

MANFRED BRECKER

4430 LIVE OAK BLVD
DELRAY BEACH FL. 33445

November 19, 2018

Delaire Property Owners Association VIA FAX 499- 8625
4645 Cedar Lane
Delray Beach Fl.33445

Re: Correspondence of November 14, 2018

ATTENTION: Bernard Dayan President and Board of Governors

Dear Mr. Dayan,

Up to this writing I have not been favored with a response to the above referred to correspondence. The issue described in the above referred to communication is totally unacceptable, it is a display of *Inanity* and will be rigorously defended should it occur again.

That said, I am coming back to the misunderstanding between this writer and the Board regarding the *SAFETY COMMITTEE*. At the November 12th Board meeting I distributed a document to each which gave an explanation of what is deemed to be the way forward. The POA membership at large desires the Board's acceptance of the following.

1. The Compliance Committee is authorized in the By-laws. It exists for one purpose only and that is to approve/disapprove fines that have been imposed.
2. The safety Committee is from the Declaration of Covenants. Although it does say "*may*" and "*from time to time*", it the only way authorized to regulate motor vehicle traffic, including the unauthorized "Trap Gate". Since it comes from the Declaration, it has priority over all other governing docs, other than the Plat itself.

[The HOA Document Hierarchy](#) Although it's important to check your state laws to discover how your state specifically handles the hierarchy, the general pattern tends to

look like the following, although the official language will not include “legislative law” in the hierarchy.

1. Legislative law (federal. state. local)
2. HOA plat/map
3. 3. Declarations
4. 4. Articles of Incorporation
5. 5. By-laws
6. 6. Rules and regulations

The laws of the land hold sway over the original HOA plat/map, which in turn holds sway over the HOA’s declarations of its existence, and so on.

Natalie Mitchell gave a very good explanation of the HOA T. Safety Committee at the last POA meeting. There is nothing that says the POA must appoint a safety committee at all. But if the POA want to regulate, the safety Committee is the only way to do it. The Declaration of Convents trumps all. Again check it out with Natalie she has the answers. You and the board must also consider the following.

The POA Board’s proposed punitive measures will not be well received. The Country Club is entering into the final stage of an epic lawsuit resulting from punitive exuberances. Grievance and Board members during depositions admitted that the Club created problems with their punitive apathies. Imposing fines, confiscating transporters, etc., will make life more difficult. Property values have already been severely impacted due to outlandish suspension that were invoked by bizarre Kangaroo Courts. www.delairegovernanc.com only delivers the message, nuisances by administrators are the guilty party. Successful Clubs emulate resorts that cater and welcome their clientele. Punitive measures discourage not encourage. The recent increase in our D&O insurance is just the tip of the iceberg resulting from litigation that should never have happened. In early 2019 the Jury will decide the Delaire fate. We believe and have put our money on the line that we will be the prevailing party. **ARTICLE XVII** of the By-Laws is the contract that guarantees that the litigation cost are going to be paid. The cost of the litigation fees and the punitive damages in our opinion will be staggering. Awards will in part be funded by the carrier and anything not covered by them after they deduct their litigation fees, has to be paid by assessment to the resident members. Hoping you will accept my remarks within the spirit of cooperation they have been given,

With warmest regards,

MANFRED BRECKER