



*Fort Myers updates  
and News*

May 16, 2014



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## ***Personal Security & Safety Tips: At home & while away***

Given the recent economic turmoil and the downturn in our national economy, reports of crimes involving thefts and burglaries have risen in recent months. These incidents have spread into SW Florida and surrounding areas as stories detailing these facts have recently appeared in newspapers, TV and a number of security periodicals I regularly review.

In fact, because of the rise and ties to foreclosure rates, a nationally recognized crime risk analysis company, *The CAP Index Inc*, is currently adding new variables into its database in order better predict and manage risk. For reference, the *CAP Index* is used by government and major corporations to help predict and forecast the risk of crime, as the index includes information involving *Crimes Against Property* and *Persons* in its analysis. More information on the *CAP Index* can be found at <http://www.capindex.com>.

As I have experienced these concerns within my own community over the past year, so have other communities in our area, given the widespread reports I've been privy to. Local reports of these acts are clearly on the rise. I don't think it is a stretch to say these incidents are clearly on the minds of community owners, property managers, HOA Boards and residents.

Further, criminals are always looking for ways to engage in their trade but not just for burglaries and thefts, but also personal assaults added to the mix. With these things in mind, I'd like to share these tips in order to help each of you keep yourself, your family and your home safe and secure, whether at home or out in the community:

### ***Home Security Tips***

Residents should take the following actions to help reduce incidents within their neighborhood:

1. Park in the garage whenever possible and lock vehicles even when in the garage;
2. Lock vehicles parked in driveways at all times;
3. Remove all garage door openers and portable electronic devices such as GPS units, Satellite Radios, DVD players, etc. – anything a thief might “want”, from vehicles parked outside overnight;
4. Never display ANY personally identifying information in your vehicle for passers-by to see. Examples might include mail, magazines, receipts or any other item that can tell a potential thief who you or your family are or where you may live;
5. Never keep any personally identifying information in your GPS unit – portable or factory installed, such as “HOME”, “WORK” or “SCHOOL”;
6. If you have a security system, USE IT. Set security alarms when away from the home, even for a short time;
7. Use your security system’s “STAY” feature while you are home, for personal protection;
8. If you don’t have a security system, consider purchasing one or at least having a security professional conduct a security audit of your home;
9. Lock doors when working outside around the home or in the backyard. When taking the kids or dog for a walk, lock doors and windows;
10. At night, lock doors between the garage and the house. A deadbolt lock is preferred;
11. Lock bikes when not in use, preferably inside your garage;
12. Close garage doors after dark;
13. Keep post lamps in working order; add landscape lighting and keep carriage lights on during evening hours;
14. Notify the property manager (or appropriate contact) of any street or community lights that are not working.
15. Add the telephone number for your local law enforcement agency to your cell and home phones’ speed dial for quick access

### ***Shopping Security & Safety Tips***

Take the following precautions to help protect yourself, your family, your vehicle & belongings:

1. Shop during daylight hours whenever possible. If you must shop at night, go with a friend or family member as there is always “safety in numbers”;
2. If you choose to shop at night, with or without a companion, park in well lit parking areas and remember where you parked. Criminals will take advantage of any opportunity to surprise you, especially confusion;
3. Dress casually and comfortably and avoid wearing expensive jewelry;
4. Always carry your Driver License or Identification Card along with necessary cash, checks and/or a credit card you expect to use;
5. Avoid carrying large amounts of cash. Keep cash in your front pocket whenever you carry it.
6. Pay for purchases with a check, credit or debit card whenever possible. It is much easier to dispute fraudulent charges with a credit or debit card in particular.
7. Keep a record of all of your credit card numbers in a safe place at home. Notify your bank or credit card issuer immediately if your debit or credit card is lost, stolen or misused;
8. NEVER carry your Social Security Card or anything else that may identify this number, on your person or in a purse or wallet. Having this number is a key ingredient in identity theft;
9. Keep all receipts for purchased merchandise on your person until you return home. Receipts kept in bags in your vehicle can potentially display personal information and gives any thief an easy way to return an item they steal from you;
10. Stay alert to your surroundings at all times, both inside and outside of stores. Thieves look for the easiest target that is either confused or oblivious to their surroundings.

11. Before exiting a store and walking to your vehicle, have your bags in one hand and look around before and as you walk to your vehicle. Make sure the area around your vehicle is clear before you approach;
12. Carry your keys, pointed end out, in your free hand as it will allow you to quickly unlock your car. If you are approached, you can use this key in a “quick jab” of an attacker to avoid personal injury.

## Is your Community maximizing Collection efforts?

South Florida's now-infamous housing crisis not only financially impacted, and in some cases crippled, many communities, it also taught us many lessons on how to better protect our communities in the event of another economic downturn. One such lesson was that Florida statute, whether it be applied in the context of a condominium or a homeowners' association, limits a first mortgagee's liability for delinquent assessments in the event it takes title to a unit or lot within the association via foreclosure or deed in lieu of foreclosure. Another, often harsher, lesson we learned is that in some instances the association's very own declaration prevents it from collecting anything at all in those same instances. In the case entitled, *Coral Lakes Community Association, Inc. v. Busey Bank, N.A.*, 30 So. 3d 579 (Fla. 2d DCA 2010), the appellate court for the Second District of Florida determined that the applicability of language contained in an association's governing documents could supersede the statutory limitations on a first mortgagee's liability for past due assessments. Specifically, the Court held that where the declaration provides that a first mortgagee has no liability for assessments that came due prior to its acquisition of title via foreclosure (or deed in lieu of foreclosure) or provides for liability on the part of the lender of less than that imposed by statute (i.e. the lesser of 1% of the original mortgage or 12 months of past due assessments), the language of the Declaration controls over the language of the statute. It should be noted that this case involved a homeowners' association, but may have a broader application that could extend to condominium or cooperative associations as well. Needless to say, the Court's decision in *Coral Lakes* has the potential to negatively impact many

community associations that may already be facing financial troubles. So what can your association do to maximize its ability to collect delinquent assessments and avoid or limit its potential exposure to fallout from this decision? The first step is to review your Declaration along with your legal counsel to determine whether or not the language contained therein exposes the association to the negative impact of the *Coral Lakes* decision. If you discover that your Declaration does contain the "bad" language similar to that found in the *Coral Lakes* case, you may wish to discuss with your community association attorney how an amendment to your declaration may potentially help your association maximize its collection efforts.



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