

## **A review of how the name Plantations could be changed**

### ***The Plantations***

Established in 1986 as the *Plantations Condominium* pursuant to the Unit Property Act of the State of Delaware.

Two organizations govern the Plantations:

1. The Plantations Condo Council pursuant to the 1986 Declaration of Covenants.
  - a. This organization represents the owners of 200 condominiums. These units were built in phases from the late 1980s through the 1990s.
2. The Plantations Owners Association LLC, established as a corporation in 2012 and registered with the Delaware Division of Corporations. Corporate address: 8395 Plantation Boulevard, Lewes.
  - a. This organization represents the owners of the 200 condominiums, PLUS the owners of the 32 houses built during phase III of the development.

### **Actions that must be taken to change the name:**

- Get approval of 2/3rds majority of members of the Plantations Owners Association to change the name (without saying what the new name is).
- Get approval of 2/3rds majority of members of the Plantations Condo Association to change the name (Without saying what the new name is).
- Get approval of 2/3rds majority of members of both the Plantations Owners Association and Condo Association to a new name.
- **Cost** of this simple question to be sent to owners? Administrative costs? Do we use Seascope? Do we hire an outside firm? How many letters will need to be sent to out to remind owners to vote?
- Will it be necessary to form a committee representing both organizations to avoid redundancy?

### **How do we choose a new name?**

- Perhaps we form a committee to come up with name options.
- Any name will have to be approved by the Delaware Division of Corporations.
- Do we survey members of both organizations to find out what name two-thirds a majority of each organization agrees with?

- Once we have some options, do we ask for a vote of two-thirds of the members of each organization again?
- Cost: Same as above. This will be a second vote that needs a majority of all members to approve.
  - Again, how many correspondences will this require? Who is responsible to write the letters and send them out? Seascope charges administrative fees. Do we hire an outside firm to work with us?

**If a majority of the members of both organizations agree to a name change, and a name, then what?**

- A legal team will have to be hired to create the documents and/or makes changes to existing documents necessary for a name change.
  - It has been difficult to establish legal costs for this effort. As this development is nearly 35 years old, multiple revisions been made to the governing documents (see. [Theplantations.org](http://Theplantations.org))
  - How many documents will have to be reviewed?
  - What will the firm's strategy be? How many meetings will we have?
  - How many documents will have to be changed?
  - All document changes must be made before all owners have the opportunity to review and vote on the document changes (Legal work will have been done whether the name change is accepted or not).
- The proposed document(s) and document changes will have to be approved by two-thirds of members of the Plantation Condo Association, and two-thirds of members of the Plantations Owners Association.
  - More letters, mailings (administrative costs)

**How do we pay for the legal and administrative costs?**

- Costs could be in the tens of thousands of dollars during this multiphase process.
- The Plantations Condo Association, which is responsible to maintain 25 buildings and more than approximately 40 acres of greenspace, already has decided to raise dues by \$40 a year per unit in 2021 due to necessary upkeep.

- Do we cut back on maintenance, such as lawn care, termite inspections, new roofs, to be able to cover the name change costs? Would this affect the long-range property values?
- Do we raise dues to cover the additional, unbudgeted costs?
- Do we create an assessment?
- While The Plantations Owners Association has been able to reduce dues by \$40 a year in 2021, budget questions are similar.
  - Can we cut back on the shared maintenance costs of insurances, roads, trash collection and entrance care and landscaping?
  - Do we look at an increase in dues, depending on how the name-changes costs?
  - Do we create an assessment for the name change?

**Street names in The Plantations (a caveat):**

- All streets in The Plantations have been named after Plantations of historic significance, and/or that have been listed with that National Register of Historic Places. This is how The Plantations got it's name as it was named after the streets.
- Street names are under the jurisdiction of Sussex County's Streets, Mapping and Addresses office.
- With all the residential development, Sussex County has a moratorium on changing street names in the Lewes Fire District. In other words, we cannot change the street names.