) Operate, manage and maintain the Common Areas of the Association;

(c) Provide for access control and privacy control for The Forest;

(d) Maintain various roadways, streets and sidewalks within The Forest;

(e) Maintain certain street lighting within The Forest;

(f) Provide landscaping and irrigation with respect to certain areas;

(g) Operate, manage and maintain the parcel of land commonly known as "Ruthie's Park";

(h) Provide architectural/building/improvement review or control and enforcement of covenants to the extent provided in the various Deeds of Restrictions governing the several Subdivisions and properties within The Forest;

(i) Enter into agreements for cost sharing and other mutually beneficial agreements with other parties who may utilize properties within the jurisdiction of the Association, including

but not limited to the owner of the "Forest Sales Office", any entity or entities providing utilities to The Forest, and The Forest Country Club, Inc.; and

(j) Serve such other purposes generally appropriate for corporations not for profit or homeowners' associations under the laws of Florida or as may be further provided in these Articles, the Bylaws, the various Deeds of Restrictions, Declarations of Covenants, or Declarations of Condominium applicable to various properties within The Forest.

ARTICLE 3 POWERS

The powers of the Association shall include and be governed by the following:

3.1 General. The Association shall have all of the common-law and statutory powers of a corporation not for profit under the Laws of Florida that are not in conflict with the provisions of these Articles, the By-Laws or Florida Statutes Chapters 617 and 720, as applicable.

3.2 Enumeration. The Association shall have all of the powers and duties set forth in the Florida Statutes Chapters 617 and 720, as applicable, and all of the powers and duties reasonably necessary to operate the Community as more particularly described elsewhere in these Articles, in the By-Laws, or in the various Deeds of Restrictions, Declarations of Covenants, or Declarations of Condominium applicable to various properties within The Forest, as they may be amended from time to time, including, but not limited to, the following:

(a) To make and collect Assessments and other charges against Members as Lot Owners, Parcel Owners or Unit Owners and to use the proceeds thereof in the exercise of its powers and duties (different levels of Assessments may be established for Lots and Condominium Units);

(b) To buy, own, operate, lease, sell, trade and mortgage both real and personal property and to grant such easements, dedications or licenses as may be appropriate in connection therewith;

(c) To maintain, improve, repair, replace, reconstruct, add to and operate the portions of the Community subject to its jurisdiction, its Common Areas, and other property acquired or leased by the Association;

(d) To purchase insurance upon the Common Areas and insurance for the protection of the Association, its officers, directors, committee members and Members;

(e) To make and amend reasonable rules and regulations for the maintenance, conservation and use of the Common Areas and property subject to the jurisdiction of the Association;

(f) To enforce by legal means the provisions of law, the Deeds of Restrictions and/or Declarations of Covenants and/or Declarations of Condominium (to the extent provided in

the aforementioned), these Articles, the By-Laws, and the Rules and Regulations of the Association;

(g) To contract for the management and maintenance of the Association and to authorize a management agent or employee to assist the Association in carrying out its powers and duties; and

(h) To employ personnel to perform the services required for the proper operation of the Association;

3.3 Property. All funds and the title to all properties acquired by the Association and their proceeds shall be held for the benefit and use of the Members in accordance with the provision of these Articles and the By-Laws.

3.4 Distribution of Income; Dissolution. The Association shall make no distribution of income to its Members, directors or officers, except as permitted by law, and upon dissolution, all assets of the Association shall be transferred only to another not-for-profit corporation or public agency or as otherwise authorized by the Florida Not-For-Profit Corporation Act (Florida Statutes Chapter 617).

ARTICLE 4 MEMBERS

4.1 Membership. The Members of the Association shall consist of all of the record title Owners of Lots, Parcels or Condominium Units in The Forest. "The Forest", which may also be interchangeably referred to as "Community" consists of the following lands:

(a) Lands described in Plat Book 33, Pages 85 – 88, of the Public Records of Lee County, Florida (The Forest Unit One), and as described in The Forest Deed of Restrictions, Unit One, recorded at O.R. Book 1431, Page 664 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(b) Lands described in Plat Book 34, Pages 20 – 22, of the Public Records of Lee County, Florida (The Forest Unit Two), and as described in the Deed of Restrictions, The Forest, Unit Two, a Subdivision, recorded at O.R. Book 1522, Page 1328 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(c) Lands described in Plat Book 35, Pages 37 – 37, of the Public Records of Lee County, Florida (The Forest Unit Three), and as described in the Deed of Restrictions, The Forest, Unit III, a Subdivision, recorded at O.R. Book 1642, Page 1206 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(d) Lands described in Plat Book 37, Pages 51 – 55, of the Public Records of Lee County, Florida (The Oaks Unit One), and as described in the Deed of Restrictions, The Forest Oaks, a Subdivision, recorded at O.R. Book 1845, Page 1416 *et seq.*, of the Public Records of Lee County, Florida, as amended;

(e) Dove Hollow Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1569, Page 2023 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(f) Dove's Nest Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1701, Page 283 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(g) Eagle's Landing as described in the Declaration of Covenants and Restrictions thereof, recorded at O.R. Book 1752, Page 2437 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(h) Falcon Crest as described in the Declaration of Covenants and Restrictions thereof, recorded at O.R. Book 2890, Page 2741 *et seq.*, of the Public Records of Lee County, Florida, and as amended. The property encompassed by the Declaration of Covenants and Restrictions is further described at Plat Book 61, Page 17 - 18, and Plat Book 65, Page 96 - 97 of the Lee County Public Records;

(i) Fairway Woods at the Forest, A Condominium, Section I, as described in the Declaration of Condominium thereof, recorded at O.R. Book 1866, Page 644 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(j) Fairway Woods at the Forest, A Condominium, Section II, as described in the Declaration of Condominium thereof, recorded at O.R. Book 2003, Page 3510 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(k) The Heron Coach Houses, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 2140, Page 1798 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(l) The Heron Coach House Villas, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 2598, Page 1694 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(m) Partridge Court Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1544, Page 228 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(n) Partridge Place Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1488, Page 372 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(o) Pheasant Court Villas as described in the Deed of Restrictions thereof, recorded at O.R. Book 1453, Page 1657 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(p) Quail Cove Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1606, Page 1563 *et seq.*, of the Public Records of Lee County, Florida, and as amended;

(q) Sparrowood, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1741, Page 1403 *et seq.*, of the Public Records of Lee County, Florida, and as amended; and

(r) Water's Edge, A Condominium as described in the Declaration of Condominium thereof, recorded at O.R. Book 1725, Page 1848 *et seq.*, of the Public Records of Lee County, Florida, and as amended.

4.2 Assignment. The share of a member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to the Lot, Parcel or Unit which that share is held.

4.3 Voting. On all matters upon which the membership shall be entitled to vote, there shall be only one (1) vote for each Lot, Parcel or Unit, which vote shall be exercised or cast in the manner provided by the By-Laws.

4.4 Meetings. The By-Laws shall provide for an annual meeting of Members, and may make provision for regular and special meetings of Members other than the annual meeting.

ARTICLE 5 TERMS OF EXISTENCE

The Association shall have perpetual existence. However, if the Association is dissolved, the property consisting of the surface water management system will be conveyed to an appropriate agency of local government. If this is not accepted, then the surface water management system will be dedicated to a similar non-profit corporation.

ARTICLE 6 OFFICERS

The affairs of the Association shall be administered by the officers holding the offices designated in the By-Laws. The officers shall be appointed by the Board of Directors of the Association and shall serve at the pleasure of the Board of Directors. The By-Laws may provide for the removal from office of officers, for filling vacancies and for the duties and qualifications of the officers.

ARTICLE 7 DIRECTORS

7.1 Number and Qualification. The property, business and affairs of the Association shall be managed by a board consisting of the number of directors specified in the By-Laws.

7.2 Duties and Power. All of the duties and powers of the Association existing under the law, the Deeds of Restrictions and/or Declarations of Condominium (as applicable), these Articles and the By-Laws shall be exercised exclusively by the Board of Directors, its agents, contractors or employees.

7.3 Election; Removal. Directors of the Association shall be elected or selected at the annual meeting of the Members in the manner determined by and subject to the qualifications set forth in the By-Laws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the By-Laws.

ARTICLE 8 INDEMNIFICATION

8.1 Indemnity. The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he is or was a director, committee member, employee, officer or agent of the Association, against expenses (including attorneys' fees and appellate attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding, unless (a) a court of competent jurisdiction determines, after all available appeals have been exhausted or not pursued by the proposed indemnitee, that he did not act in good faith or in a manner he reasonably believed to be not in, or opposed to, the best interest of the Association, and with respect to any criminal action or proceeding, that he had reasonable cause to believe his conduct was unlawful, and (b) such court further specifically determines that indemnification should be denied. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a presumption that the person did not act in good faith or did act in a manner which he reasonably believed to be not in or opposed to the best interest of the Association, and with respect to any criminal action or proceeding, that he had reasonable cause to believe that his conduct was unlawful.

8.2 Expenses. To the extent that a director, officer, employee or agent of the Association has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 8.1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees and appellate attorneys' fees) actually and reasonably incurred by him in connection therewith.

8.3 Advances. Expenses incurred in defending a civil or criminal action, suit or proceeding shall be paid by the Association in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the affected director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is not entitled to be indemnified by the Association as authorized in this Article 8.

8.4 Miscellaneous. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any By-Laws, agreement, vote of Members or otherwise, and shall continue as to a person who has

ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs and personal representatives of such person.

8.5 Insurance. The Association shall have the power to purchase and maintain insurance on behalf of any person who is a director, officer, employee or agent of the Association, or is or was serving, at the request of the Association, as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the Association would have the power to indemnify him against such liability under the provisions of this Article.

8.6 Amendment. Anything, to the contrary herein notwithstanding, the provisions of this Article 8 may not be amended without the prior written consent of all persons whose interest would be adversely affected by such amendment.

ARTICLE 9 BY-LAWS

The By-Laws of the Association have been adopted by the Board of Directors and may be altered, amended or rescinded by the Board of Directors.

ARTICLE 10 AMENDMENTS

Amendments to these Articles shall be proposed and adopted in the following manner:

10.1 Notice. Notice of a proposed amendment shall be included in: (a) Notice of Proposed Member Action Without a Meeting pursuant to Florida Statutes Section 617.0701, or (b) in a notice of any meeting at which the proposed amendment is to be conducted and shall be otherwise given in the time and manner provided in Chapter 617 and Chapter 720, Florida Statutes. Such notice shall contain the proposed amendment or a summary of the changes to be affected thereby.

10.2 Adoption. A resolution for the adoption of a proposed amendment may be proposed either by a majority of the Board of Directors or by not less than one-third (1/3) of the Members of the Association. Members' approval may be expressed by written consent pursuant to Florida Statutes Section 617.0101. Directors and Members not present in person or by proxy at any meeting considering the amendment may express their approval in writing, providing the approval delivered to the Secretary at or prior to the meeting. The approvals must be by a vote of two-thirds (2/3^{rds}) of the Members of the Association (one vote per Lot, Parcel or Unit) present (in person or by proxy) and voting at a duly noticed meeting at which a quorum is present, or by the written agreement of two-thirds (2/3^{rds}) of the entire Membership.

10.3 Recording. A copy of each amendment shall be filed with the Secretary of State pursuant to the provisions of applicable Florida law, and a copy certified by the Secretary of State shall be recorded in the Public Records of Lee County, Florida.

**ARTICLE 11
OFFICE AND STREET ADDRESS**

The office and street address of the corporation is 5990 Forest Boulevard, Fort Myers, Florida 33908.

**ARTICLE 12
DISTRIBUTION OF ASSETS UPON DISSOLUTION**

No person, firm or corporation shall ever receive any dividends or profits from the undertaking of this corporation and in the event of dissolution or final liquidation of this organization, all of its assets remaining after the payment of all costs and expenses of such dissolution or final liquidation, both real and personal, shall be dedicated to an appropriate public agency or utility to be devoted to the purposes as nearly as practicable to the same as those to which they were required to be devoted by the corporation. In the event that such dedication is refused acceptance, such assets be granted, conveyed and assigned to any non profit corporation, association, trust or other organization to be devoted to purposes as nearly as practicable to the same as those to which they were required to be devoted by the corporation. No such disposition of corporation properties shall be effective to divest or diminish any right or title of any member vested in him under the recorded covenants and deeds applicable to The Forest unless made in accordance with the provisions of such covenants and deeds.

**ARTICLE 13
REGISTERED AGENT**

The registered agent of the corporation shall be as determined from time to time by the Board of Directors. The current Registered Agent is Becker & Poliakoff, P.A., Attention: Joseph E. Adams, Attorney, 12140 Carissa Commerce Court, Suite 200, Fort Myers, Florida 33966.

**ARTICLE 14
SUBSCRIBER *[For Historical Reference Only]***

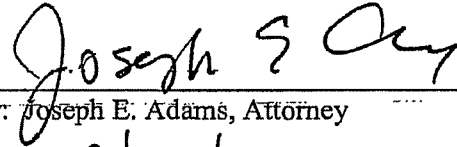
The names and addresses of the original subscribers to these Articles of Incorporation are as follows:

<u>NAME</u>	<u>ADDRESS</u>
David W. Swor	3644 Liberty Square Heritage Farms Fort Myers, Florida 33908
John Santini	5524 Amoroso Drive Fort Myers, Florida 33907
James F. Garner	3597 Heritage Lane Heritage Farms Fort Myers, Florida 33908

ACCEPTANCE OF DESIGNATION AS REGISTERED AGENT

I, having been named as registered agent and to accept service of process for THE FOREST PROPERTY OWNERS' ASSOCIATION, INC., hereby accept my appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of any duties and I am familiar with and accept the obligations of my position as registered agent.

BECKER & POLIAKOFF, P.A.



By: Joseph E. Adams, Attorney

Date: 03/22/10

ACTIVE: 2680650_7

FOREST PROPERTY OWNERS' ASSOCIATION

Minutes Of Board meeting October 18, 2005

The meeting was called to order by President Griffin at 7:00 PM in the Board Room of the FCC. Notice of the meeting and Director's sign in sheet are attached.

Approval of Minutes

Minutes of the September 20, 2005. were approved as submitted. Motion by Gray with Junusis seconding.

Treasurer's Report

Mr. Fullen and Mr. Alloway gave a brief overview of the financial statement, then presented the 2006 budget and anticipated capital expenditures. The overall budget, consisting of the operating account, the allowance for reserves and the capital budget would project a reduction in the annual maintenance fee for condos, homes and lots of \$50./annum. Mr. Kreager moved and Mr. Waskom seconded that the budget be approved as submitted.

President's Report: No comment

Committee Reports:

- a) Rules, By-Laws and Legal: No comment.
- b) Safety: Of the 48 yard lights for which action was taken, 28 remain out. Mr. Alloway will continue to pursue although Mr. Curran raised the issue from the floor questioning how an absentee owner could correct the problem until return. Ms. Reidel reported that two owners have yet to replace their lanai cages to secure their pool from outsiders. Perhaps Mr. Alloway can send a letter reminding the owners that Lee County regulations require a protective enclosure.
- c) Architectural Control: Mr. Kreager expressed concern that the owner of the Lot 4, Phase IV Timberlakes Drive has not submitted a complete set of architectural plans for examination. A letter will be sent by President Griffin asking for cooperation.
- d) Grounds: Mr. Waskom expressed disappointment with the response from the FCC regarding the lighting of the entrance waterfall. Lights are sporadic and the waterfall itself is not well illuminated. Perhaps President Griffin can address this with the MR. Duffy, President of the FCC. Cleanup of exotic vegetation will continue near the main gate.
- e) Water: Mr. Hamilton passed out his report verifying that the county will assume the responsibility to clean out the South Canal to bring it up to County requirements. Residents along the south side of Deer Run should be notified as the removal of the exotic vegetation in a swath of up to 20 feet will be quite noticeable to residents.
- e) Roads: Mr. Erml advised that Forest Oaks/Spotted Fawn will be blacktopped next summer. Pressure washing of the sidewalks along Forest Oaks will be done in January.
- f) Ms. Reidel said that additional safety mulch and some new equipment would be installed as part of the 2006 capital budget.

Old Business:

- a) Mr. Willis presented a report outlining his committee's plans for installation of perimeter boundary security fencing which would include extending the decorative wall at the main gate and along Island Park Road. Mr. Marra moved that the Board approve the fencing project in concept to include retention of a professional engineering firm at a cost not to exceed \$20,000. to provide firm specifications and a more accurate cost estimate. Second by Buschbom. Approved with 16 votes in favor, five negative (Kreager, Herron, Gray, Boroff, Burchfield) and one abstention (Fullen)
- b) Ms. Gabelman presented a book entitled "Ultimate Book of Business Forms" which can be used as a reference for any forms necessary in the compilation of an employee handbook.

The meeting was adjourned at 9:02 PM.

Respectfully submitted,

Bud Hornell

FOREST PROPERTY OWNER'S ASSOCIATION

Minutes Board of Directors

Tuesday, January 17, 2012

President David Fullen called the Meeting to order at 7 PM. in the Board Room of the Forest Country Club. It was noted that there was a quorum present. 23 of the 26 TFCC Board members were in attendance. Prior to the start of business, visitors from the Community were invited to speak. There was no participation from these non Board attendees.

Minutes: After corrections to the November Board Minutes – 1) Mrs. Griffin stated that she had indeed voted for approval of the 2012 Budget not against as had been noted, 2) Mrs. Newman (substituting for Mr. Tarantino) asked that Mr. Tarantino's name be spelled correctly, 3) the number of vacancies indicated on the Board in Phase IV should have been two (2) not four (4) – the minutes of the November 15th Board Meeting were approved as corrected – motion by Mr. Wike, seconded by Mrs. Gabelmann - unanimous.

Treasurer's Report: Paul Johns reviewed the 2011 Year End Report stating that finances were in a positive position moving into the New Year. To date the Association has over \$111,000 in the bank. Revenues for 2011 were over \$569,000, or \$4,377 better than budgeted figures.

From an Operating Expense standpoint, salaries/payroll taxes/workmen's comp/auto and uniform were \$10,824 below budget. Property Management levels were \$6,749 below budget and Administration costs of \$11,726 were better than budgeted levels providing a net income for the General Fund of \$33,677. After discussion, the Financial Report was accepted by the Board.

Mr. Johns reported that there are currently three single family homes in foreclosure here in the Community. It was also reported that monies retrieved from foreclosure claims by the Association are allocated to the General Fund. He also reported that costs incurred by the Association for maintenance of homes in foreclosure have not been budgeted as such for 2012.

President's Report

Mr. Fullen reviewed a document that he had issued titled "The Role of the FPOA". Currently with 792 single homes divided into four Construction Phases and fourteen Condo Associations represented by this Board, (a total of 26 Board representatives) there are obviously diverse interests within the Community. Briefly, there are five roles of the FPOA and the Board as its trustee:

- 1) Drainage – water management
- 2) Maintenance of Common/Community Roadways
- 3) Maintenance of the Perimeter – Community Safety
- 4) Administer/Maintain Community legal documents and
- 5) Plan for the future.

All activities and jurisdictions of the FPOA Association are meant to be in the best interests of the Community as a whole, not the individual parts. (the entire outline will appear in the March issue of the Forest Matters)

Committee Reports:

- a) Safety – Wes Alloway provided a brief recap of speeding activity within the Forest, including reports that indicate that, at this time, speeding does not appear to be a significant issue
- b) Water Management – Carl Kreager mentioned that prices for repair of the weirs located to the north and south of the property, as well as the dredging the ditches, will be available shortly
- c) Long Range Planning – Vic Erml reported that signs within the Forest (stop signs, speed limit signs, and street signs) are being evaluated due to upcoming federal mandates

- pertaining to their characteristics. Also thoughts to have them blend in with new mail box/yard light schemes. Additional discussion to take place at the February meeting.
- d) Roads and Lighting – Mr. Erml mentioned that Bear Cub and Bobcat Drive from Forest Blvd to the Country Club entrance will be repaved in 2012. The remainder of Bobcat Drive and Deer Run are scheduled for 2013. Negotiations with FPL concerning painting of their light poles located here in the Community to conform to those of the FPOA continue.

New Business:

At the October 2011 Meeting, Debbie Gillespie of Partridge Place volunteered to Chair a Committee to investigate the enhancement of the chain link fence that borders the Forest Property along Island Park Road. The fence has been in disrepair for some time and has all sorts of vegetation growing both in front and behind it along its length back to the southern boundary of the Community.

There are a number of issues pertaining to this fence. It was constructed over twenty years ago, apparently without County permits. The FPOA attempted to replace it several years ago, only to determine that the County would not allow the wall configuration that had been proposed.

Ken Stoner of Water's Edge, a member of this Committee, made a presentation to the Board stressing problems with both the control of access into the Community and aesthetics of the fence. The Committee had been in contact with a County representative, Don Blackburn, who seemed to be agreeable to a renovation of the fence.

After much discussion the Board requested that the Committee research options and quotes for a) costs to replace the fence b) cost for a survey that would be needed c) cost to apply for a variance to County code. The Board supported a full evaluation of this troubled perimeter on the east boundary of the Forest Community. This could be a major Capital project considered for 2012.

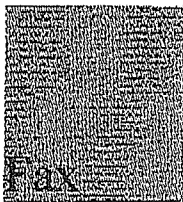
Mr. Stoner then made a **motion** that the Board authorizes \$10,000 for preliminary expenditures on researching this project: -- a survey of the fence property as well as permitting costs and costs to secure a variance from the County pertaining to original permitting requirements. Motion seconded by Mr. Wike and passed unanimously. A preliminary report should be available at the February meeting.

Kevin O'Brien of Heron Villas offered that there was a good deal of overgrowth of landscaping in and around their complex that he felt was the responsibility of the FPOA. After discussion, it was unclear what the responsibilities were – on FPOA common grounds or Heron Villas on their property. Mr. O'Brien, Gary Hamilton, Grounds Committee Chair, as well as Mr. Erml and Mr. Stoner offered to investigate the situation and report back in February.

With no other business, the meeting was adjourned at 8:25 PM

Respectfully submitted,

Assistant Secretary Ron Mc Ewan
for
Secretary Bud Hornell



Date: 7/13/06

2 page(s) to follow

To: Wes
Forest Security
Phone:
Fax: 239-482-3366

From: Aim Engineering & Surveying
Mike Becker
Phone: 239-332-4569 ext.283
Fax: 239-332-2012

Subject: Partridge Court Assessment Meeting Minutes

Hi Wes,

Here are the minutes from the meeting approving Partridge Court assessment of \$1,000 per unit for perimeter wall. We approved some other assessments as well, but the \$1,000 is clearly stated along with date we plan to have money due (12/31/06).

Sincerely,
Michael Becker

Partridge Court at the Forest

Minutes of the July 10, 2006 Board of Directors Special Assessment Meeting

The Board of Directors Special Assessment meeting was called to order at 6:08 PM on July 10, 2006 at 15660 San Carlos Blvd., #40, Fort Myers, FL. 33908. Present at this meeting was Mike Becker and Jennifer Roode from the Board. Management was represented by Jennifer Sadler and Randall Diveley, CAM. There were two (2) owners present.

1. **Call to Order:** The meeting was called to order at 6:08 PM by the Mr. Diveley.
2. **Establish a Quorum:** A Quorum was established with three (2) Board Members present and the meeting continued.
3. **Proof of Notice:** Mr. Diveley stated that any owner wishing proof of notice should simply send a certified letter to the Board, care of the Management Company, and proof would gladly be supplied.
4. **Approve Special Assessment of \$1300.00 per unit to fund:**

A. Perimeter Wall \$1000.00

The perimeter wall will be eight (8) feet high and will be constructed along Island Park Road. The Master Association will build it for a total cost of \$450,000.00 and Partridge Court's cost is \$16,000.00. The Master Association will need ninety (90) days to get the permit, after this they have said it will take about fourteen (14) days to construct the wall.

B. Irrigation Upgrade \$88.25

Three bids were received for the conversion of six (6) zones to be upgraded from hydraulic to electric. TruGreen's bid came in at \$1412.00 and the Board voted to accept this bid.

C/O P & M Property Management
15660 San Carlos Blvd. # 40, Fort Myers Florida 33908
Phone # Fort Myers (239) 481-1577 / Naples (239) 596-7887
Fax # (239) 481-1789 / E-Mail Address MindManors@aol.com

Partridge Court at the Forest

C. Property Improvements \$211.75

There was a brief discussion on what type of property improvements the Board would like to do at this time. There will be crowns made for the chimneys to prevent leaks, which will cost approximately \$400.00. The board decided to replace the sign with a better material that will withstand the weather which will cost approximately \$1000.00.

The board also decided to replace all the light fixtures which will cost approximately \$1500.00.

Mr. Becker made a motion for the Special Assessment to be \$1300.00 per unit. Ms. Roode second the motion and with all in favor the motion does carry.

Please be advised \$500.00 will be due by October 1, 2006 and the remaining \$800.00 will be due by December 31, 2006.

5. **Adjournment:** With no further business to come before the Board of Directors the meeting was adjourned at 7:16 P.M.

Respectfully submitted by Association Manager Randall Diveley, CAM

C/O P & M Property Management
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Phone # Fort Myers (239) 481-1577 / Naples (239) 596-7887
Fax # (239) 481-1789 / E-Mail Address MindManors@aol.com

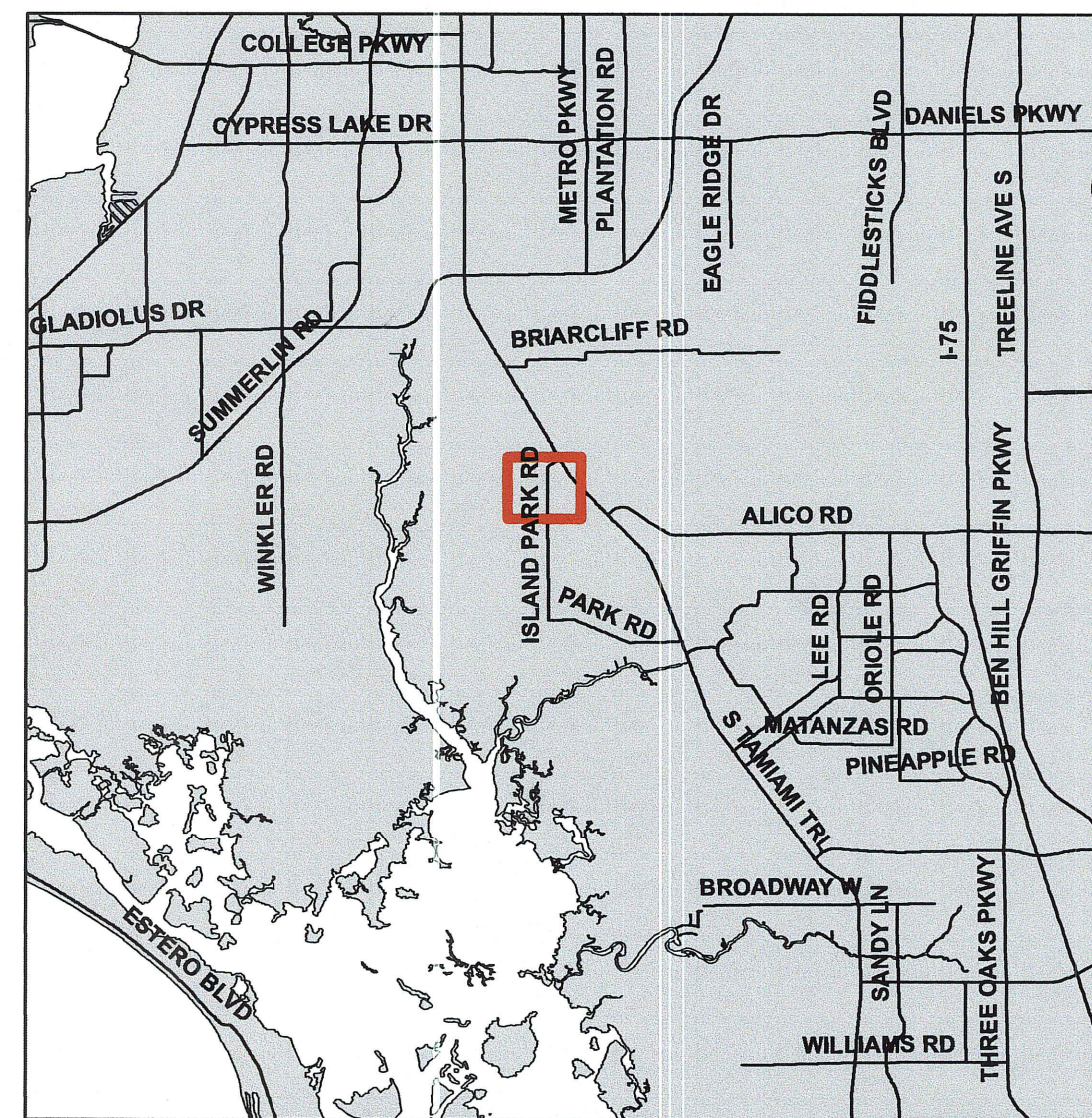
Keeping You Informed

By Bobbee Gabelmann

The title of this newsletter, The Forest Matters, really means that you -- as a property owner -- matter. The FPOA Board wants to keep you informed, and one of the best ways is through this publication. But The Forest Matters is issued only on a monthly basis, so we also would like a faster way to communicate with you. If you would just take a minute and send an e-mail to forestproperty@aol.com, we can compile a master list of e-mail addresses. We would like to make sure you are aware of all the work your FPOA Board is accomplishing on your behalf.

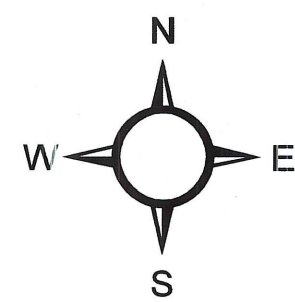
In the next few months, we will continue to implement our Perimeter Plan to enclose the Forest with privacy fencing. The front gate area which will extend south and wrap around Island Park Road is the next phase to be tackled. It is crucial that this project properly reflects the beautiful community we have. The Forest needs to look inviting and contemporary to insure the best possible real estate values. As you drive around our South Fort Myers neighborhood there are many new housing developments, and many of them look more prestigious than they are due to impressive perimeters. We don't want to look dated. So as we receive proposals from various landscaping architectural firms, we will be better able to keep you in the loop through e-mails. It is our plan to include your thoughts and ideas in this endeavor. So please take a minute and e-mail us.

**Island Park Road
Fence Replacement
VAR2012-00007**



Legend

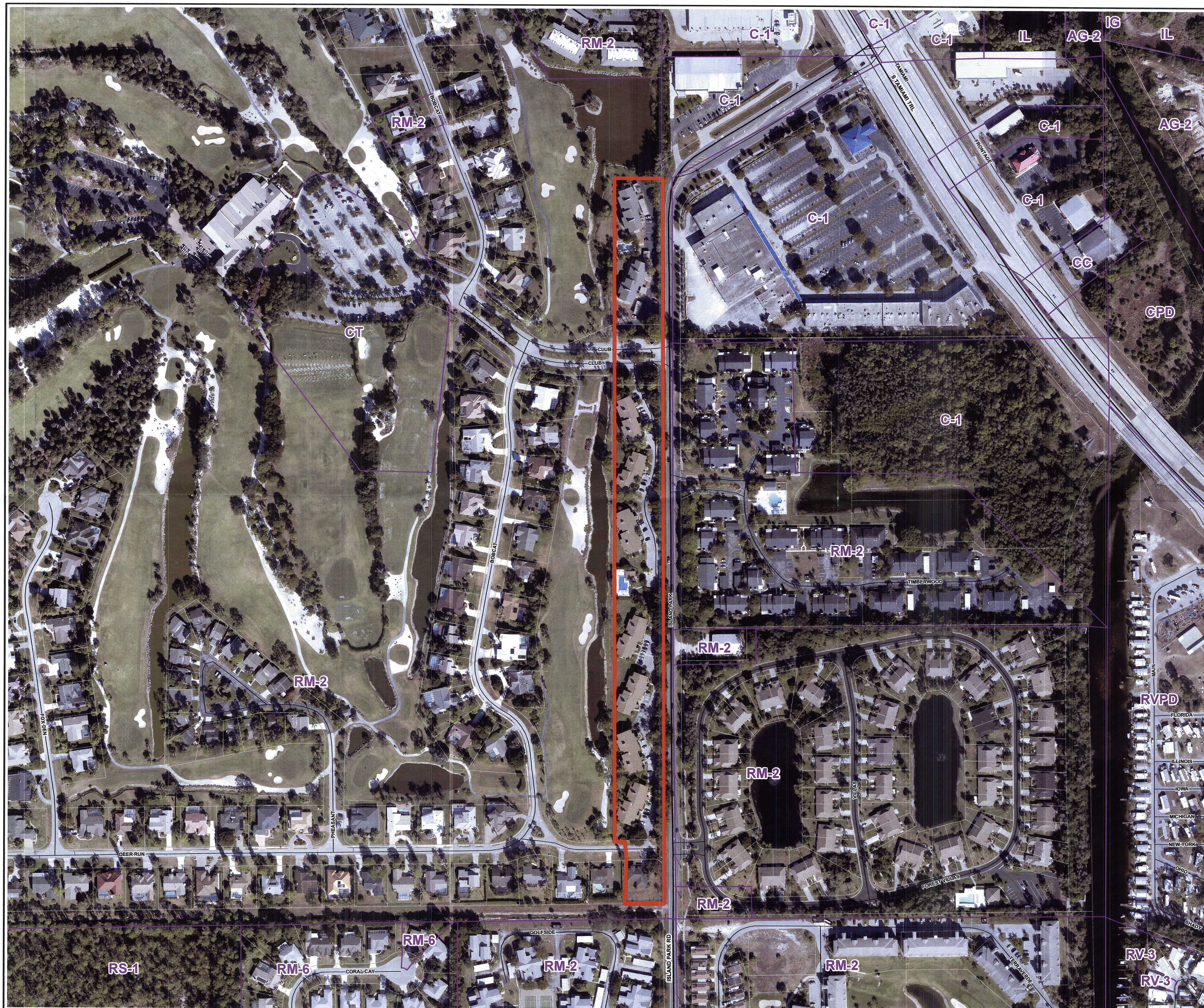
-  Parcels
 Lee County Zoning
 Subject Parcel



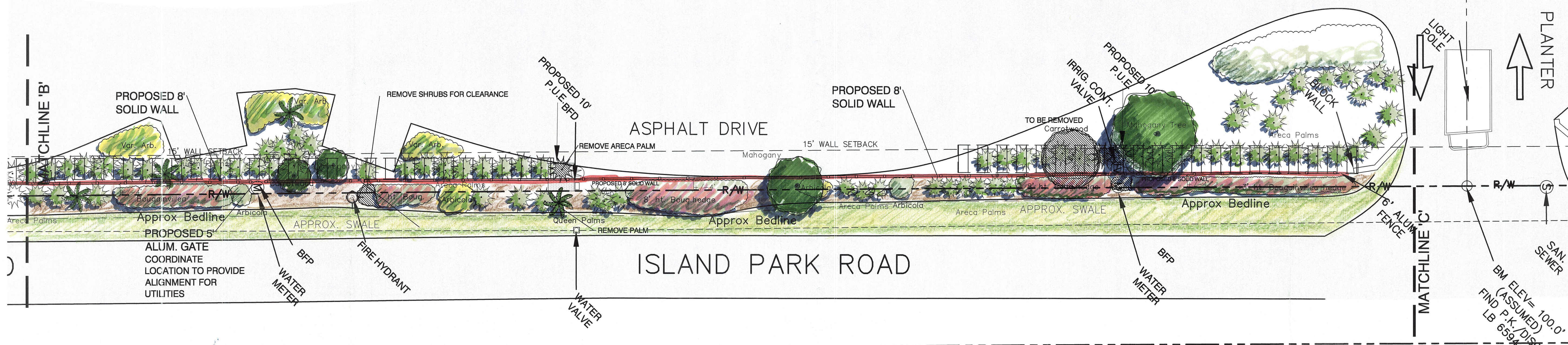
A horizontal number line with three tick marks. The first tick mark is labeled '0', the second is labeled '200', and the third is labeled '400'. Below the line, centered under the '200' mark, is the word 'Feet'.

This map drawn for visual purposes only.
Not to be used for official zoning map.

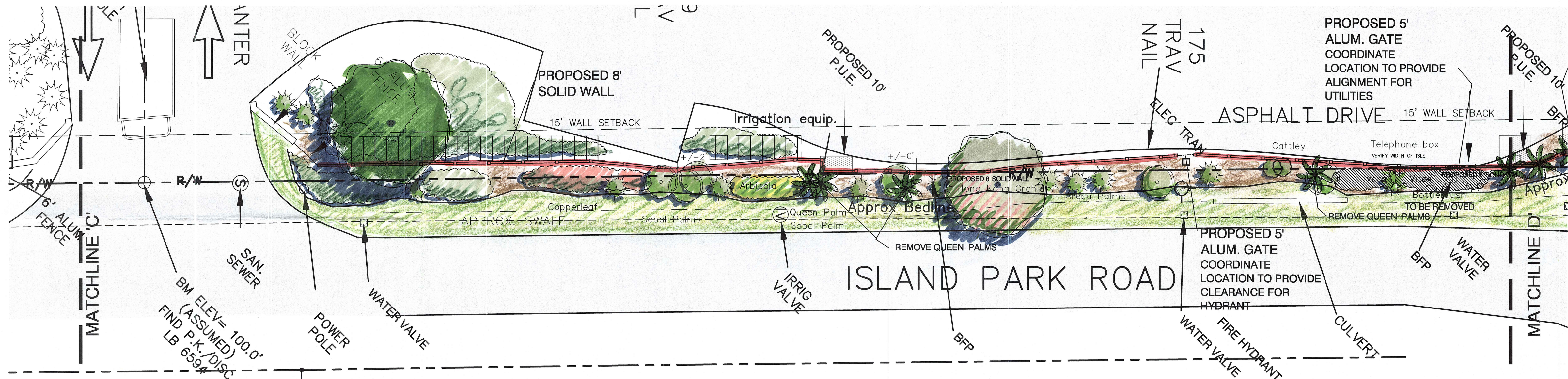
**Prepared by:
Lee County DCD
Mapped June 2012
2012 Aerial Photograph**



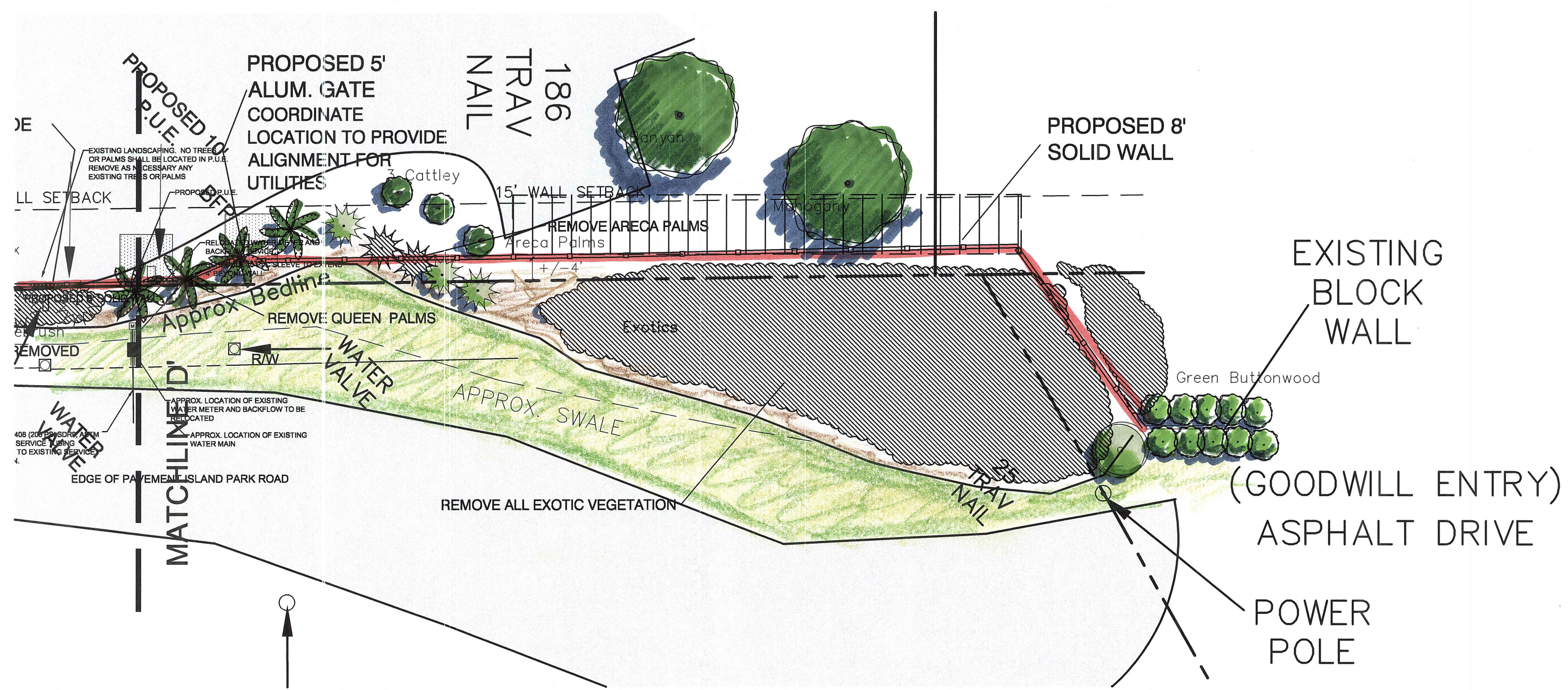
Applicant #2.
UAR 2012-00007



PLAN -C: WALL LOCATION AND LANDSCAPE DEMO PLAN



PLAN -D: WALL LOCATION AND LANDSCAPE DEMO PLAN

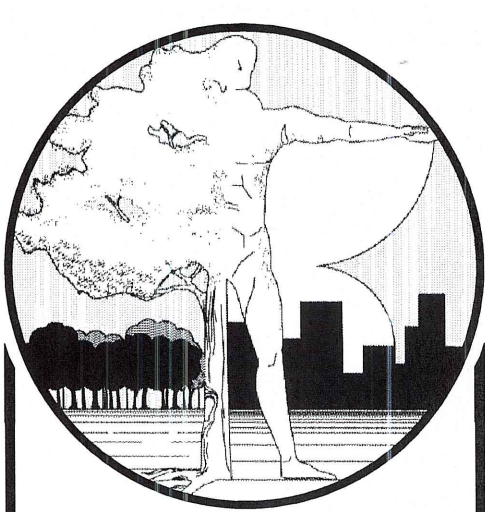
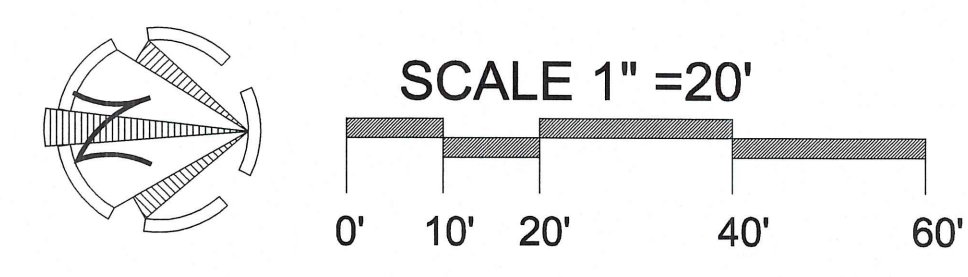


PLAN -E: WALL LOCATION AND LANDSCAPE DEMO PLAN

CONTRACTOR TO TEMPORARILY REMOVE EXISTING VEGETATION TO PROVIDE ACCESS FOR WALL INSTALLATION. MAINTAIN VEGETATION IN A TEMPORARY HOLDING AREA UNTIL RE-INSTALLED FOLLOWING WALL CONSTRUCTION.

EXISTING VEGETATION TO BE REMOVED

FENCE REPLACEMENT AND LANDSCAPE DEMO



DMJA

DAVID M. JONES, JR.
AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTS
AND PLANNERS

2221 McGregor Blvd.
Fort Myers, Florida 33901
PHONE: (239) 337-5525
FAX (239) 337-4494

2705 Tamiami Trail Unit 415
Punta Gorda, Florida 33950
PHONE: (941) 639-2450
FAX (941) 639-2438
L.A. LICENSE: LC 000063

PROJECT INFORMATION:

**THE FOREST
PROPERTY
OWNERS
ASSOCIATION**
ISLAND PARK ROAD
WALL VARIANCE
LOCATED ALONG THE
ISLAND PARK ROAD
FRONTAGE

PREPARED FOR:

**THE FOREST
PROPERTY OWNERS
ASSOCIATION, INC.**
5990 Forest Boulevard, Fort
Myers, Florida 33908

CONSULTANT:

**THE FOREST
PROPERTY OWNERS
ASSOCIATION, INC.**
5990 Forest Boulevard, Fort
Myers, Florida 33908

DESIGN PROFESSIONAL:

GREGORY J. DISERIO, RLA
RLA NO. 840 DATE:
STATE OF FLORIDA

PROJECT NO. 211110

PROJECT MGR: Greg Diserio, RLA
FILE NAME: Forest Wall Variance
DESIGNER: Greg Diserio, RLA
CAD TECH: Greg Diserio, RLA
CHECKED BY: Greg Diserio, RLA
ISSUED FOR: VARIANCE APPLICATION

ISSUED DATE:

REVISIONS: MARCH 28, 2012

SHEET TITLE:

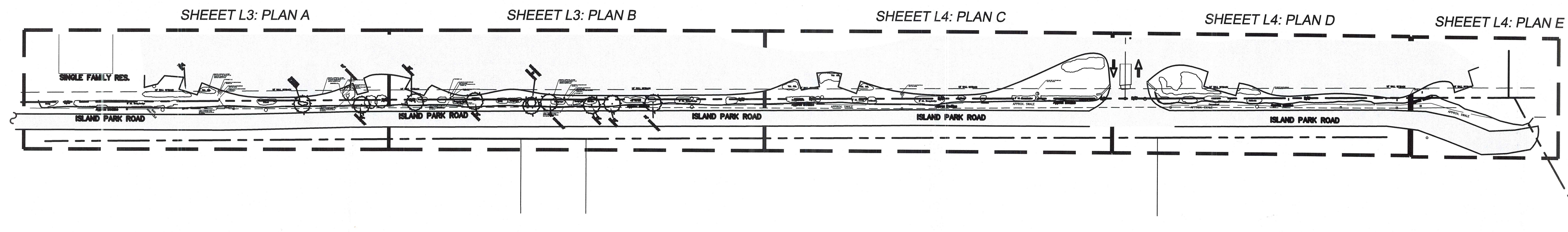
FENCE REPLACEMENT
& LANDSCAPE DEMO
PLAN

SHEET NUMBER:

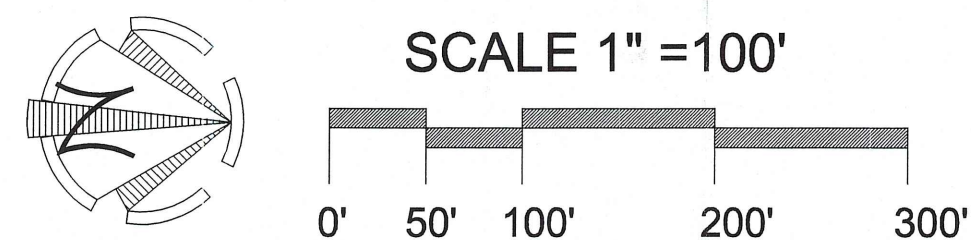
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APPLICANT'S
EXHIBIT #2
UAR 2012-00007

Applicant #1
JFR 2012-00007



DEMO & WALL LOCATION KEY MAP

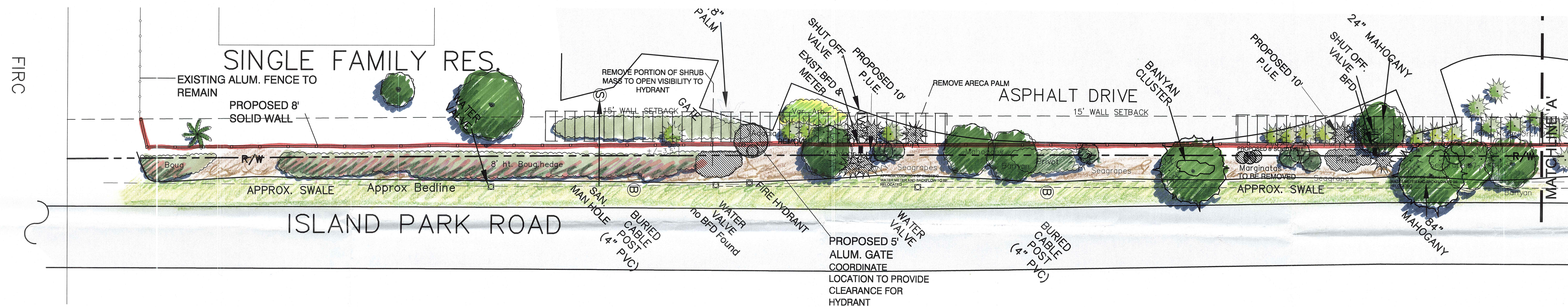


WALL CONSTRUCTION NOTES:

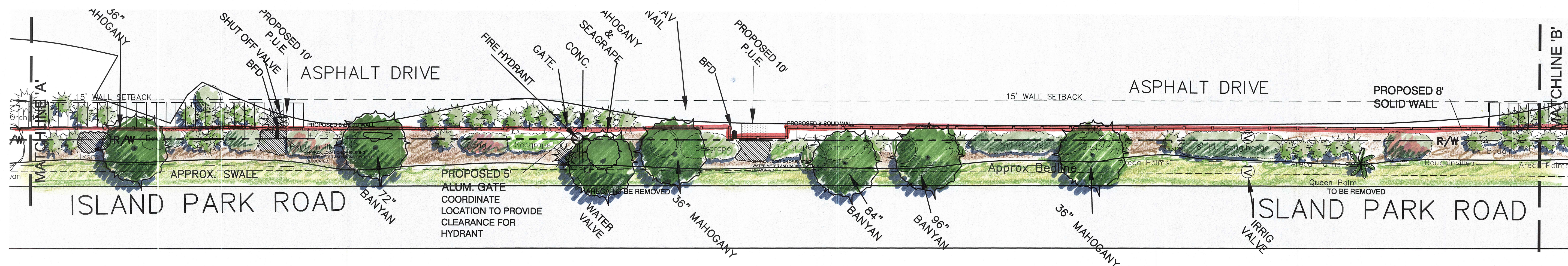
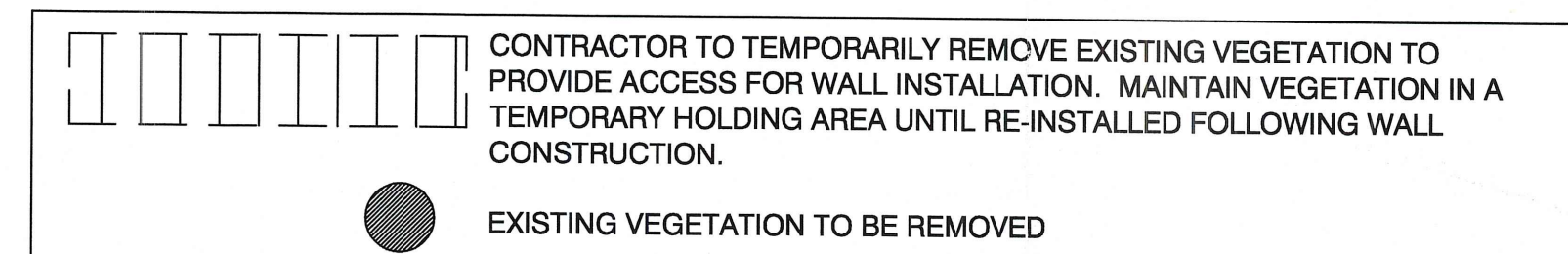
1. PROPOSED WALL SHALL BE A PRE-FABRICATED STUCCO FINISHED WALL SYSTEM WITH COLUMNS AT 10' OC OR AS PROVIDED BY THE MANUFACTURER.
2. WALL SHALL BE PERMITTED THROUGH LEE COUNTY.
3. FINISH SHALL BE PAINTED STUCCO FINISH OR OWNER APPROVED EQUAL.
4. CONTRACTOR IS RESPONSIBLE FOR MEANS AND METHODS OF INSTALLATION.
5. PROVIDE ENGINEERED SHOP DRAWINGS FOR WALL.
6. COORDINATE EXACT LOCATIONS OF OPEN PICKET FENCING AROUND UTILITIES.
7. CONTRACTOR TO TEMPORARILY REMOVE VEGETATION BEHIND WALL AS REQUIRED FOR INSTALLATION. VEGETATION TO BE RESTORED FOLLOWING CONSTRUCTION.
8. TREES SHALL BE PRUNED BY A CERTIFIED ARBORIST IN ACCORDANCE WITH ANSI 300 TO PERMIT INSTALLATION OF WALL.
9. CONTRACTOR SHALL FULLY INSPECT THE SITE PRIOR TO BIDDING.

DEMOLITION NOTES:

1. CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO DEMOLITION.
2. OBTAIN WORK IN RIGHT OF WAY PERMITS FROM LCDOT.
3. PROVIDE TRAFFIC CONTROL PLANS TO BE APPROVED BY LCDOT.
4. PROTECT UTILITIES THROUGHOUT CONSTRUCTION.
5. REMOVE EXISTING VEGETATION TO BE REMOVED AS NOTED.
6. LEGALLY DISPOSE OF ALL MATERIAL.
7. PRUNE EXISTING VEGETATION TO PERMIT INSTALLATION OF PROPOSED WALL. PRUNING SHALL BE IN ACCORDANCE WITH HORTICULTURAL STANDARDS. TREES SHALL BE PRUNED BY CERTIFIED ARBORIST IN ACCORDANCE WITH ANSI 300.
8. SHOULD ANY EXISTING VEGETATION THAT IS SCHEDULED TO REMAIN BE REMOVED OR FOUND TO BE IN POOR CONDITION, IT SHALL BE REPLACED WITH SPECIES IN ACCORDANCE WITH LANDSCAPE PLANTING PLAN.

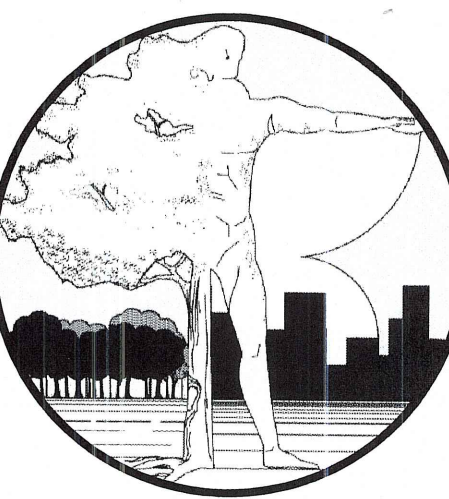
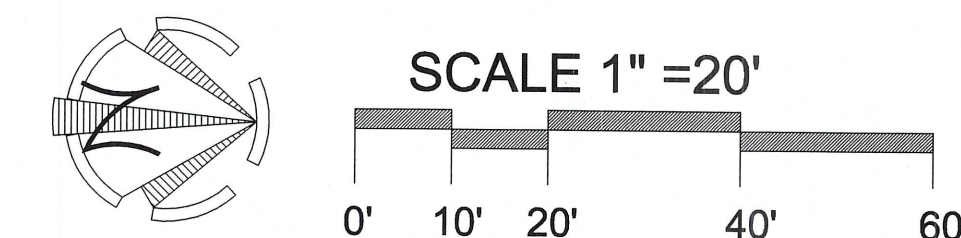


PLAN -A: WALL LOCATION AND LANDSCAPE DEMO PLAN



PLAN -B: WALL LOCATION AND LANDSCAPE DEMO PLAN

FENCE REPLACEMENT AND LANDSCAPE DEMO



DMJA

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ISSUED FOR:
VARIANCE APPLICATION

ISSUED DATE:
REVISIONS: MARCH 28, 2012

SHEET TITLE:
**FENCE REPLACEMENT
& LANDSCAPE DEMO
PLAN**

SHEET NUMBER:
L - 3

APPLICANT'S
EXHIBIT # 1
VFR 2012-00007