

Procedure to Transfer a Unit

Harbour Hill website: hhca.wildapricot.org

Transfer of units in Harbour Hill is governed by the Declaration of Condominium, Section 11 which states that approval by the Association is required, whether by sale, lease, gift, devise or inheritance, of all transfers except to a current unit owner. The Board of Directors approves all transfers. The Unit Transfer Chair serves in an advisory capacity to the Board. The Unit Transfer Chair is responsible for developing and administering transfer policy and procedures, for facilitating the transfer process, and for recommending approval or disapproval of transfers to the Board of Directors. The Unit Transfer Committee is chaired by the Vice President who appoints committee members.

Decision to Transfer

1. Any owner, attorney, or estate officer who proposes to transfer an apartment must first notify the Association in writing. This is accomplished by sending a completed *Notification of Intent to Sell or Lease* form (available on the Harbour Hill website) to the Unit Transfer Chair who then reports the intended transfer to the Board of Directors.
2. Upon notification, the Unit Transfer Chair directs the seller to the HHCA website section titled Information for Prospective Residents and Sellers for transfer procedures and documents.
3. At the same time, the seller may place a notice on the Association bulletin board as a courtesy to alert other residents that the unit is available. Anyone interested in purchasing the unit is responsible for contacting the seller, and any agreement is between the two parties. This courtesy does not preclude a seller from selling a unit to a buyer of his or her choice without notice to the community. However, it has been a tradition at Harbour Hill to provide notice of a unit for sale whenever practical, often benefiting the seller as well as the buyer.

Duties of Owner When Selling or Leasing an Apartment

1. If the owner wishes to lease an apartment they should review the lease restrictions found in the Declaration of Condominium documents, section 10.8, and confirm that the lease complies with the documents.
2. An entrance key to Harbour Hill shall not be given to any realty company or agent. If no agent is involved, prospective buyers must be met at the front door by the seller and escorted to the apartment which is for sale. Violation of this requirement could result in the rekeying of the building at a cost to the owner of \$2,500.
3. When a unit is placed for sale or lease, the owner must submit a completed *Notification of Intent to Sell or Lease* form to the Unit Transfer Committee Chair. The following procedure is to be followed:

a. Owner acts as his or her own agent:

The seller indicates on the *Notification of Intent to Sell or Lease* form that he or she has no agent and assumes responsibility for providing access to the building and the unit without the need for the assistance of the building superintendent.

b. Owner has a licensed real estate agent acting as agent in the sale or lease of the unit:

The seller provides the agent's name, address and cell phone number. Along with the seller, the agent is required to sign the *Notification of Intent to Sell or Lease* form which will state that:

- The agent's cell phone number (identified as "Owner-Agent") will be added to the call box at the front entrance to Harbour Hill for the period of time that the sales agreement is active or upon the sale or lease of the unit.
- The agent will access the building by dialing a code into the call box that will cause a ring on his or her cell phone only and will provide access to the building by striking the "9" digit on the agent's phone. This will provide a time stamp log by name and entry of real estate agent representatives.
- The code to access the building via the agent's cell number is provided by the Building Committee Chair after the receipt by that individual of the completed *Notification of Intent to Sell or Lease* form. This process eliminates the need for the building superintendent to be involved in any real estate sale or lease.

c. Other real estate agents request access to the unit:

All other agents wishing to have access to the building to show the unit are required to coordinate all appointments with the agent listed on the *Notification of Intent to Sell or Lease* form. It is the responsibility of the seller's agent to coordinate any showings by other agents.

d. Owner wishes to cease acting as his or her own agent:

If the seller no longer wishes to act as his or her own agent, he or she is required to follow the procedure outlined in Section b. above and resubmit the *Notification of Intent to Sell or Lease* form.

4. The unit owner is responsible for making arrangements for access to the unit itself. In no case will the Superintendent give out any information regarding the building, the individual units, or any information regarding past, current, or potential residents.

5. Current owner provides the applicant the following:

- a. Unit Number and Parking Space Number (for the *Application for Transfer* form)
- b. Directions to HHCA website tab Information for Prospective Residents and Sellers for:

Information about Harbour Hill

- HHCA Condominium Documents
- Financial Reports Insurance Certificate
- Wind Mitigation Affidavit

- Frequently Asked Questions and Answers document, including monthly maintenance assessment
- Condo Governance description, attainable from the FL Dept. of Business and Regulation

Principal Transfer Form

- *Application for Transfer form*

Additional Buyer Information

- *Contact Information form*
- *Designated Voter Certificate form*
- *Concierge Service Authorization form*
- Payment of monthly assessment information

6. Obtain a Key & Key Fob Inventory Report from the Unit Transfer Committee Chair. Confirm that you have all items listed on the report. Provide these items to the new owner at closing.
7. Obtain, with assistance of Title Company / Real Estate agent, an estoppel letter directly from Associa Gulf Coast to be provided to the buyer at closing. The process to obtain the estoppel letter is described in detail under the Transfer Section of the Information for Prospective Residents and Sellers on the Harbour Hill website.

Approval is Required for Transfer by Gift or Inheritance

1. Surviving spouse or partner is not required to provide notice and is considered to have already been approved for occupancy.
2. If there is no surviving spouse or partner, the attorney or executor for the estate must within 30 days of date of death provide notice of receipt of the Harbour Hill Unit as well as contact information for the responsible party.
3. Any occupant, whether by inheritance or gift, who has not already been approved must be approved according to the process for sale or lease.

Application/Approval Process for Prospective Owners/Residents

1. The *Application for Transfer* form is presented to Unit Transfer Chair accompanied by:
 - a. Transfer fee of \$100.00 (check payable to HHCA, paid by the Seller)
 - b. Background fee of \$50/ person buying and/or occupying the unit (check payable to HHCA, paid by the Prospective Applicant)
 - c. Copy of photo ID showing birthdate (for each person who will occupy the unit)
 - d. Copy of the sales contract/lease
2. Upon receipt of the documents listed above the Unit Transfer Committee Chair transmits the *Application for Transfer form Addendum* by fax to the background check company.

- a. The company completes the report within 5 business days and sends an email to notify the Unit Transfer Committee Chair that it is available on the company's secure website.
 - b. The Unit Transfer Committee Chair reviews.
 - c. The Unit Transfer Committee Chair summarizes the report to the committee.
3. Additional documents to be completed by prospective owners/residents
 - a. Written confirmation that they have read and understand the Harbour Hill Documents and Rules & Regulations (on *Application for Transfer* form).
 - b. *Contact Information* form
 - c. *Designated Voter Certificate* form
 - d. *Concierge Service Authorization* form
 4. Within 30 days of receipt of completed *Application for Transfer* form, the Board must meet to approve or disapprove the application. The following is the criteria for consideration of approval or disapproval on a case by case basis:
 - a. Will the applicant be financially responsible for all fees and assessments?
Consider, but do not limit review to:
 - i. No pattern of failure to pay financial obligations
 - ii. Consider credit score understanding that reasons for a low score might not apply to current situation
 - b. Does the applicant appear on any sex offender list?
 - c. Has the applicant demonstrated willingness and habit of following laws and rules? Consider but do not limit review to:
 - i. Reference checks
 - ii. Pattern of felony or misdemeanor convictions
 - iii. Recent evictions
 5. After the background check is completed, if the Unit Transfer Committee Chair has determined that the transfer is approvable, a meeting with the Unit Transfer Committee will be scheduled with the prospective owner/residents after the background check is completed. The meeting is intended to be welcoming and friendly, but businesslike and covers:
 - a. An overview of the challenges and pleasures of living in a condominium community
 - b. A discussion of the Board approval process and the impact on the closing date
 - c. Confirmation of the prospective owners'/residents' reading of the Condominium Documents (indicated by their signature on the *Application for Transfer* form)
 - d. A brief, general, review of the Rules, Regulations and Procedures of Harbour Hill intending to give the prospective owner/resident a feel for the types of rules they will encounter.
 - e. Explanation of ACH payment process to determine necessity for quick follow-up after closing.
 - f. An opportunity for Unit Transfer Committee members to ask questions of the applicant to determine the applicant's understanding and willingness to be part of a condominium community, and to discern their interest for bringing in appropriate committee reps for the second meeting.
 - g. An opportunity for the applicant to ask questions of the Unit Transfer Committee

Approval by Board of Directors

1. Should the Unit Transfer Committee Chair recommend that the transfer should not be approved, the President will seek advice from the Association's attorney regarding the grounds upon which the disapproval recommendation was made.
2. The application is presented to the Board of Directors at a Board Meeting for consideration with a motion from the Unit Transfer Committee Chair recommending approval or disapproval of the application. The motion is passed by a simple majority of Board members present and voting.
3. After the approval by the Board, the *Application for Transfer* form is signed by the President and Secretary and the approval motion is recorded in the minutes.
4. If the transfer is a sale, the Unit Transfer Committee Chair gives one approved/signed copy of page 3 of the *Application for Transfer* form to the owner to furnish to the Title Company at closing, as required by all condominium transfers in Florida. The new owner receives one copy of the form to be kept with his deed, and the original copy is retained in Association files.
5. After closing all building key fobs will be deactivated. The building keys and garage door openers are then registered in the name of the purchaser. Purchaser is responsible to reactive and/or purchase key fobs by contacting the Building Committee Chair according to current Harbour Hill Key Policy and Procedures.

Disapproval

If the Board votes to disapprove the applicant, notification is sent in writing to the seller and the buyer.

1. All communications with a disapproved buyer or his or her agent must be solely by the Unit Transfer Committee Chair or Board President.
2. If disapproval is due to information in the background check, that communication is to be solely with the background check company. They provide a form which may be used by the applicant to obtain that information.
3. If the proposed transfer is a lease, the matter ends.
4. If the proposed transfer is a sale, gift, devise, or inheritance, the right of the owner to require purchase of the unit is clearly spelled out in the Condominium Documents, Section 11, 3a & c.

Welcome to new resident

After moving in, the new resident is welcomed into the Association at the next meeting of the Board of Directors.

Follow-up meetings with new resident

A second meeting will be scheduled with the new resident approximately 2 weeks after closing to cover the following:

- a. Discussion of the Rules & Regulations, and Procedures, including the rules for renovating the apartment. Give them a copy of the Rules and Regs., and renovation procedures
- b. Provide them with our handout about insurance and what they need to cover with personal insurance.
- c. Assist resident in signing up for the HH website, and for the Associa website.
- d. Assist resident in logging into the HH computer, and review the "How To" tab on the website
- e. Provide them a list, and description, of HH Committees and encourage their participation.
- f. Participants for this meeting should be the Finance Committee rep, Building Committee rep., Information Technology Committee rep and any other committee reps that the Unit Transfer Committee Chair feels would be appropriate based on info from the first meeting.

A third meeting may be scheduled in a month or so to follow up with the resident to ascertain if there are lingering questions. This meeting could also include other newer residents.

Transfer papers maintained in Association files and entered into the Electronic DB

1. Approved *Application for Transfer* signed by the President and Secretary
2. Copy of the Sales Contract or Lease
3. *Designated Voter Certificate* form
4. *Contact Information form*
5. *Concierge Service Authorization form*
6. Copy of photo ID showing birthdate (driver's license)