

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT  
DISTRICT**

**REGULAR MEETING  
AGENDA**

**January 17, 2013**

# Moody River Estates Community Development District

6131 Lyons Road, Suite 100 • Coconut Creek, Florida 33073

Phone (954) 426-2105 • Fax (954) 426-2147 • Toll-free: (877) 276-0889

January 10, 2013

## **ATTENDEES:**

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors  
Moody River Estates Community Development District

Dear Board Members:

The Board of Supervisors of the Moody River Estates Community Development District will hold a Regular Meeting on **Thursday, January 17, 2013 at 1:00 p.m.**, at the **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913**. The agenda is as follows:

1. Call to Order/Roll Call
2. Status/Update: Mood Development Corporation
3. Administration of Oath of Office to Newly Elected Supervisor **Terry Pye** [Seat 3] (*the following to be provided in a separate package*)
  - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
  - B. Membership, Obligations and Responsibilities
  - C. Financial Disclosure Forms
    - i. Form 1: Statement of Financial Interests
    - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests
    - iii. Form 1F: Final Statement of Financial Interests
4. Consideration of **Resolution 2013-1**, Declaring a Vacancy in Seat 2
5. Consideration of **Resolution 2013-2**, Appointing a Qualified Elector to Fill Vacancy in Seat 2
  - Administration of Oath of Office to Newly Appointed Supervisor
6. Consideration of **Resolution 2013-3**, Declaring a Vacancy in Seat 4
7. Consideration of **Resolution 2013-4**, Filling Vacancy in Seat 4
  - Administration of Oath of Office to Newly Appointed Supervisor

8. Consideration of **Resolution 2013-5**, Electing Officers of the District
9. Consideration of Supplemental Agreement with Barraco and Associates, Inc.
10. Approval of Minutes
  - A. October 18, 2012 Regular Meeting
  - B. October 31, 2012 Continued Meeting
  - C. November 7, 2012 Landowners' Meeting
11. Other Business
12. Staff Reports
  - A. Attorney
  - B. Manager
    - i. Approval of Unaudited Financial Statements as of November 30, 2012
    - ii. **NEXT MEETING DATE: March 21, 2013 at 1:00 P.M.**
13. Audience Comments/Supervisors' Requests
14. Adjournment

Should you have any questions and/or concerns, please contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:**

**CALL IN NUMBER: 1-888-354-0094**

**CONFERENCE ID: 8593810**

**RESOLUTION 2013-1**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT DECLARING A VACANCY IN SEAT 2 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Moody River Estates Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, on November 6, 2012, two (2) members of the Board of Supervisors (the “Board”) are to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

**WHEREAS**, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

**WHEREAS**, at the close of the qualifying period only one (1) Qualified Elector qualified to run for the two (2) seats available for election by the Qualified Electors of the District; and

**WHEREAS**, pursuant to Section 190.006(3)(b), Florida Statutes, the Board shall declare the remaining seat vacant, effective the second Tuesday following the general election; and

**WHEREAS**, a Qualified Elector is to be appointed to the vacant seat within 90 days thereafter; and

**WHEREAS**, the Board finds that it is in the best interests of the District to adopt this Resolution declaring the seat available for election as vacant.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following seat is hereby declared vacant effective as of November 20, 2012:

Seat 2 (currently held by Jeff Berry)

**SECTION 2.** Until such time as the District Board nominates a Qualified Elector to fill the vacancy declared in Section 1 above, the incumbent Board member of that respective seat shall remain in office.

**SECTION 3.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this 17<sup>th</sup> day January, 2013.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Chair

**RESOLUTION 2013-2**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT APPOINTING A QUALIFIED ELECTOR TO FILL THE VACANCY IN SEAT 2 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Moody River Estates Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, on November 6, 2012, two (2) members of the Board of Supervisors (the “Board”) were to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

**WHEREAS**, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

**WHEREAS**, at the close of the qualifying period only one (1) Qualified Elector qualified to run for the seats available for election by the Qualified Electors of the District; and

**WHEREAS**, pursuant to Section 190.006(3)(b), Florida Statutes, the Board declared such seat as vacant, effective the second Tuesday following the general election; and

**WHEREAS**, a Qualified Elector is to be appointed by the Board to the vacant seat within 90 days thereafter; and

**WHEREAS**, the Board finds that it is in the best interests of the District to adopt this Resolution appointing a Qualified Elector to fill the vacancy in Seat 2.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following vacant seat is hereby filled by the Qualified Elector designated below:

Seat 2 \_\_\_\_\_

**SECTION 2.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of January, 2013.

ATTEST:

**MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Print Name:\_\_\_\_\_

\_\_\_\_\_  
Chair

**RESOLUTION 2013-3**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT DECLARING A VACANCY IN SEAT 4 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Moody River Estates Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, on November 7, 2012, the District held a meeting of the landowners of the District for the purpose of electing a supervisor for Seat 4; and

**WHEREAS**, no nominations were made during the meeting of the landowners; and

**WHEREAS**, pursuant to Section 190.006, Florida Statutes, the Board shall declare Seat 4 vacant; and

**WHEREAS**, the Board finds that it is in the best interests of the District to adopt this Resolution declaring Seat 4 as vacant.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following seat is hereby declared vacant effective as of the date of this Resolution:

Seat 4 (currently held by Ron Mazuk)

**SECTION 2.** Until such time as the District Board appoints a supervisor to fill the vacancy declared in Section 1 above, the incumbent Board member of that respective seat shall remain in office.

**SECTION 3.** This Resolution shall become effective upon its passage.

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**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Print Name:\_\_\_\_\_

\_\_\_\_\_  
Chair

**RESOLUTION 2013-4**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT FILLING THE VACANCY IN SEAT 4 ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Moody River Estates Community Development District (the "District") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, on November 7, 2012, the District held a meeting of the landowners of the District for the purpose of electing a supervisor for Seat 4; and

**WHEREAS**, no nominations were made during the meeting of the landowners; and

**WHEREAS**, pursuant to Section 190.006, Florida Statutes, the Board declared such seat as vacant; and

**WHEREAS**, the Board finds that it is in the best interests of the District to adopt this Resolution filling the vacancy in Seat 4.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MOODY RIVER ESTATES COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following seat is hereby filled by the designee below:

Seat 4 \_\_\_\_\_

**SECTION 2.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Print Name:\_\_\_\_\_

\_\_\_\_\_  
Chair

**RESOLUTION 2013-5**

**A RESOLUTION ELECTING THE OFFICERS OF THE  
MOODY RIVER ESTATES COMMUNITY  
DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA**

**WHEREAS**, the Board of Supervisors of the Moody River Estates Community Development District was notified of the General Election results held on November 6, 2012 for Seats 2, and 3; and

**WHEREAS**, the Board of Supervisors of the Moody River Estates Community Development District desires to elect the below recited person(s) to the offices specified.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
SUPERVISORS OF THE MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT:**

1. The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	<u>Craig Wrathell</u>

PASSED AND ADOPTED this 17<sup>th</sup> day of January, 2013.

\_\_\_\_\_  
Chair/Vice Chair

\_\_\_\_\_  
Secretary/Assistant Secretary

January 8, 2013

Mr. Chuck Adams  
District Manager  
Moody River Community Development District  
9220 Bonita Beach Road, Suite 214  
Bonita Springs, FL 34135

Re: Moody River CDD Supplemental Agreement

Dear Mr. Adams:

As the Moody River Community Development District (CDD) Engineer, Barraco and Associates, Inc. (BAI) is pleased to offer this Supplemental Agreement to the Professional Services Agreement dated December 16, 2009. BAI proposes to provide the following professional services in relation to the final certification of the CDD improvements. All services provided under this Supplemental Agreement shall be provided at the existing agreement hourly rates, not to exceed \$9,680.00 without written authorization from the CDD Manager.

The following services are proposed under this agreement:

**Task I. Review of the Moody River CDD Documents and Assets:**

- A. Review of the Moody River Community Development District Engineer's Report to determine all assets scheduled to be owned and/or managed by the CDD in order to recommend the necessary steps to certify all systems with each respective regulatory agency and/or governing agency.
- B. Creation of aerial maps outlining and identifying assets of the Moody River Community Development District.

**Task II. Certification of the Surface Water Management System – South Florida Water Management District (SFWMD)**

- A. Modification of the existing SFWMD ERP to change the operating entity from the Moody River Master Home Owners Association (HOA) to the Moody River CDD.
- B. Preparation of documents necessary to convert the Surface Water Management System from Construction to Operation and Maintenance Phase.

**Task III. Certification, Turnover and Acceptance of All Utility Systems to Lee County Utilities (LCU):**

- A. Research to determine the status of all utility systems owned by the Moody River CDD or conveyed to LCU.

Mr. Chuck Adams  
January 8, 2013  
Re: Moody River Estates CDD Supplemental Agreement

- B. Research LCU records to confirm all pertinent portions of the Moody River Estates potable water and sanitary sewer systems have been certified for use and accepted for ownership by LCU.
- C. Certify and turnover any portions of the public utility infrastructure that are currently outstanding to LCU.

**Task IV. Reimbursable Expenses:**

- A. Expenses for blueprints, reproduction services, overnight delivery, courier service, and other project related charges will be billed at cost plus 10%.

IN WITNESS WHEREOF the parties hereto have made and executed this Supplemental Agreement as of the day and year first above written.

**CLIENT:**  
**MOODY RIVER ESTATES CDD**

**CONSULTANT:**  
**BARRACO AND ASSOCIATES, INC.**

-----  
Chuck Adams  
District Manager

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Carl A. Barraco, P.E.  
President



40 Ms. Crismond presented the August 16, 2012 Public Hearing and Regular Meeting  
41 Minutes and asked for any additions, deletions or corrections.

42

43 **On MOTION by Mr. Pye and seconded by Ms. Mayer, with all**  
44 **in favor, the August 16, 2012 Public Hearing and Regular**  
45 **Meeting Minutes, as presented, were approved.**

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**FOURTH ORDER OF BUSINESS**

**Other Business**

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There being no other business, the next item followed.

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**FIFTH ORDER OF BUSINESS**

**Staff Reports**

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**A. Attorney**

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Mr. Eckert indicated that he is working with the District Manager and District Engineer to create a list of items that must be completed in order to declare the project complete, such as permits, transfers and turnovers. He is also working on finalizing the special assessments issued in connection with the bonds.

59

**B. Manager**

60

**i. Unaudited Financial Statements as of August 31, 2012**

61

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Ms. Crismond presented the Unaudited Financial Statements as of August 31, 2012 and indicated that the District is in good shape.

63

**ii. Landowners' Meeting: November 7, 2012 at 1:00 P.M.**

64

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Ms. Crismond indicated that the Landowner's Meeting will be held on November 7, 2012 at 1:00 p.m., at this location.

66

**iii. NEXT MEETING DATE: January 17, 2013 at 1:00 P.M.**

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Ms. Crismond advised that the next regular meeting will be held January 17, 2013 at 1:00 p.m. at this location.

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**SIXTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

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There were no members of the audience present.





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Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

1 **MINUTES OF MEETING**  
2 **MOODY RIVER ESTATES**  
3 **COMMUNITY DEVELOPMENT DISTRICT**  
4

5 A Continued Meeting of the Moody River Estates Community Development District's  
6 Board of Supervisors was held on **Wednesday, October 31, 2012** at **1:00 p.m.**, at the  
7 **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**  
8

9 **Present and constituting a quorum were:**

10 Ilse Mayer	Chair
11 Kathy Shea	Vice Chair
12 Terry Pye	Assistant Secretary
13 Ron Mazuk	Assistant Secretary
14 Jeff Berry	Assistant Secretary

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16  
17 **Also present were:**

18 Cleo Crismond	Assistant Regional Manager
19 Mike Eckert	District Counsel

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23 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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25 Ms. Crismond called the meeting to order at 1:04 p.m., and noted, for the record, that all  
26 Supervisors were present, in person.  
27

28 **SECOND ORDER OF BUSINESS**

**Update/Approval of Mediation Settlement Agreement with Mood Development**

29  
30  
31 Mr. Eckert discussed the mediation regarding the litigation on the Moody East property,  
32 which is owned by Mood Development Corporation (Mood). He recalled that three (3) suits  
33 were filed against the District, challenging that the Moody East parcel does not lie within the  
34 boundaries of the District and, therefore, the District has no authority to levy assessments against  
35 Moody East. Assuming that the CDD could assess them, the second contention was that the  
36 assessments were not fairly allocated in proportion to the benefit, which is a requirement of  
37 Florida Law. Mr. Eckert advised that a mediation session was held and a tentative agreement  
38 was brought before the Board and approved. The agreement indicated that more work had to be

39 completed before reaching a final resolution. Mr. Eckert stated that Staff is proposing the  
40 agreement to the Board as a final resolution to this matter.

41 Mr. Eckert noted that Paragraph 2, on Page 2, favorably resolves the issue of whether the  
42 Moody East property lies within the CDD. It also resolves the assertion that the CDD does not  
43 have the authority to assess the property. With regard to the restriction on use, Mr. Eckert noted  
44 that Mood claimed that they were not building the 200+ units on this property that were  
45 originally envisioned by the first developer. The District’s perspective was to assess based on  
46 the number of units that were communicated, until there was an indication that the number of  
47 units is lower. The restriction on use states that Mood cannot build more than 14 single-family  
48 units, on the single-family property, or more than 55 units, on the multi-family property. Once  
49 the document is recorded, the District will assess based on that number of units. The net effect is  
50 that Mood will pay a lower share of O&M than they previously paid; however, they are restricted  
51 to a fixed number of units.

52 Mr. Eckert pointed out that, in order to lift the restriction of use, Mood would have to pay  
53 the District the amount of money that would have been assessed over that period of time, based  
54 on the total number of units actually built.

55 Mr. Eckert stated that Mood wanted the language referring to a non-profit charitable  
56 entity included in the agreement. Paragraph 4 states that if Mood presents a revised development  
57 plan, the District will approve it, provided that they pay the “true up” payment referred to  
58 previously.

59 Mr. Eckert noted that Mood Development must pay any outstanding assessments on the  
60 single-family parcel within five (5) business days. Since they have not decided what to do with  
61 the multi-family parcel, they may let it go through the tax certificate process. Mr. Eckert also  
62 indicated that, if tax certificates are selling on the multi-family piece, the District may not  
63 receive payment on that piece until June.

64 Mr. Mazuk inquired about the rectangle in the top left corner of Exhibit C. Mr. Eckert  
65 stated that the diagram is intended to depict the uses for the various parcels. He pointed out that  
66 the boat ramp issue is not resolved with this agreement, as the District is not party to that  
67 litigation.

68 With regard to Paragraph 6, Mr. Eckert explained that, during the mediation, District  
69 Counsel agreed to work with Mood to ensure that the O&M assessment is fair and reasonable.

70 He pointed out that Mood has only been paying part of the District’s administrative expenses;  
71 they have not paid for lake maintenance because there are no lakes serving the area that the  
72 District maintains. It was also determined that Mood will not receive a benefit from two (2)  
73 budget line items, engineering and legal litigation. Mr. Eckert stated that, once the legal  
74 litigation is resolved, the budget line item will go away, which more than makes up for the loss  
75 of revenue from the Moody East parcel. This is advantageous to the existing residents because  
76 the budget will be lower.

77 In response to a statement by Mr. Mazuk, Mr. Eckert clarified that the only thing that the  
78 District must do, as a result of the settlement, is to revisit the O&M assessment being charged on  
79 the Moody East parcel. The District will charge them for fewer units, as well as admin, minus  
80 engineering and legal litigation.

81 Mr. Mazuk inquired about the status of the litigation involving the boat ramp. Mr. Eckert  
82 advised that he heard the issue is on appeal and he was not aware of any decisions by an  
83 appellate court. Ms. Mayer noted the importance of the boat ramp remaining within the CDD.

84 Mr. Eckert reviewed the remainder of the agreement. He pointed out that Mood, their  
85 successors and assigns, agree to pay all of the O&M assessments, as long as they are done in  
86 accordance with Exhibit B of the agreement. Paragraph 11 provides that, within seven (7) days  
87 of paying the assessments on the single-family parcel current, the District will move for a joint  
88 dismissal of the litigation with prejudice. In addition, each party will bear its own costs and  
89 attorneys fees incurred in the litigation. Mr. Eckert indicated that Mood wanted to make it clear  
90 that they are not waiving any claims they have against Colonial Homes, Meritage or any of their  
91 affiliates.

92 Mr. Eckert stated that the District is agreeing to rescind the restrictive covenant part of  
93 this document, in the event that a court orders it; however, Mood must pay all pending tax bills  
94 for any of the property, pay all O&M and debt assessments current, pay all of the assessments  
95 that could have been levied based on the 200 units that they were assessed for this year and pay  
96 the District back for attorneys’ fees and litigation costs, which were estimated at \$150,000.  
97 Mood must also hold harmless and indemnify the District regarding the termination and  
98 restriction of use or cancellation of this agreement and they must be current in all of their  
99 obligations.

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**On MOTION by Ms. Mayer and seconded by Mr. Pye, with all in favor, the Mediation Settlement Agreement with Mood Development, as presented, was approved.**

**THIRD ORDER OF BUSINESS** **Landowners' Meeting - November 7, 2012**

Ms. Crismond advised that the Landowners' Meeting will be held on November 7, 2012.

**FOURTH ORDER OF BUSINESS** **NEXT REGULAR MEETING DATE: January 17, 2013 at 1:00 P.M.**

Ms. Crismond indicated that the next regular meeting date is January 17, 2013 at 1:00 p.m.

**FIFTH ORDER OF BUSINESS** **Audience Comments**

There being no audience comments, the next item followed.

**SIXTH ORDER OF BUSINESS** **Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Mazuk and seconded by Mr. Berry, with all in favor, the meeting adjourned at 1:31 p.m.**

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Secretary/Assistant Secretary

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Chair/Vice Chair

1 **MINUTES OF MEETING**  
2 **MOODY RIVER ESTATES**  
3 **COMMUNITY DEVELOPMENT DISTRICT**  
4

5 A Landowners' Meeting of the Moody River Estates Community Development District's  
6 Board of Supervisors was held on **Wednesday, November 7, 2012 at 1:00 p.m.**, at the  
7 **Candlewood Suites, 3626 Colonial Court, Fort Myers, Florida 33913.**  
8

9 **Present at the meeting were:**

10 Ilse Mayer	Chair
11 Terry Pye	Assistant Secretary
12 Chuck Adams	District Manager
13 Cleo Crismond	Assistant Regional Manager
14 Mike Eckert (via telephone)	District Counsel
15 Andrew Holway (via telephone)	Hopping Green & Sams, P.A.

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19 **FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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21 Mr. Adams called the meeting to order at 1:00 p.m., and noted, for the record, that he,  
22 Ms. Crismond and current Supervisors Mayer and Pye were present, in person. Mr. Eckert and  
23 Mr. Holway were attending via telephone.  
24

25 **SECOND ORDER OF BUSINESS**

**Affidavit of Publication**

26  
27 Mr. Adams presented the affidavit of publication for today's Landowners' Meeting.  
28

29 **THIRD ORDER OF BUSINESS**

**Election of a Chairperson to Conduct the  
Landowners' Meeting**

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31  
32 Mr. Adams offered to serve as Chairperson for the purpose of conducting the  
33 Landowners' Meeting.

34 Ms. Mayer and Mr. Pye agreed with Mr. Adams serving as Chairperson.  
35

36 **FOURTH ORDER OF BUSINESS**

**Election of Supervisor [Seat 4]**

37  
38 **a. Determine Number of Voting Units Represented or Assigned by Proxy**

39 Mr. Adams indicated that Seat 4 is up for election today. This will be the final  
40 landowner-elected seat, as the District is transitioning to general election seats.

41 Mr. Adams indicated that Ms. Mayer is a resident and also has a proxy assigned to her by  
42 Colonial Homes for 200 of their voting units; thus, 201 voting units were represented, both in  
43 person and by proxy.

44 **b. Nominations for Supervisors**

45 Mr. Adams asked for nominations for Seat 4, currently held by Mr. Ron Mazuk.

46 No nominations were made.

47 The nominations portion of the meeting was closed.

48 **c. Casting of Ballots**

49 No ballots were cast.

50 **d. Ballot Tabulations and Results**

51 Mr. Adams reported that there were no ballot tabulations to be provided at this time. Seat  
52 4 will be deemed vacant and the Board will make that declaration at the next meeting.

53 Mr. Adams explained that the Board has the opportunity to appoint someone to fill the  
54 four (4)-year term at the next or subsequent meeting. The appointee must be a resident of the  
55 United States and the State of Florida.

56

57 **FIFTH ORDER OF BUSINESS**

**Landowners' Questions/Comments**

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59 There being no landowners' questions or comments, the next item followed.

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61 **SIXTH ORDER OF BUSINESS**

**Adjournment**

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63 There being no further business to discuss, the meeting adjourned at 1:04 p.m.

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\_\_\_\_\_  
Secretary/Assistant Secretary

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Chair/Vice Chair

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
NOVEMBER 30, 2012**

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
NOVEMBER 30, 2012**

	Major Funds			Total Governmental Funds
	General	Debt Service	Capital Projects	
<b>ASSETS</b>				
Cash - SunTrust	\$ 245,566	\$ -	\$ -	\$ 245,566
Investments				
Revenue	-	213,819	-	213,819
Reserve	-	648,811	-	648,811
Deferred cost	-	66,421	-	66,421
Construction	-	-	291	291
Due from other funds				
General	-	126,668	-	126,668
LCEC Deposit	345	-	-	345
Total assets	<u>\$ 245,911</u>	<u>\$ 1,055,719</u>	<u>\$ 291</u>	<u>\$ 1,301,921</u>
<b>LIABILITIES AND FUND BALANCES</b>				
<b>Liabilities:</b>				
Accounts payable	\$ 1,200	\$ -	\$ -	\$ 1,200
Due to other funds				
Debt service	126,668	-	-	126,668
Total liabilities	<u>127,868</u>	<u>-</u>	<u>-</u>	<u>127,868</u>
<b>Fund Balances:</b>				
Reserved for:				
Debt service	-	1,055,719	-	1,055,719
Capital projects	-	-	291	291
Unreserved, reported in:				
Unreserved, undesignated	118,043	-	-	118,043
Total fund balances	<u>118,043</u>	<u>1,055,719</u>	<u>291</u>	<u>1,174,053</u>
Total liabilities and fund balances	<u>\$ 245,911</u>	<u>\$ 1,055,719</u>	<u>\$ 291</u>	<u>\$ 1,301,921</u>

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy	\$ 45,675	\$ 45,778	\$ 258,179	18%
Interest and miscellaneous	8	17	-	N/A
Total revenues	<u>45,683</u>	<u>45,795</u>	<u>258,179</u>	18%
<b>EXPENDITURES</b>				
<b>Professional &amp; admin</b>				
Supervisor	646	646	6,459	10%
Management	3,734	7,467	44,802	17%
Accounting services	729	1,457	8,742	17%
Audit	-	-	6,300	0%
Assessment roll services	1,073	2,146	12,875	17%
Arbitrage rebate calculations	-	-	1,200	0%
Dissemination agent	-	-	1,000	0%
Trustee	-	-	3,150	0%
Legal - general counsel	-	-	15,000	0%
Legal - litigation	-	-	10,000	0%
Engineering	195	195	5,000	4%
Computer services	-	-	500	0%
Postage	270	270	1,250	22%
Telephone	41	83	500	17%
Insurance	5,750	5,750	5,775	100%
Printing & binding	92	183	1,100	17%
Legal advertising	927	927	1,000	93%
Other current charges	140	191	750	25%
Office supplies	-	-	223	0%
Annual district filing fee	175	175	175	100%
Total professional & admin	<u>13,772</u>	<u>19,490</u>	<u>125,801</u>	15%
<b>Water management</b>				
Other contractual	2,826	2,826	87,500	3%
Utilities	3,535	7,530	40,000	19%
Aquascaping	-	-	7,500	0%
Total water management	<u>6,361</u>	<u>10,356</u>	<u>135,000</u>	8%
<b>Other fees and charges</b>				
Property appraiser	-	-	991	0%
Tax collector	535	535	1,487	36%
Total other fees and charges	<u>535</u>	<u>535</u>	<u>2,478</u>	22%
Total expenditures	<u>20,668</u>	<u>30,381</u>	<u>263,279</u>	12%
Excess/(deficiency) of revenues over/(under) expenditures	25,015	15,414	(5,100)	
Fund balance - beginning	93,028	102,629	103,511	
Fund balance - ending	<u>\$ 118,043</u>	<u>\$ 118,043</u>	<u>\$ 98,411</u>	

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2005  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy	\$ 126,301	\$ 126,588	\$ 722,303	18%
Interest	16	32	-	N/A
Total revenues	<u>126,317</u>	<u>126,620</u>	<u>722,303</u>	18%
<b>EXPENDITURES</b>				
Principal	-	-	205,000	0%
Principal prepayment	5,000	5,000	-	N/A
Interest	<u>258,673</u>	<u>258,673</u>	<u>517,345</u>	50%
Total expenditures	<u>263,673</u>	<u>263,673</u>	<u>722,345</u>	37%
Excess/(deficiency) of revenues over/(under) expenditures	(137,356)	(137,053)	(42)	
Fund balance - beginning	1,193,075	1,192,772	1,208,150	
Fund balance - ending	<u>\$ 1,055,719</u>	<u>\$ 1,055,719</u>	<u>\$ 1,208,108</u>	

**MOODY RIVER ESTATES  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2005  
FOR THE PERIOD ENDED NOVEMBER 30, 2012**

	Current Month	Year to Date
<b>REVENUES</b>	\$ -	\$ -
Total revenues	-	-
 <b>EXPENDITURES</b>	-	-
Total expenditures	-	-
 Excess/(deficiency) of revenues over/(under) expenditures	-	-
 Fund balance - beginning	291	291
Fund balance - ending	\$ 291	\$ 291