PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

RECEIVED
OCT 19 2026

WORKSHOP MEETING AGENDA
October 26th, 2026, 7:00 pm

Becky Earnest
Chairman

Toni Beatty
Asst. Treasurer

Ron Wilde
Trustee

Debbie Nixon
Secretary

Patti Peck
Treasurer

Annette Ragas
Vice Chairman

Angela Glover
Trustee

Paul Defosse
2nd Vice Chairman

Vacant
Trustee

Daniel Tarnowski
District Manager

Karl Bohne Jr.
District Attorney

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"A community intended and operated for person 55 and older"

PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

1. Meeting Call to Order

2. Invocation

3. Pledge of Allegiance

4. Roll Call

5. Chairman Announcement
   Please wait to be recognized by the chair before speaking.

   There is one (1) vacant seat on the Board of Trustees. We encourage you to please submit your letter of intent.

6. Approval of Meeting Minutes 9/14/26 and 9/24/26 and 9/28/26
   a. Motion to Approve
   b. Discussion
   c. Call to Vote

7. ACC Report

8. District Report

9. HPPOA Report

10. Treasures Report

11. OLD BUSINESS

    A. Employee Raises
    a. Motion
    b. Discussion
    c. Call to Vote

    B. Back Pond Light
    a. Motion
    b. Discussion
    c. Call to Vote

12. New Business
    A. By-Laws
    a. Discussion

13. Suggestion Box

14. Public Comments: Public comments will now be heard. The speaker shall be limited to three (3) minutes. It is important to note that this is a good time for board members to listen, but it is inappropriate to respond. Comments may be discussed at upcoming meetings

15. Trustee Comments/Announcements

16. Adjournment

PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

REGULAR MEETING MINUTES
September 14th, 2026, 6:00 pm

Becky Earnest
Chairman

Toni Beatty
Asst. Treasurer

Ron Wilde
Trustee

Debbie Nixon
Secretary

Patti Peck
Treasurer

Annette Ragas
Vice Chairman

Angela Glover
Trustee

Paul Defosse
2nd Vice Chairman

Vacant
Trustee

Daniel Tarnowski
District Manager

Karl Bohne Jr.
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PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

1. Meeting Call to Order-6:07 pm

2. Invocation

3. Pledge of Allegiance

4. Roll Call – Present: Toni Beatty, Assistant Treasurer; Debbie Nixon, Secretary; Patti Peck, Treasurer; Annette Ragas, Vice Chairman; Becky Earnest, Chairman; Paul Defosse, 2nd Vice Chairman; Angela Glover, Trustee; Absent: Ron Wilde, Trustee.

5. Chairman Announcements
   Please wait to be recognized by the chair before speaking.
   No disrespect, i.e. name calling, etc. will be tolerated throughout the meeting.
   There is one (1) vacant seat on the Board of Trustees. We encourage you to submit your letter of intent.
   Becky added letter b. to #7, the ACC Report

6. Approval of Meeting Minutes 8/24/26 and no correction for 8/10/26
   a. Motion to Approve-Toni Beatty motion, Patti Peck second 8/24/26
   b. Discussion-Angie Glover mentioned correction incomplete 8/10/26
   c. Call to Vote 8/24/26 - Yes 7 No 0; 8/10/26 - Yes 6 No 1 (Angela Glover) .

7. ACC Report
   a. Annette Ragas made motion to accept Lizzette Bermudez' letter of intent, Deb Nixon second. Yes, 7 No 0. Lizzette was sworn in as the newest ACC Board Member
   b. Resignation Letter from Mary Quirk (Violations Committee) was read by Deb Nixon.

8. District Report- Dan highlighted Alpine sign-up sheet in the office for tree removal needs for the residents, reminding this is self-pay. Dan shared the proposals to acquire the city owned properties. Resident Bruce explained that since the city acquired them at NO COST then we should also try to negotiate with the city for little to No Cost. Dan then went over the financial update for the park, highlighting the interest income/savings over the past four years. Heated pool repairs complete and work was under warranty so no cost. Dan also welcomed two new gate attendants, Greg Collins and Paul Goblick to the gate team.
Patti Peck made a motion to accept the District Manager Report, Toni Beatty second. Yes 7 No 0

9. HPPOA- No Report

10. OLD BUSINESS

A. Employee Evaluations -Employee evaluations completed. All 1s and 2s. Dan's was completed, with mostly 1's & 2's and one Trustee rated all 4's.

Discussion-Angie requested copies of Dan's evaluation to be given to the BOT members to allow time to review.

B. Resolution "Deed Restrictions"

Resolution 2026-05 was read aloud. Patti Peck made a motion to accept, Deb Nixon second that the Deed Restriction Resolution be approved; Call to Vote-Yes 7 No 0

C. Rec Hall Upgrades

Table until all BOT members have copies of the work proposals. Electrical work only.

D. Lawn Proposal "RFP's"- Deb Nixon opened & read the four (4) RFP`s for equipment in considering the in-house lawn service option to include mowers and lawn equipment. Meyers with 4 Bobcats at $48,473.94; Causeway Mowers at $47.954.91; South Brevard $48.473.94 and Eastside Mowers $50.871.86.

a. Motion-Deb Nixon made a motion to have GPS get a second chance and ask us to honor their second-year contract. There was no second.

Deb Nixon motioned to rescind prior motion to have an in-house lawn crew with salary highlighted as not acceptable. Annette Ragas seconded the motion. Call to Vote – Yes 7 No 0 to rescind prior motion; Angie Glover made a motion to extend GPS contract up to 90 days. This prompted discussion to keep GPS for a second year. Dave Peck questioned if this would be a violation of the contract. Angie Glover changed motion to continue GPS's contract for the second year. Don't send out any RFP's. 2nd by Annette Ragas. Call to vote 6 yes, 1 no (Paul Defosse).

E. Policies-Only two corrections highlighted on each to still be completed.

F. Background checks -District Attorney Cohen advised our Special District Park not to do background checks.

Residents asked if we could require Landlords who will be renting to supply a copy of a background check to be placed in renter's files. It was indicated Attorney Cohen said no.

G. Property Inheritance-will be taken on a case-by-case basis as they arise as suggested by the Chairman Becky Earnest. The BOT members agreed.

11. NEW BUSINESS

A. FASD Membership and October Conference-Toni Beaty made a motion to pay the $2500 membership fee, second by Deb Nixon. Call to Vote – Yes 5 No 2 (Annette Ragas, Angela Glover)

There was discussion about the benefits to our Special Deed Restricted Park vs cost.
Angie Glover made a motion to not send the District Manager to the inaugural workshop. Second by Deb Nixon. Call to Vote- Yes 4 No 3 (Becky Earnest, Toni Beatty, Paul Defosse)

B. Pipeflow- $30,500 for completion of Phase III – Rec Hall.
Annette Ragas made a motion to approve the cost of Pipeflow doing work after 10/01/26, Deb Nixon second.

Final Drainage Stages coming up next fiscal year to complete the repairs needed for the clubhouse bathrooms, laundry room, front outdoor drain area to the road and Gatehouse. Call to Vote- Yes 7 No 0

C. Emotional Support Animals- Paul Defosse discussed certified service animals. Discussed online certifications with the residents.

Owner insurance for larger dogs than allowed in our Rules and Regulations was also discussed.

12. Suggestion Box- Request for power washing mold from Park Buildings.

13. Public Comments: A resident asked why ice machine was not talked about to move out of kitchen.
Carol Sommers asked Becky Earnest how many terms she has been on the Board. Due to mistakes made she asked Becky to hand over the gavel to the Vice Chairman. Chairman Becky said no.

14. Trustee Comments/Announcements

15. Adjournment-motion by Angie Glover to adjourn at 9:35 pm.

Debbie Nixon, Secretary Date

Draft

PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES

SPECIAL MEETING MINUTES
September 24th, 2026, 10:00 am

Becky Earnest
Chairman

Toni Beatty
Asst. Treasurer

Ron Wilde
Trustee

Debbie Nixon
Secretary

Patti Peck
Treasurer

Annette Ragas
Vice Chairman

Angela Glover
Trustee

Paul Defosse
2nd Vice Chairman

Vacant
Trustee

Daniel Tarnowski
District Manager

Karl Bohne Jr.
District Attorney

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1. Meeting Call to Order-10 am

2. Invocation

3. Pledge of Allegiance

4. Roll Call- Becky Earnest, Toni Beatty, Deb Nixon, Annette Ragas, Patti Peck, Paul Defossee all present. Ron Wilde and Angie Glover are both absent. Virtual attendance was unsuccessful.

5. Chairman Announcement- Becky Earnest shared that our Special District attorney, not Karl Bohne, has told us that once we have established a physical quorum, the remaining board members can participate and vote virtually if most of the board votes for it. After roll call is called and before the meeting gets underway, there would need to be a motion by members physically present to allow each one on the phone to participate and vote. And I think the residents would appreciate the full boards vote whenever possible on park matters versus an abbreviated board approving items. I'm going to consider this a trial. We're going to see how it works. Can I have a motion to add Ron Wilde and Angie Glover to the meeting? Vote: 3 Yes 2 No.

The BOT members asked if this was for Special Meetings only as there was no clarity, and Becky replied No, this is for all meetings but were going to try it today and see how it goes. Okay. I think the statute refers to regular meetings only where the BOT must vote. Special Meetings or Workshop meetings may be okay. We need clarity as the BOT.

Adding Ron Wilde and Angie Green was virtually unsuccessful.

Please wait to be recognized by the chair before speaking.
There is one (1) vacant seat on the Board of Trustees. We encourage you to submit your letter of intent.

6. Special Business

A. Landscape- Leslie, of the current landscape company (GSP) was present. Dan went over the $3000 monthly increase for a second-year contract. Leslie shared the increase will mostly go to employee raises Many on the BOT and the Residents shared their discontent with GPS performance especially in rainy season July-October. Leslie also shared they were down to two mowers over the rainy season and still did not expect the repairs of the third to be complete for another few weeks. Patti Peck shared that out next year's budget did not allow for such an increase in lawn care. After much discussion between the BOT and the residents with GPS, the consensus was to not renew GSP contract for another year. The trial period discussion was not applicable. The BOT and residents continued discussions of in-house lawn care which would also cost more for workers compensation, as well as bring much liability to the park. Dan then

opened the discussion of two other bidders from last year, that gave updated proposals, with Top Notch Landscaping being at $25,720 weekly or #308,640 way above our budget. Dan shared the proposal of Juniper Landscaping, whose revised budget matches last year at $19,087 weekly or $229,044 yearly. Juniper is a large company with 72 employees, lots of references and the use of drone mapping to view, map and survey our park. Patti asked Dan if this included all the park green spaces, and Dan called the Company Supervisor on the spot who confirmed they would include the green spaces and will put it in writing. Green Space inclusion confirmed and a new proposal in writing to reflect this will be emailed to the BOT members before the next Meeting.

Motion: Patti Peck made a motion to accept Juniper Landscaping with the written proposal updated to show inclusion of the green spaces. Paul Defossee second. Call Vote: Yes 6 No 0 (BOT virtual votes unclear).

7. Suggestion Box: Not Applicable (Special Meeting)

8. Public Comments: None.

9. Trustee Comments/Announcements: Thank you for coming.

10. Adjournment-11:26 am.

PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

BOARD OF TRUSTEES
WORKSHOP
MEETING MINUTES
September 28th, 2026

RECEIVED
SEP 21 2026

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Becky Earnest
Chairman

Toni Beatty
Asst. Treasurer

Ron Wilde
Trustee

Debbie Nixon
Secretary

Patti Peck
Treasurer

Annette Ragas
Vice Chairman

Angela Glover
Trustee

Paul Defosse
2nd Vice Chairman

Vacant
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Daniel Tarnowski
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PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Blvd. NE
Palm Bay, Florida 32907-2196
Office: 321-724-2240

Meeting Call to Order-7:00 pm

1. Invocation

2. Pledge of Allegiance

3. Roll Call by Deb Nixon: Present: Becky Earnest, Patti Peck, Toni Beaty, Annette Rages, Angela Glover, Deb Nixon, Paul Defosse. Absent: Ron Wilde.

4. Chairman Announcement-Becky Earnest added the letter (b) to the new business section of the agenda entitled registered attorney of record, and (c) to be added pool cover.
   Please wait to be recognized by the chair before speaking.
   There is one (1) vacant seat on the Board of Trustees. We encourage you to submit your letter of intent.

5. Approval of Meeting Minutes 9/14/26 and 9/24/26
   Angie Glover made a motion to accept the minutes of 9/14/26 with correction to new business section b to reflect Pipe Flows approval and then last phase after that to include the gate house.
   Call Vote- Yes 7 No 0 for 9/14. 9/24/26 minutes added to next agenda for approval

6. ACC Report-none except what was included with the DM report.

7. District Report-Dan shared the Alpine Tree Service list needing completion as they will be marking the tree stumps for removal with tape for identity. Dan shared the FASD membership that Amazon Business Prime is included. Dan next went over the marquee warranty expiring and asked us to discuss an extended warranty vs replacement cost. Dan also shared that residents are to get the ACC application paperwork completed and turned into the office before any work be performed at any resident location. Dan also asked us to keep AJ in our thoughts and prayers as he is experiencing a health crisis. Motion to accept the DM report made by Patti Peck, second by Deb Nixon. Yes 7 No 0

8. HPPOA Report- HPPOA calandar will be posted in the alcove 10/01/26. First HPPOA meeting scheduled for 10/19 to include upcoming ladies' luncheon 10/13, first dance 10/24, as well as game nights for October.

9. Treasures Report-Patti outlined the completion of the Valley Bank transfer away from TD Bank. Patti highlighted the 3.8% prime interest rate supporting this accounts growth. Balance of liquid assets for August $1,669,284 and the reserve funds at $347,515. Deb Nixon made a motion to accept the August 2026 treasury report. Toni Beatty second. Yes 7 No 0

10. OLD BUSINESS

A. Employee Raises

For those employees needing to be at the state minimum of $15 per hour only to start 10/01.

Motion made by Deb Nixon, Toni Beaty second. Call to Vote-Yes 7 No 0

B. Rec Hall Upgrades

Angie Glover made a motion to table this topic for future consideration, Annette Ragas second.

Angie Glover asked us to table the upgrades for now as we need to prioritize spending with the pool cover. The BOT members also highlighted the need for the electrical only upgrade (wall material needing approval separately), for the additional sockets not including removal of 5 ceiling fans @ $350. Electrical invoice shows $3441.87 subtract $350 = $3091.87

Call Vote-Yes 2 No 5. The electrical only work is approved.

C. Policies & Rules and Reg

Motion made by Deb Nixon to approve all Policies and Rules & Regulations with corrections complete. Angie Glover second. Call to Vote- Yes 7 No 0

D. Lawn Care-Juniper Landscaping were in attendance

a. Motion- Deb Nixon made a motion to accept Juniper Lawncare, Paul Defosse second.

b. Communications by phone, email or website reporting is acceptable for Juniper. Cutting will be scheduled for four zone planning.

c. Call to Vote-Yes 7 No 0

11. New Business

A. City Owned Properties-

In the past, sending violation letters to the city for land maintenance motivated the city to give the properties back to the park. Violation letters will be sent per our DM Dan.

B. Registered Attorney of Record-

Motion to keep Karl Bohne Jr. as our Attorney of Record made by Patti Peck, second by Deb Nixon. Yes 7 No 0

C. Pool Cover-

SCP quote included a winder which was $12,654. Dan shared he believes we can use the existing winder currently working. The BOT asked Dan to get an updated quote to include cover only with freight cost.

Motion- Motion made by Annette Ragas to accept the pool cover replacement only with freight cost, Paul Defosse second. Yes 7 No 0

12. Suggestion Box-resident asked us to consider pressure washing the pool deck as can see mold.

13. Public Comments-

Dianne Russo went over the bus trips schedule for the next few months advising all deposits and tickets be finalized.

A resident shared they found the ice machine not working, maybe because of storm and asked if we would keep an eye on it to be sure the blue light is on at all times to avoid an ice melt water event.

14. Trustee Comments/Announcements - Thank you for coming and your input.

15. Adjournment-8:30 pm

DRAFT

RECEIVED
OCT 13 2026

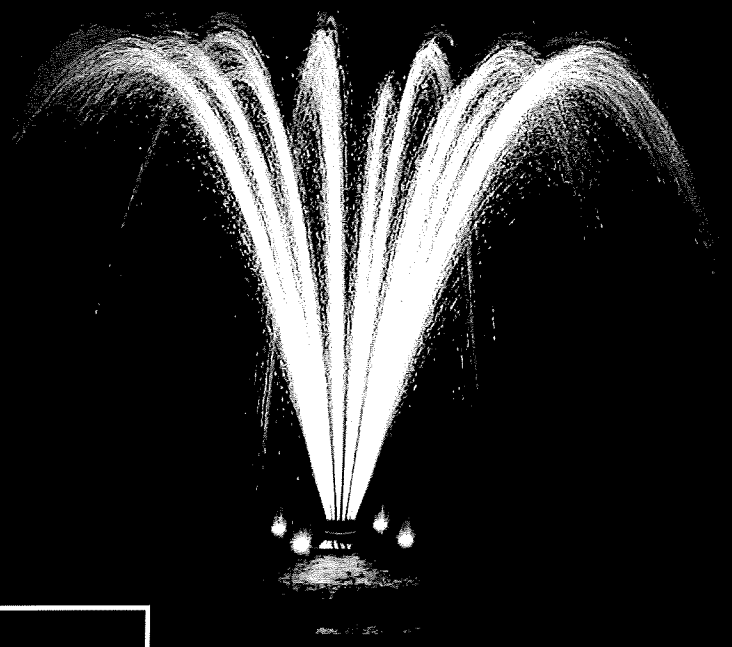
2026 APPROVED SALARY

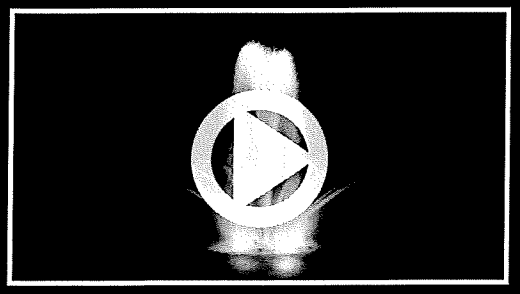
dept	initials	Ft/Pt	start	salary	current annual	approved 10-2026	new salary	annual	totals	budgeted
DM	Dan	F	23-Oct		78,750					
										82,688
Office	Jodi	F			50,000	5%	52,500	52,500		
	Mag	F	26-Jun	17	31,824	same	17	31,824		
	new	P								
									84,324	**110,962**
Custodial	AJ	F	22-May	18.25	37,960	3%	18.8	39,104		
	Nigel	F	24-Jun	16	33,280	3%	16.48	34,279		
									73,383	**80,000**
manageme	Jason	F	24-Apr	27	56,160	*4%	*28.08	58,406		
									58,406	**62,000**
Security	Leon	F	23-Dec	17	35,360	3%	17.51	36,421		
	Dave	P	23-Apr	15	12,510	3%	15.45	12,855		
*	Greg	P	11-Aug	14		same	15	1,440		
*	Bryan	P	9-Jan	14.4		same	15	1,440		
*	Gary	P	24-Jun	14.4	11,981	same	15	12,480		
*	Patrick	P		14		same	15	18,720		
	Kay	P	24-Mar	17.5	21,840	*5%	18.38	22,938		
*	Bill	P		14	17,472	same	15	18,720		
	Stephen	P	7-Feb	17.75	22,152	3%	18.29	22,826		
*	Paul	F	28-Sep			same	15	1,440		
									149,280	**157,500**
Grounds	Manny	F	1-Dec	18	37,440	*5%	*18.9	39,312		
	Mike	P		16.5	20,592	5%	17.51	21,853		
	Kyle	F	22-Sep			same	17	35,360		
									96,525	**88,000**
										581,150
pmp:raises 10-2026									Patti	2026-27

OCT 12, 2026

RGBW LED Fountain Light Sets

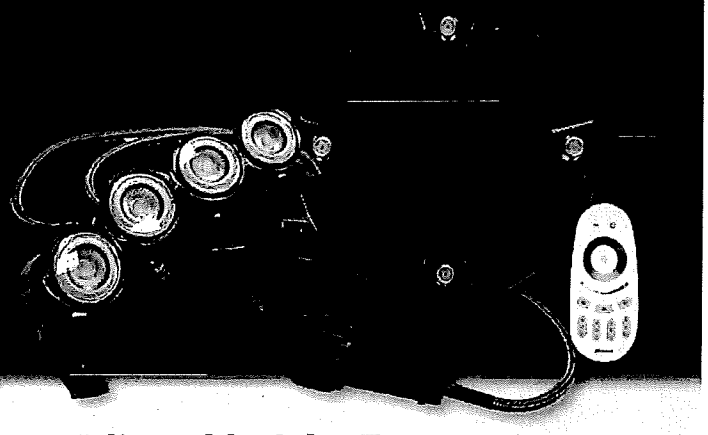
- Low Energy, High Output LED Bulbs
- Fully Adjustable, No Tools Required Snap-on Design
- Above Waterline Design for Maximum Light Output and Low Maintenance
- Hue Changing Ability, From Cool White to Warm White. Change Red, Green and Blue From Vibrant to Pastel





See Nighttime Displays in Action

See how EcoSeries Fountain LED Light Sets look illuminated at night, visit **airmaxeco.com/ecoseries**



RGBW Color-Changing Lights

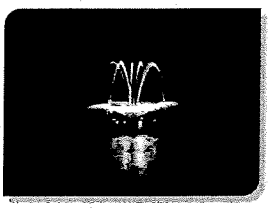
RF Remote with 200' Range

- Energy Efficient High Output LED, 120v
- Completely Sealed, Adjustable Above Waterline Design for Low Maintenance
- All Light Sets Include Stainless-Steel Braiding on Power Lead and Between Light Fixtures
- Power Cords Come Standard with Strain Relief and Underwater Disconnect; 100' - 600' Lengths. Also Available with Stainless-Steel and Polyflex Protected Cords
- RF Remote With 200' Range is Included With All RGBW Color-Changing Light Sets
- Compatible With All Manufacturers' Electric Fountains
- Available in 2, 4 & 8 Light Sets (Round Floats) or 9 & 12 Light Sets (Pontoon Floats)
- 3-Year Warranty

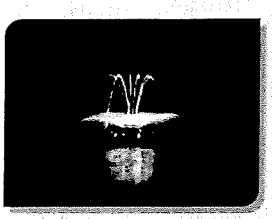
Completely Sealed Fixture With Easy Snap-on Design

Adjustable Color Temperature

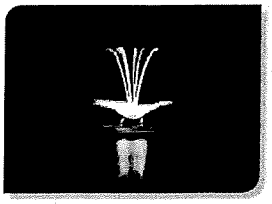
Broader range of Kelvin allows for changes from cool white to warm white, and vibrant colors to pastels.



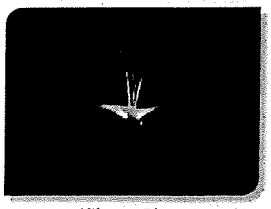
Warm White



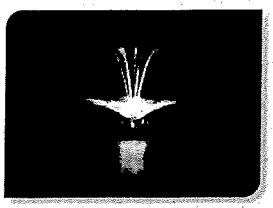
Cool White



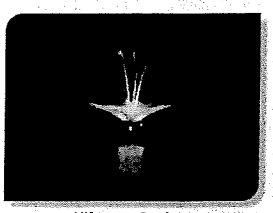
Pastel Blue



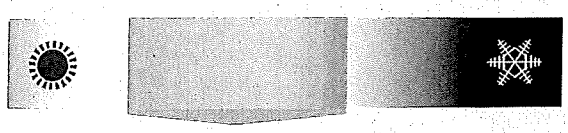
Vibrant Blue



Pastel Green



Vibrant Green



RGBW Lights 2700-6500K

The Lake Doctors, Inc.
Aquatic Management Services ®

Fort Pierce Branch
889 SOUTH KINGS HIGHWAY
FORT PIERCE, FL 34945
(772) 241-5773
fortpierce@lakedoctors.com

SERVICE ORDER

ACCOUNT/SITE Port Malabar Holiday Park	ACCOUNT # 709727
BILLING NAME	DATE 4/23/2026
BILLING ADDRESS 215 Holiday Park Blvd NE Palm Bay, FL 32907-2196	COUNTY #
CONTACT Jason	PHONE # 321-724-2240
EMAIL ADDRESS maintenance@holidayparkfl.com	Email Invoice: Y (●) N ( )
PO#	MANUFACTURER: AQM ( ) AES ( ) KAS ( ) LF ( ) OA ( ) OTT ( ) AQC ( ) ARM (●) ODS ( )

SERVICE REQUEST Rear fountain - light set

NOTES Rear fountain - Airmax. 4 fixture RGBW color changing light set and 150' cable.

Lights carry three year manufacturer's parts warranty, 90 day labor **Tax exempt**

QTY	UNIT	DESCRIPTION	PRICE	EXTENDED
1		Rear lake fountain - Airmax 4 fixture RGBW color	1,942.99	1,942.99
		changing light set with remote and 150' cable.		0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

PARTS TOTAL	$ 1,942.99
LABOR	$ 620.00
FREIGHT	$ 150.00
SUBTOTAL	$ 2,712.99
0.000% STATE SALES TAX	$ 0.00
TOTAL	$ 2,712.99

SERVICED BY:

SERVICE DATE:

WORK AUTHORIZED BY:

CUSTOMER SIGNATURE DATE

The terms and conditions appearing on the reverse side, form an integral part of this Service Order, and CUSTOMER hereby acknowledges that he/she has read and is familiar with the contents thereof.
Pricing is valid thirty (30) days from date of quotation.

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Terms & Conditions
Service Order

1. A 50% deposit shall be due payable upon execution of this Service Order should the total cost be over $1,000.00. The balance shall be payable upon installation, plus any taxes, including sales use taxes, fees or charges that are imposed by any governmental body relating to the service provided under this Service Order. The CUSTOMER acknowledges that this service order is executed in the state in which THE LAKE DOCTORS office conducting the work resides and therefore THE LAKE DOCTORS is not responsible for the payment of any out-of-state taxes except as required by law.

2. THE LAKE DOCTORS agrees to install and/or repair within a minimum of fifteen (15) business days from the later of the deposit payment date, or date of the executed Service Order. If service is needed within five (5) business days at the time of the executed Service Order, CUSTOMER will be subject to an additional rate. The offer contained herein is withdrawn and this Service Order shall have no further force effective thirty (30) days from the date of quotation.

3. Equipment/parts sold by THE LAKE DOCTORS is warranted to be free from defects in materials and workmanship per warranty of the respective equipment manufacturers. The liability is limited to the repair or replacement of such items deemed by MANUFACTURER to be defective and will not include items damaged by misuse, vandalism, theft, acts of God or other causes. CUSTOMER shall bear the cost of delivering such defective items to THE LAKE DOCTORS or MANUFACTURER for repair. Any repairs, alteration or modifications made by anyone other than an authorized representative of THE LAKE DOCTORS or MANUFACTURER will void the warranty. Warranty work will not be performed or paid for by THE LAKE DOCTORS or MANUFACTURER unless all past due balances are paid in full. No warranty is made or implied regarding the ability of the equipment to control algae, prevent fish kills, control odors or other performance criteria not directly related to proper mechanical function of the equipment.

4. Due to possible electrical shock hazards resulting from improper functioning of defective equipment, THE LAKE DOCTORS strongly advises CUSTOMER and other responsible parties to prohibit swimming and wading in pools or bodies of water in which electrical equipment has been installed. Posted notice is advised.

5. THE LAKE DOCTORS does not assume any liability whatsoever for damages, losses or conditions arising from improper use or maintenance of equipment installed by THE LAKE DOCTORS or MANUFACTURER. Furthermore, THE LAKE DOCTORS and MANUFACTURER assumes no liability whatsoever for damages, losses or conditions arising from equipment purchased from THE LAKE DOCTORS and improperly installed, used or maintained by CUSTOMER or others.

6. THE LAKE DOCTORS agrees to hold CUSTOMER harmless from any loss, damage or claims arising out of the sole negligence of THE LAKE DOCTORS. However, THE LAKE DOCTORS shall in no event be liable to CUSTOMER, or others, for indirect, special or consequential damages.

7. Neither party shall be responsible in damages, penalties or otherwise for any failure or delay in the performance of any of its obligations hereunder caused by strikes, riots, war, acts of God, accidents, governmental orders and regulations, curtailment or failure to obtain sufficient materials, or by other force majeure condition (whether or not of the same class or kind of those set forth above) beyond its reasonable control and which, by the exercise of due diligence, it is unable to overcome.

8. THE LAKE DOCTORS, at its expense, shall maintain the following insurance coverage: a) worker's compensation with statutory limits, b) automobile liability, and c) comprehensive general liability, including products liability and completed operations. Customers requesting to be named as additional insured or requesting hold harmless statements may be billed an additional amount to cover the cost of providing such additional coverage. CUSTOMER agrees to pay for any additional costs of insurance requirements over and above that is provided by THE LAKE DOCTORS.

9. This Service Order is not assignable by either party.

10. Termination of Service Order in writing by CUSTOMER after initiation of Service Order will be subject to a 20% restocking fee plus all shipping costs and subject to a charge equal to time and materials expended upon time of cancellation.

11. Quotations are made and orders accepted on a firm price basis provided CUSTOMER authorizes shipment and delivery within a period of ten (10) business days after execution of Service Order.

12. Special or custom orders are not returnable for credit. A special or custom order is defined by THE LAKE DOCTORS as any order deviating form, or modified from, standard items, kits or systems. This shall include any component or system custom built to buyer's specifications.

13. CUSTOMER warrants that he or she is authorized to execute the Service Order on behalf of the riparian owner and to hold THE LAKE DOCTORS harmless for consequences of such service not arising out of the sole negligence of THE LAKE DOCTORS.

14. THE LAKE DOCTORS reserve the right to impose a service charge of 5% percent per month on past due balances. CUSTOMER agrees to reimburse THE LAKE DOCTORS for all processing fees for registering with third party companies for compliance monitoring services.

15. Should it become necessary for THE LAKE DOCTORS to bring action for collection of monies due and owing under this Service Order, CUSTOMER agrees to pay collection costs, including, but not limited to, reasonable attorney's fees (including those on appeal) and court costs, and all other expenses incurred by THE LAKE DOCTORS resulting from such collection action.

16. This Service Order constitutes the entire agreement of the parties hereto and shall be valid upon acceptance by THE LAKE DOCTORS Corporate Office. No oral or written alterations or modifications of the terms contained herein shall be valid unless made in writing and accepted by an authorized representative of both THE LAKE DOCTORS and CUSTOMER.

17. THE LAKE DOCTORS or CUSTOMER may cancel this agreement with or without cause by 30-day written notice.

® THE LAKE DOCTORS, INC.