

MAY 2019

SOUTH GATE MOBILE HOME PARK

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 9:00/10:00 Aqua Exercise	2	3 9:00/10:00 Aqua Exercise	4
5	6 9:00/10:00 Aqua Exercise	7	8 9:00/10:00 Aqua Exercise	9  4:00 Pool Party	10 9:00/10:00 Aqua Exercise	11
12  2:00 Mother's Day Celebration	13 9:00/10:00 Aqua Exercise	14  9:00 Coffee & Donuts	15 9:00/10:00 Aqua Exercise	16  9:00 BOD Meeting	17 9:00/10:00 Aqua Exercise	18
19	20 9:00/10:00 Aqua Exercise	21	22 9:00/10:00 Aqua Exercise  4:30 Supper Club @ Cracker Barrel	23  9:30 Social Committee	24 9:00/10:00 Aqua Exercise	25
26  12:00 Memorial Day Celebration	27 9:00/10:00 Aqua Exercise 	28	29 9:00/10:00 Aqua Exercise	30	31 9:00/10:00 Aqua Exercise	

**MATERIAL ALTERATIONS**

The Board of Directors is responsible for maintaining, repairing and replacing, as well as protecting, the common elements of South Gate. The Board is also responsible for determining if a project will result in a material alteration, which requires shareholder approval; further, the Board needs to determine if the material alteration would fall under the maintenance exception to the approval requirement. Florida statutes and court cases guide these determinations.

**Florida Statute 719.1055**

3)(a) Unless other procedures are provided in the cooperative documents or such action is expressly prohibited by the articles of incorporation or bylaws of the cooperative, the association may materially alter, convert, lease, or modify the common areas of the mobile home cooperative if the action is approved by two-thirds of the total voting interests (shareholders) of the cooperative.

**So what is a material alteration?**

The courts defined the term in a 1971 case: Material alteration or addition means to 'palpably or perceptively vary the form, shape, elements or specifications' of common elements from 'original design or plan, or existing condition' so as to 'appreciably affect or influence the function, use or appearance.' Under the dictates of that case, changing a color scheme on a common element is a 'material alteration', upheld by the court in a 1987 case, requiring shareholder consent for the new colors for the clubhouse and mailroom. On the other hand, although the new A/C system altered the appearance of both the interior and exterior of the clubhouse, the alteration fell under the maintenance exception; shareholder approval was not required.