



President's Message...by Mike Zeal

Summer is nearly over and we're finally coming to the end of the peak growing season..I would like to extend our gratitude from the board to all of the homeowners who have put such an effort in this year to make a change for the better and help beautify our community by working so hard on their homes and lawns.

We have seen a big change with many homeowners out in their lawns putting in new sod, adding plants and cleaning their homes, we hoped that our push to make this happen would be successful, but I think the community has taken the challenge and run with it even past our goals.

While we know that many people have worked hard to make this happen we understand, just as you do, that there are still homes in this neighborhood that have not changed at all from last year.

While this can be disheartening, I want to assure all the homeowners out there that this board along with our management



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company are taking as strict a stance as allowed by our C,C, & R's, enforcement procedures and Florida law on these homes that are not up to par with the rest of the community.

We have consistently had inspections done each month to report on these trouble spots and have been able to watch the progression, either good or bad of all the homes in the community.



Through our inspections we have followed our procedures to approach problems with properties that have been left to fall by the way-side.

While it isn't easy and really no one wants to have to do this we are staying the course and to be firm but fair

with all of the property owners without exception. Violators who show no interest in maintaining their property to the standards of this community and our governing documents will be dealt with to the maximum extent allowed by law.

Many of you may have been wondering what is going on with the fence and the front entrance, and why it took so long to have everything cleaned and repaired. I know we

2008 Collections Status...



As of this newsletter, all owners with past-due amounts have had their voting rights suspended as per the governing documents and Florida statutes. The Board officially passed this resolution at the last HOA meeting in July.

This means that unless a delinquent owner pays the amount due by the date of the annual meeting on **October 23rd**, they will not be able to vote nor will they be able to attend the meeting. Only members in good standing may at-

tend the annual meeting. This also means that guests and tenants are not allowed access to this annual meeting.

There will be security at the meeting in case this becomes an issue so if you have not paid your dues now is the time to do so if you want to participate in the annual elections and have a voice on amending the governing documents.

Additionally, the Association has sent a copy of the recorded lien and a demand for payment to the mortgage companies of all delinquent owners as allowed for in the Planned Unit Development Rider to every mortgage.

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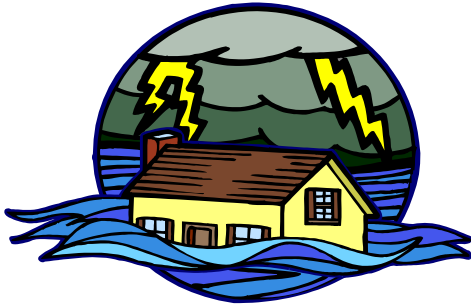
ANNUAL HOMEOWNERS' MEETING:

OCT 23rd @ 6:30 P.M.

in the

Oceanway Community Center

Flood Insurance, A Little Understood Fact...



Most of you were told when you bought your home here in Florida that your house was not located in a flood plain so you didn't need flood insurance.

While true for those of you who are not in a flood plain, if you watched the news recently as our area went through Tropical Storm Fay you may have noticed many areas flooded that had not previously flooded.

All it takes is a clogged storm drain to

cause you a real problem and its really easy for the drains to get clogged with debris from trees, branches and leaves.

Sad part of this is that your standard homeowners policy does not usually cover water coming into your house. That includes the aftermath of a broken window or a roof failure. Sure your insurance will usually fix the physical damage but they will not usually cover the resulting water intrusion problems, citing that it was a result of flooding.

You only have to look at the damage caused by Hurricane Katrina and the millions of resulting lawsuits against most insurance carriers to understand that they will do everything in their power to find some reason to attribute your damage to flooding.

If you look at the average claim statistics from the Federal Emergency Management Agency they estimate that 1 in 4 homes run

the risk of flooding and 25 percent of the national flood claims come from low-to-medium risk areas. The also say the average homeowner experiencing a minor flood will sustain approximately \$26,065.59 in damages, none of which will be covered by their insurance. In fact they state that floods are the **NUMBER ONE** natural disaster in America!

Is there a solution? You bet, Federal Flood Insurance! Go to the website www.floodsmart.gov/prepare to get information on this federally-backed program. If you do not have access to the Internet, their toll-free number is **1-888-724-6618**. You can also call your insurance agent who should be able to help you before the next tropical storm or hurricane hits our area. Remember, you will have a 30-60 day period after you apply before the flood insurance becomes effective.

Lawn & Landscape Irrigation Rules Explained...

From time to time we get complaints from property owners who state that their lawn has deteriorated because they cannot properly water their lawn due to water rationing.

To help everyone, we've found the actual watering rules from the St Johns River Water Management District. Their website has some of the best resources available for you on a variety of environmental subjects specifically targeted to living in North Florida and can be found at: www.sjrwmd.org.

SUMMARY OF THE RULE

- Irrigation is prohibited between 10 a.m. and 4 p.m.
- Irrigation is limited to no more than two days per week, per zone.
- Irrigation limitations apply to water withdrawn from private wells, surface water and water from public supply utilities.
- Water users choose their own irrigation days unless their local government adopts an ordinance and specifies their irrigation days.
- Persons irrigating with an automatic lawn irrigation system installed after May 1991 shall install, maintain and operate a rain sensor device or switch that overrides the system when adequate rainfall has occurred.

EXCEPTIONS TO THE RULE

- Irrigation using a micro-irrigation (drip) system is allowed anytime and is encourage, especially around shrubbery.
- Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for establishment.
- Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides when required by law, the manufacturer, or best management practices, is allowed anytime within 24 hours of application.



- Irrigation systems can be operated anytime for maintenance and repair purposes, not to exceed 10 minutes per hour per zone.
 - Irrigation using a hand-held hose equipped with a spray nozzle that can be adjusted so water flows only as needed is allowed anytime.
 - Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
 - The use of water from a reclaimed water system is allowed anytime. A reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

What if additional lawn and landscape irrigation is needed?

A standard general permit is required to irrigate three days a week. To obtain a permit, applicants must demonstrate the need to irrigate three days a week, and submit a \$50 application fee.

What are the monetary penalties for breaking the rule?

In areas where no local government ordinance exists, the District follows up on complaints. Lack of compliance with the rule first results in a warning and then in monetary penalties. After receiving a warning, the monetary penalties are:

1st Violation \$50.00, 2nd Violation \$100.00

Lawns and landscapes generally require less water than is applied. Sixty-five percent of water sprinkled on lawns during the hottest part of the day is lost to evaporation. When you water before 10 a.m. or after 4 p.m., the water can seep into the ground, promoting healthy plants that establish deep root systems.

The biggest problem SJRWMD Officials say is that users do not calibrate their zones so that 3/4 to 1-inch of water is applied. They say it's easy to do with a simple cup. Let the zone run until the cup has 3/4 to 1-inch of water, write the time it took for the cup to fill to this point and set that time in your sprinkler system timer. It's that easy to ensure your system is calibrated so you lawn gets the water it needs.

Covenant Amendments Ahead, Why the Need...



With recent changes in the Florida Laws governing homeowner associations, specifically areas addressing fines, arbitration & mediation, architectural standards and assessments due to the growing foreclosure rate, the Board of Directors in consultation with its attorney and management company representatives, are in the process of reviewing the governing documents from top to bottom and are proposing a

series of amendments that will help clarify association policies, remove old and outdated items like satellite dish placement, garbage can placement, basketball hoop restrictions and other arcane items. We will put the proposed amendments online at

www.floridapropertymgmt.com under our community tab. We ask every one of you to go there and review the changes and if you see a need to amend another area we haven't addressed, we ask that you send an e-mail (or letter by U.S. Mail) with the specific wording you think needs to be changed or added. We will have those comments reviewed by our attorney and if warranted they will be compiled with the rest of the proposed amendments.

We will mail a ballot containing all the proposed amendments to every owner in good standing (those owners

who do not have outstanding balances owed to the association or uncured covenant violations that have resulted in their voting rights being suspended by the Board of Directors as per the governing documents and state law).

Everyone can vote by absentee ballot, Proxy or bring the ballot to the annual meeting on October 23rd at the Oceanway Community Center where they can vote in-person.

The Board hopes you will take the time to review the changes and we encourage your participation in correcting things many of you have complained about but we're forced to enforce because the "law" is on the books.

Let's get the governing documents in line with the current laws and make them work for the betterment of the entire community!

Call for Nominations for the 2009 Board of Directors...

If you have a desire to be a part of the leadership of the community, there are 2 open slots available for the 2009 Board of Directors. Requirements are that you have a desire to serve the community, have access to the Internet (either at home, a friends house or at the public library) and be an owner in good standing.

If you would like your name included on the ballots to be mailed to owners in good standing ahead of the October 23rd Annual Meeting, go online at www.daybreakwoods.org and fill out the on-line Candidate Information Sheet.

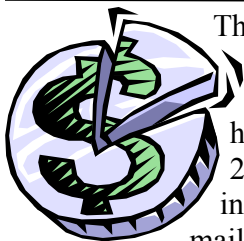
Cutoff for all entries to be included on the Ballot is **Monday September 15th**. If you do not submit your appli-

cation by this date you can still be a write-in candidate at the Annual Meeting but will miss out on being included on the ballot mailed to the owners with the official announcement of the meeting.

If you do not want to serve for a 2 year position on the Board but want to help the community, the Board is looking for volunteers for several committees. Go online at the above web address and fill out the Committee Volunteer form or download it and bring it with you to the annual meeting.



2009 Budget to be Finalized at the Annual Meeting...



The Board and the Management Company are hard at work on the 2009 Draft Operating budget and will mail each of you the proposed budget with the official notice of the meeting as well as the absentee ballots.

As it stands now the significant impact of the mortgage meltdown crisis is being felt by the Association as well as in the many other commu-

nities in the surrounding area.

One of the largest expenditures the Association had to face this year was the up-front legal fees to pursue collection actions which resulted in the recording of nearly 50 liens on properties whose owners had not paid their dues, some for over 2 years.

The Board has a fiduciary duty under the Florida statutes as well as our governing documents to begin collection actions after an account is 30-days past due.

While this is never an easy or enjoyable task, it is something that has to be done to protect the Association's financial interests and ensure that we can go forward with additional collection efforts like making a demand for payment to mortgage companies of delinquent owners and the initiation of further legal actions as allowed by law.

Our 2009 budget will reflect these projected higher collection costs now that we have strong trend data.

Equity Scams, Don't Get Bamboozled by Sharp Talkers...

Arming yourself with information is the best way to protect yourself from some common home equity scams.

Compare Home Equity Rates

Compare rates from up to 4 lenders for home equity. Who isn't looking for ways to get extra cash? Our costs of living continue to increase while we look for ways to stretch our paychecks. A home equity loan can provide needed supplementary funds; but if you choose this route, get a deal that fits your needs and budget, and be sure to avoid some common scams.

Equity stripping and flipping

Equity stripping occurs when lenders steal the equity you've built up in your home. The lender calls a potential borrower who may need money for bills. The borrower doesn't have enough income to qualify for the home equity loan, but the lender "helps" him by padding his income. As a result, he walks away with a loan he can't afford, and the lender can foreclose when the homeowner doesn't make payments. Another method unscrupulous lenders use is the balloon payment, whereby they offer to refinance a home with initial monthly payments lower than the home-

owner's current ones. The final payment of the loan is the entire principal due. When the owner can't pay it, the lender forecloses.

Another scam is called loan flipping, when the same lender offers multiple refinances. Each time the borrower refinances, the interest rate increases—and so do the closing costs and fees. While the borrower might be tempted by the extra cash she receives initially, she'll end up paying far more during the term of the loan.

Be wary if a home improvement contractor offers you "easy" financing for a project you can't afford. Most contractor financing is legitimate, but if he rushes you to sign a document, you could be signing away your equity for a high interest, high fee home equity loan.

Look for hidden costs

Another form of abuse is when lenders add exorbitant hidden fees at closing. When you're loan shopping, it can be frustrating to comparison shop because each lender may use different terminology for the same fee. One way to protect yourself is to ask for a complete listing of all fees for the lender's proposed loan. While a line-by-line comparison may not be possible, look at the totals and ask questions, if one fee seems much higher than others.

If you're purchasing a home, ask your real estate agent to provide you with the HUD Settlement statement before the day of the closing. Compare the costs to the estimate of closing costs that your lender provided. If the costs have increased by more than 10 percent, ask questions.

Home equity loans can provide many benefits to consumers when they're handled by reputable lenders. But as with any type of consumer fraud or shady business practice, you should keep yourself informed, read through all of the paperwork carefully, and ask questions when something looks suspicious. This can prevent you from becoming the latest home equity scam victim.

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357). The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.



When An Alarm System Cries "Wolf" by the Jacksonville Sheriff's Office

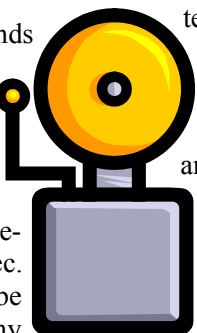
The call goes out over the police radio and a patrol car is dispatched. The officers rush to the scene expecting to find a crime in progress. What they find is a homeowner who was careless with their alarm or a faulty alarm system.

Each year the Jacksonville Sheriff's Office responds to over 60,000 alarm dispatches of which less than one percent are legitimate. False alarms divert valuable police patrol time and law enforcement dollars. To help reduce the number of false calls the Jacksonville Sheriff's Office administers the application and issuance of alarm registration decals as required by the City of Jacksonville Municipal Code Sec. 168.102 Registration required; fees. (a) It shall be unlawful for a property owner, lessee of property or any other person otherwise occupying a premise within the city to operate or maintain an alarm system on his premises without a registration decal issued for such alarm system by the Office

of the Sheriff. The person requesting such decal shall file an application with the Office of the Sheriff along with a registration fee of ten dollars. (b) It shall be unlawful for any person to install, maintain, repair, alter, monitor or service alarm systems for compensation within the city without an alarm contractor's registration certificate issued by the Office of the Sheriff.

Help us help you by choosing a reliable, responsible and certified alarm company to install and service your system. Also, please make sure you obtain the required alarm permits. That helps us when responding to your property because our officers will immediately know something about you and if there are any special physical or medical circumstances they should be aware when arriving at your property.

For more information call 630-2399.



President's Message Continued from Page 1....

talked about it at the May meeting and in our last newsletter. Here is the timeline so you can understand why it took so long: First we had issues with graffiti on our fence, subsequently many panels from the fence were kicked out by vandals and we had the front entrance damaged by a vehicle hitting it. After working for months with our insurance carrier we finally secured a claim to repair the fence and repair the front entrance.

While having all of this done the board wanted to be as proactive as possible to curb these issues from popping up again and put out bids to see what the costs would be to repair our front entrance and as well repairing and repainting our fence pillars with an anti-graffiti coating. Subsequent to the insurance claim we again suffered a massive graffiti attack which delayed the process.

With the tireless work of our management company to bring in bids for all of this work to be done we were able to save thousands of dollars off our original quotes to have all of this work done and, I might add that this was done with as little expense out of pocket to the Association as possible.

We are happy to report that as you read this newsletter the painting and all repairs will have been completed, even those repairs to the fence as a result of Tropical Storm Fay. The

board hopes that with the input of many of our homeowners that everyone is happy with the work and new colors of the pillars up front.

Lastly I would like to say that even though we have been in a money crunch with all of the delinquent accounts and our low dues, I think that this board has done it's best to keep our pocket expenses tight and make sure that where we put the associations money has been for the best price and the best possible bang for the buck, so to speak.

With that we would also like to add that we are still hoping that the criminals who have damaged our property will be brought to justice. The association is still offering a cash reward for information leading to the arrest and conviction of those who vandalized the fencing. If you know of anything that can help, please let us or our management company know.

We also hope everyone will turn out for the upcoming annual meeting on **Thursday October 23rd** and participates in the elections for two open positions on the Board as well as vote on the revisions to the C.C.& Rs we need to do to comply with the new Florida statutes. We can certainly use the help and would welcome some fresh ideas.

Questions & Answers...

Q1: I was offended when I received a photograph of my property during one of your inspections. I do not approve of you taking pictures without my written permission. How can you do this?

A1: There are no restrictions on taking photographs of people or buildings on private property from public property. According to Victoria Park Racing and Recreation Grounds Co Ltd v Taylor (1937) there is no freedom from view, so people who are photographed on their property from a public location have no legal claim if what is captured in the photograph can be seen from the street. The same applies to photographs taken from private land when you have permission to take photographs. Inspectors take photographs to protect not only the management company but the Association and for use if the problem goes to court. They also help rectify mistakes that may occasionally occur.

Q2: I got a bill when I received a 3rd Notice, I do not agree with these fees and won't pay them.

A2: The fees for sending the 3rd notice of Violation by Certified and First Class mail are required to comply with the Florida statutes. Since you did not respond to either of the two previous notices or you did not correct the problem, the fee is required because our management company must send an inspector to re-inspect your property to begin building a case file for a hearing if the problem is not corrected. These fees are authorized and must be paid or you can incur additional late fees and interest.

Q3: My neighbor's dog does his business all over my yard, and she won't pick it up. Can you help me?

A3: It is not the Association's responsibility for enforcement of these personal property intrusion issues. The city does have leash laws that prohibit dogs (and cats) from trespass-

ing and or running loose. If your neighbor continues to ignore your calls for action, you could try and obtain a court order prohibiting the neighbor and her dog from trespassing on your property. But try the non-legal approach first. No need to make this any messier than it needs to be.

Q4: The family living across from me has more than one family living in their house, I though this was a single-family neighborhood?

A4: We get numerous calls from owners reporting this problem. However, the Association and the Management Company are not an investigative agency and do not check I.D.s of people living in a house. The best place to start is to report this to the City at 630-CITY. They do investigate these claims and if an owner does have more than the allotted number of people living in the house based upon bedrooms and square footage, they will issue a citation to the owner to comply with city codes.

Q5: My neighbor is running a commercial business out of their house that has people coming and going all hours of the day. Not only is this an annoyance but trying to park around my house is hard and they sometimes park in front of my mailbox and the postal service will not deliver my mail. What can I do?

A5: Sort of along the same lines from the answer above. No commercial business may be operated out of a residentially-zoned house, this includes running a daycare business. In this particular case we know the incident was reported to the City who did send an inspector to the property and a citation was issued shutting down the operation. The Association through the Management Company does check the business license files from time to time and sends reminder letters to those living in the community to cease operations.

The Future, What's ahead for Construction....

Playground—We will be looking into installing new rubberized mulch in the playground as well as cleaning and painting the playground equipment. We will also be installing replacement signs that were taken by vandals and installing a few parking spaces so that people can park their cars while visiting the park. However, there are many other details that have to be researched, including the water runoff issue, permitting, budgetary constraints and how to control the parking spaces so that they are available to those visiting the park and don't just turn into more off-street parking spaces.

Fencing—Now that the major graffiti and accident damage has been repaired, the Association is looking into ways in which to strengthen the PVC fencing so that there is better support behind the side facing the street so as to preclude it being constantly kicked in by vandals and strong winds. The company that installed the fencing is researching ways to add this strength without detracting from its appearance.

Landscaping—With the fresh coat of paint at the entry, we are going to look at different landscape plans to beautify the entrance starting in the Spring. It does not make fiscal sense to install anything now that we are at the end of the growing season, so depending on how the budget works out, and the recommendations of landscape profes-

sionals, we hope to beautify the entrance and the areas between the sidewalk and the fencing running down both sides of the community.

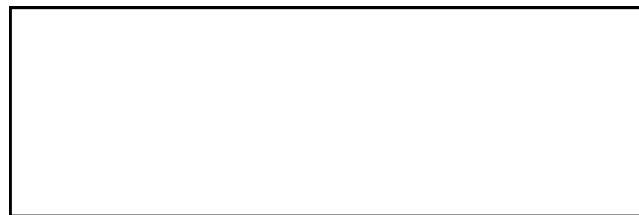
Security Cameras — One of the things we recently heard about while attending an event hosted by our Northside City Council Representative Ray Holt was the possibility of partnering with Shirley Oaks and Daybreak Forest to install security cameras at the front entrances of our communities to record vehicles coming in and going out of our communities and to record the activities of children waiting for and getting off of

the school busses. Representative Holt said there may be the availability of some city funds to help offset the enormous costs associated with this effort. We are looking into the possibilities of adding this security system once the final costs can be determined and once we finalized the budget.

Entry Sign — The repairs we had done on the front sign repaired the damage but didn't correct the overall design flaw that allows large trucks to hit the sign if they are not careful turning into our community. A long term solution to redesign the sign to shorten it and install a more attractive lettering is in the research stages. Initial estimates were over \$18,000.00, a figure which was not feasible.



Daybreak Woods Homeowners' Assn
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Return Service Requested