

Document Request From Walter Browning

On October 21, the BIB POA's Florida attorney informed us that he had received by certified mail, a Process Request from an attorney representing Better In Belize Ltd and Walter Browning (See [Appendix A](#) below).

The response from the BIB POA's attorney to this request is presented in [Appendix B](#) below. Neither Mr. Browning nor any of his representative showed up to inspect the documents as provided.

On November 4, 2024 we received a message from the BIB POA's Florida attorney that Mr. Browning's attorney requested additional meeting times for the week of November 11. Through our attorney, the BIB POA Board provided multiple possible meeting dates & times as requested. No response was ever received.

It is worth pointing out the BIB POA already has a procedure in place for document requests. See section 6.2, page 10, of the [Rules & Regulations](#).

Appendix A: Process Request As Received

Note: The misnumbering in this document is how this document was received, there are no missing pages



Perez Mayoral, P.A.

999 Ponce de Leon Blvd., Suite 705, Coral Gables, Florida 33134
Tel: (305) 928-1077 | Fax: (305) 402-6299

October 17, 2024

Via E-Mail, USPS Certified & First Class

Mail to:

Suncoast Law Firm
c/o BIB Property Owners Association, Inc.
18346 Holland House Loop
Land O Lakes, FL 34638
Email: info@suncoast.law

9589 0710 5270 2041 8973 87

Kathleen Miller
c/o BIB Property Owners Association, Inc.
320 University Downs Crescent
Waterloo, ON, N2K 4A9, CAN

**DEMAND FOR INSPECTION AND COPYING OF RECORDS PURSUANT TO
FLA. STAT. § § 720.303**

Our Client: Better in Belize Ltd. & Walter Browning
Association: BIB Property Owners Association, Inc.

Dear Madam/Sir:

Please be advised that undersigned counsel represents Better in Belize Ltd. & Walter Browning, ("Clients"), owners at BIB Property Owners Association, Inc. (hereinafter referred to as the "Association"). This correspondence serves as my client's request for inspection of Association records pursuant to Florida Statute § 720.303.

RECORDS TO BE INSPECTED

- 1. Any and all records evidencing the rights to shares of ownership in the Association for the past seven (7) years.**
- 2. Any and all records evidencing the sale, transfer, conveyance, or otherwise transfer of shares of ownership in the Association for the past seven (7) years.**
- 3. A list of the roster of all corporate members of the board of directors and corporate officers for the past seven (7) years, their designated mailing addresses and e-mail**

PEREZ MAYORAL, P.A.
Attorneys at Law

14. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.
15. Any and all meeting minutes reflecting any recalls or votes to recall any board member for the past seven (7) years.
16. Any records of sales of assets owned by the Association in the last three (3) years.
17. A current copy of all contracts to which the Association is a party, including, without limitation, any management agreement, lease, or other contract under which the Association has any obligation or responsibility. Bids received by the Association for work to be performed are considered official records and must be kept for a period of one (1) year.
18. A list of all current executory contracts or documents to which the Association is a party or under which the Association or the parcel owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the Association within the past year.
19. All contracts or transactions between the Association and any director, officer, corporation, firm, or Association that is not an affiliated homeowners' Association or any other entity in which a director of an Association is also a director or an officer and has a financial interest.

RELEVANT PROVISIONS OF FLORIDA STATUTE § 720.303

As you know, Florida Statute § 720.303(5) provides that:

(5) INSPECTION AND COPYING OF RECORDS. — The official records shall be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the Association is located within 10 business days after receipt by the board or its designee of a written request. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, at the option of the Association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the Association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An Association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the Association's providing the member or his or her authorized representative with a copy of such records. The Association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

Perez Mayoral, P.A.
Attorneys at Law

(a) The failure of an Association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the Association willfully failed to comply with this subsection.

(b) A member who is denied access to official records is entitled to the actual damages or minimum damages for the Association's willful failure to comply with this subsection. The minimum damages are to be \$50.00 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.

(f) Any person who willfully and knowingly refuses to release or otherwise produce Association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

COMPLYING WITH THIS REQUEST

You may comply with this demand by contacting my Client's Counsel, Luis Martinez, and providing the requested records in electronic format, which would be acceptable, or presenting a copy of the requested records for inspection and copying at your office. Said records may be sent electronically to my Client's counsel at lmartinez@pmlawfla.com; & mcastillo@pmlawfla.com.

Please note that, any person who willfully and knowingly refuses to release or otherwise produce Association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. in addition, pursuant to Florida Statute § 720.303(5)(a) the failure of an Association to provide the records within ten (10) working days after receipt of a written request creates a rebuttable presumption that the Association willfully failed to comply with the statute. A member who is denied access to official records is entitled to the actual damages or minimum damages for the Association's willful failure to comply with this subsection. **The minimum damages are to be \$50.00 per calendar day up to ten (10) days, the calculation to begin on the 11th business day after receipt of the written request.**

Perez Mayoral, P.A.
Attorneys at Law

Please do not hesitate to contact us regarding this request.

Sincerely,

By: /s/ Luis E. Martínez

Luis E. Martínez, Esq.

Florida Bar No. 1039267

PEREZ MAYORAL, P.A.

999 Ponce De Leon Blvd., Suite 705

Coral Gables, Florida 33134

Telephone: 305-928-1077

Facsimile: 305-402-6299

Primary E-mail: lmartinez@pmlawfla.com

Primary E-Mail: eperez@pmlawfla.com

Secondary E-mail: mcastillo@pmlawfla.com

CC:

Cynthia Lauricella
Melissa Freedman
Douglas De Girolamo
Beth Paschke-Weary
Paul Prescott
Bryan Weary

PEREZ MAYORAL, P.A.
Attorneys at Law

Perez Mayoral, P.A.
999 Ponce De Leon Blvd, Suite 705
Coral Gables, Florida 33134

CERTIFIED MAIL



9589 0710 5270 2041 8973 87

Suncoast Law Firm
c/o BIB Property Owners Association, Inc.
18346 Holland House Loop
Land O Lakes, FL 34638

3453838141 R035



Appendix B: BIB POA Response to Process Request



October 29, 2024

Perez Mayoral, P.A.
999 Ponce de Leon Blvd. Suite 705
Coral Gables, FL 33134

RE: Records Request for Better in Belize Ltd. And Walter Browning

Mr. Martinez:

BIB Property Owners Association, Inc. has contracted with me to represent their interests in responding to your request. BIB Property Owners Association, Inc. is a Homeowner's Association for property located in the country of Belize. As such, Chapter 720 of Florida States does not apply as 720.302 (1) states "[t]he purposes of this chapter are to give statutory recognition to corporations not for profit that operate residential communities in this *state*. . ." (*emphasis added*). However, the Board of BIB Property Owners Association, Inc. wishes to provide the requested information and reserves all rights it may or may not have under Belizean law to deny access to records.

In response to your request(s):

- 1) Board Meeting Minutes, which include election results are publicly available online:
<https://bibhoa.com/meetings/>
- 2) Annual Filings which list Directors, are available at the Florida Department of State Sunbiz website. Search for "BIB Property Owners Association Inc":

<https://search.sunbiz.org/Inquiry/CorporationSearch/ByName>
- 3) Contact information for the Board is available on Sunbiz. The official e-mail to communicate to the Board is bibhoaboard@gmail.com.
- 4) Your requests specifically pursuant to Florida statute are not applicable as this association manages and operates property in the country of Belize.
- 5) For all other items you requested if available are able to be inspected at the office holding the records in Belize. The Board Management will be available to meet Mr. Browning or his representative on Friday, November 1 between 10:00 am to 11:00am local time to review and inspect any records held by the association that are responsive.

Records Location for Inspection:

The Garden Share Shed (opposite Lot 66)
Better In Belize
10.5 Mile Hydro Road
Benque Viejo, Cayo
Belize



- 6) Several of the requests do not have any responsive documents and as such there is nothing available to inspect.

Please contact me if the inspection time is not convenient for you and another time can be arranged for you.

Sincerely,

By: /s/ Jeremy D. Baczkiewicz

Jeremy D. Baczkiewicz

Florida Bar No. 1002206

Suncoast Law Firm

18346 Holland House Loop

Land O Lakes, FL 34638

Phone: (813) 812-5298

E-mail: Jeremy@suncoastlawfirm.com

Sent via Email: lmartinez@pmlawfla.com; mcastillo@pmlawfla.com