

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HERITAGE PLANTATION
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Heritage Plantation Community Development District was held on **Thursday, August 21, 2014 at 10:00 a.m. (CDT)** at the office of Pelican Real Estate, 5210 South Ferdon Boulevard, Crestview, FL 32536.

Present and constituting a quorum:

Louis Weltman	Board Supervisor, Chairman
William A. Bailey	Board Supervisor, Assistant Secretary
Richard Bennett	Board Supervisor, Assistant Secretary

Also present were:

Debi Anderson	District Manager, Rizzetta & Company, Inc.
George Taylor	Trustee Counsel, Burr & Forman, LLP <i>(via speakerphone)</i>
Marc Soloman	Trustee Counsel, Burr & Forman, LLP <i>(via speakerphone)</i>
Rebecca Daniels	Court Reporter
Mr. & Mrs. Joe Young	Resident's of Heritage Plantation
Nancy Shue	Resident of Heritage Plantation

FIRST ORDER OF BUSINESS

Call to Order

Ms. Anderson called the meeting to order and read roll call.

SECOND ORDER OF BUSINESS

Audience Comments

A request was made that audience comments be taken throughout the meeting rather than just at the beginning of the meeting. The Board agreed to the request.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the Board of
Supervisors' Meeting on July 21, 2014**

On a Motion by Mr. Bailey, seconded by Mr. Bennett, with all in favor, the Board approved the minutes of the Board of Supervisors' Meeting held on July 21, 2014 for the Heritage Plantation Community Development District.

Mr. Weltman clarified the motion and discussion of an item included in the minutes relative to the Motion for Stay Relief. He explained that there may be some legal costs payable to Mr. Lewis at a future date and that Mr. Lewis cannot represent anyone other than the District on this matter.

FOURTH ORDER OF BUSINESS

Consideration of Board Supervisor Replacement

There were no nominations put forward at this time.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2014-04, Designation of Officers of the District

Ms. Anderson stated that the resolution is being presented due to the resignation of Mr. Turner, who formerly served as the Vice Chairman.

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors, approved Resolution 2014-04 Designation of Officers of the District, appointing Lou Weltman as Chairman, Bill Bailey as Vice Chairman, and Richard Bennett, Gary Paulzak, and Debra Anderson as Assistant Secretaries for the Heritage Plantation Community Development District.

SIXTH ORDER OF BUSINESS

Public Hearing on Fiscal Year 2014/2015 Final Budget

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors opened the public hearing on the Fiscal Year 2014/2015 Final Budget for the Heritage Plantation Community Development District.

Mr. Weltman asked if there were any questions on the budget from Trustee's Counsel. There were none. Ms. Anderson responded to questions regarding the discount showing on the debt service, explaining that since the assessments are not being collected by the tax collector there is no need to account for the collection costs charged by the County.

Resident comments were entertained regarding whether the budgeted services will occur this year, as currently no services are being provided. Mr. Weltman stated that the services will be provided as long as sufficient funding is collected from the property owners. Frustration was expressed regarding the need and ability of the District to continue to assess property owners, when the vast majority of assessments are not being collected and therefore making it impossible for the District to properly maintain the community. A brief discussion ensued regarding plans to send out lien notices in an attempt to collect delinquent fees. There was also a discussion regarding how the fees which have been collected have been used. It was noted that they were used to reimburse the HOA for their payment of legal fees, advertisements, and insurance costs on behalf of the District.

It was further noted that once the delinquent fees are collected, the District may have the ability to either reduce assessments for the next year or establish a reserve account. A brief discussion ensued regarding the reduction in the budget of \$79,500 from what was originally proposed at \$266,175 to \$186,675, which represents the minimum amount needed to properly operate the District and cover the delinquent obligations. Mr. Weltman explained that this is the same amount as what was budgeted last year, but assessments are increasing because there is no reason to expect the release of funds by the bondholders that was planned for last year and ultimately did not occur.

Ms. Anderson stated that the total budget being approved today totals \$186,675; with an administrative total of \$35,575, a field operations total of \$59,100, and an outstanding obligations total of \$92,000. She noted that the debt service total is \$57,893.76.

On a Motion by Mr. Weltman, seconded by Mr. Bailey, with all in favor, the Board of Supervisors closed the public hearing on the Fiscal Year 2014/2015 Final Budget for the Heritage Plantation Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2014-05,
Approving Annual Appropriations for
Fiscal Year 2014/2015**

On a Motion by Mr. Bailey, seconded by Mr. Bennett, with all in favor, the Board of Supervisors approved Resolution 2014-05, Approving Annual Appropriations for Fiscal Year 2014/2015, for the Heritage Plantation Community Development District.

EIGHTH ORDER OF BUSINESS

**Public Hearing on Imposition of Special
Operation and Maintenance Assessments
for Fiscal Year 2014/2015**

On a Motion by Mr. Bennett, seconded by Mr. Bailey, with all in favor, the Board of Supervisors opened the public hearing on the Imposition of Special Operation and Maintenance Assessments for Fiscal Year 2014/2015 for the Heritage Plantation Community Development District.

Ms. Anderson read the assessment levels by product type into the record. A brief discussion ensued on the verbiage in the resolution relative to the methodology for levying the assessments. It was noted that the administrative portion of the budget is distributed throughout the entire community; whereas, the maintenance portion is only distributed amongst the platted lots, as there is no benefit to the unplatted lots at this time.

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors closed the public hearing on the Imposition of Special Operation and Maintenance Assessments for Fiscal Year 2014/2015 for the Heritage Plantation Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2014-06,
Approving Levy of Non-Ad Valorem
Assessments**

On a Motion by Mr. Bailey, seconded by Mr. Bennett, with all in favor, the Board of Supervisors approved Resolution 2014-06, Approving the Levying of Non-Advalorem Assessments for the Heritage Plantation Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2014-07,
Setting the Meeting Schedule for Fiscal
Year 2014/2015**

A brief discussion ensued regarding the current meeting schedule and whether it was necessary to schedule monthly meetings. It was decided to meet on a quarterly basis at the same time and location as the current meetings. Ms. Anderson confirmed that the Board would like to meet on November 20, 2014, February 19, 2015, May 21, 2015, and August 20, 2015 at 10:00 a.m. at the Pelican Real Estate office. It was stated that special meetings could be called if necessary.

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors approved Resolution 2014-07, setting the meeting schedule as November 20, 2014, February 19, 2015, May 21, 2015, and August 20, 2015 at 10:00 a.m. at the Pelican Real Estate office, located at 5210 S. Ferdon Boulevard, Crestview, FL 32536 for the Heritage Plantation Community Development District.

ELEVENTH ORDER OF BUSINESS

**Update Regarding Seeking Relief from
Stay in Connection with the Foreclosure
Sale on the 240 Lots Owned by
Southeastern Consulting & Development
Co., Inc.**

Mr. Weltman provided a brief synopsis behind the document included in the agenda book relative to the Motion from Relief of Stay for the foreclosure sale on the 240 lots owned by Southeastern Consulting and Development Co., Inc. ("SCDC"). He noted that the document is for informational purposes only and no Board action is necessary at this time. However, it will be necessary to ratify the actual motion that will be or has been filed on behalf of the District.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2014-08
Authorizing the Creation of a Special
Purpose Entity ("SPE")**

Ms. Anderson presented Resolution 2014-08 and the associated documents. Mr. Weltman reviewed the steps taken by the District to take back the 240 lots and initiate the foreclosure sale. The sale will then generate proceeds that will be used to pay off the bonds. He explained that these documents speak to how the District will proceed based on the trustees recommendations and the options that are available, as well as the advantages of forming an SPE to handle the transactions.

A brief discussion ensued regarding the topic of credit bidding and the fact that following the direction of the Indenture Trustee on all associated matters is what protects the District. Mr. Weltman asked if the attorneys for the Trustee had anything to add on the topic. They did not. Comments were entertained from members of the audience. It was stated that realistically, this is the only option the Board has at this point. Mr. Weltman stated he is committed to working with the Indenture Trustee throughout the entire process.

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors approved Resolution 2014-08, Authorizing the Creation of a Special Purpose Entity ("SPE"), for the Heritage Plantation Community Development District.

Discussion was held regarding the various documents included as exhibits to the resolution.

On a Motion by Mr. Weltman, seconded by Mr. Bailey, with all in favor, the Board of Supervisors approved the Tri-Party and Operating Agreements; the Assignment of Judgment; and, Consent to Representation and Waiver of Possible Conflicts of Interest in substantial form and authorized the Chairman to execute and bring the finalized versions back to the Board for ratification for the Heritage Plantation Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Update of Foreclosure Matters Related to
Lots Owned by Third Parties Other Than
Southeastern Consulting & Development
Co., Inc.**

Mr. Weltman stated that located behind tab nine is a draft of a letter that has been prepared relative to lots owned by third parties other than SCDC. A brief discussion ensued regarding the need to research whether there have been any tax certificates that have been sold for taxes and assessments that were not paid when they were collected on the tax roll. The monies owed for fiscal years 2012/2013 & 2013/2014 have been provided by Rizzetta and Company.

On a Motion by Mr. Weltman, seconded by Mr. Bennett, with all in favor, the Board of Supervisors approved proceeding with initiating foreclosure actions on the third party lots that are not owned by SCDC for the Heritage Plantation Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Ratification of Fiscal Year 2012/2013
Financial Audit**

Ms. Anderson stated that the fiscal year 2102/2013 audit has been filed as required, noting that the Board had authorized the Chairman to review the audit in order to allow Management to submit it to the appropriate governmental entities. She stated that it was an unqualified audit meaning that the District followed all of the accounting rules and the expected findings relative to the District's financial status were noted.

On a Motion by Mr. Bailey, seconded by Mr. Bennett, with all in favor, the Board of Supervisors ratified the Chairman's acceptance and authorization to file the Fiscal Year 2013/2013 Financial Audit as required, for the Heritage Plantation Community Development District.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel
Not present.

B. District Engineer
Not present.

C. District Manager

Ms. Anderson stated that Management will be obtaining two proposals to meet the District's insurance needs and asked that someone be appointed to work with her on the selection process as a decision will need to be made prior to the next meeting. A brief discussion ensued regarding the importance of having directors & officers insurance and what options are available should the current carrier decide to drop the District due to the pending lawsuit.

On a Motion by Mr. Bennett, seconded by Mr. Bailey, with all in favor, the Board of Supervisors appointed Mr. Weltman to work with District Management to review the proposals and select an insurance policy for Fiscal Year 2014/2015, for the Heritage Plantation Community Development District.

SIXTEENTH ORDER OF BUSINESS

Supervisor Requests

A brief discussion ensued regarding prior documents and actions taken by the Trustee relative to the foreclosure of the 240 lots owned by SCDC.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Bennett, seconded by Mr. Bailey, with all in favor, the Board adjourned the meeting at 11:43 a.m. CDT for the Heritage Plantation Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Louis S WELTMAN, hereby disclose that on August 21, 2014:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ALL AGENDA ITEMS THAT CAME TO A VOTE OR UPON WHICH ACTION WAS TAKEN PURSUANT TO THE PROPERLY NOTICED MEETING A AGENDA

8-21-14

Date Filed

Louis S Weltman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.