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January 7, 2009

Board of Directors
Flagler Pointe Condominium
Association of WPB, Inc.
1801 North Flagler Drive
West Palm Beach, Florida 33407

Re: Annual Meeting/ Election

Dear Board Members:

We are writing regarding the results of the recent election of Directors. This letter confirms that it was brought to our attention that there were concerns that there was an error in the results announced at the annual meeting on December 19, 2008. After researching this issue and reviewing arbitration decisions and declaratory statements, we determined that there were not enough ballots cast to have a valid election. As such the incumbent board members remain in office pursuant to the Florida Condominium Act under what is referred to as the holdover doctrine.

Florida Statutes, Section, 718.112(d) (3), provides that "at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board." After a thorough review of the election documents, it was determined that although 95 outer envelopes were cast by members of the Association, due to voter errors, only 79 ballots were actually counted in the election of the board. This amount was not sufficient to constitute a valid election. The most common voter errors were those where owners failed to sign the outer envelope or failed to place their ballot in the inner ballot envelope before placing it in the outer envelope. These are all basis pursuant to the Condominium Act and the Administrative Rules governing condominium association to disregard a vote.

At the request of the Board, I and another partner in the firm researched this issue and found that at least one arbitration decision considered only valid ballots as ballots that were "cast" for purposes of determining participation in an election in a condominium association.

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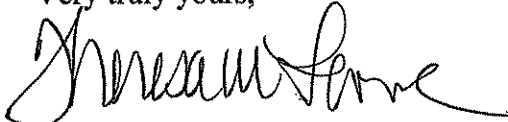
Under that decision, ballots that were not properly voted by owners were found not to have been cast by members. Such was the case at Flagler Pointe.

As we discussed, the Florida Condominium Act was changed to provide for incumbent directors to remain in office where an annual meeting does not result in a valid election. As such, the current directors remain as follows:

Joseph Hermes, President
Michael A. Scarfia, Vice President
Richard Connolly, Treasurer/Secretary
Joseph Holtzberg, Director
Theodore C. Sofia, Director

We recommend that our letter be distributed to the members of the Association for clarification on this election issue. We apologize for any inconvenience this may have caused.

Very truly yours,



THERESA M. LEMME
For the Firm

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