



Welcome to



!!!AUGUST!!!



Your MONTHLY Garden Gnome News! "with a little help from my friends!"

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HOME OF THE GNOME!

August 2017

Insurable Events: HO6 or Association Policy: Who Pays?

by Marg Prozaki

I have written a few columns previously on insurance. This article will deal with figuring out which policy pays for a casualty loss. As always, it depends and often times it is a combination of both.

I usually refer you to our documents and FL Statute 718 in the course of seeking guidance to answer our questions. In this case only the FL statute applies. The last major rewrite by the legislature sought to clarify what had been a contentious issue between owners and association's. There was often no clear path between document language and the law. Most often the unit owner felt powerless when the association said it is your responsibility.

So with the passage of the insurance portion to the FL Condominium Act (AKA 718) rewrite they voided all clauses in all documents relating to insurance for all condominiums in the State of Florida. They made it crystal clear that only 718 applies.

So where does this leave us? Well with a concise breakdown on which policy covers what items. How did they accomplish this? They stated that insurance companies may not write double coverage. For example they must cover drywall in the association policy. They may not cover it in an HO6 policy also know as a condo owner policy.

Further, they made the association policy responsible for the buildings as originally built. They also stated the association has a non delegatable duty to pay these claims. This means they cannot deny a claim by stating it was caused by the roofer or a plumber and send you to them for relief. They cannot hand it off to a third party. The association must handle these issues. If a vendor causes a problem his insurance company and the association's insurance agent must get

together. This creates peace of mind for the owner's.

An easy way to remember who pays is something I came across often in my readings:

Owner: paint in and bare floors up

Association: dry wall out and bare floors down

An important point here for every owner to remember is to give notice of a claim in a timely manner. Most policies give you 14 days. After that you are on your own. This is especially important for the snowbirds. You should be having someone check your unit every 2 weeks. You have a responsibility to mitigate damages.

The exception for all of the above is negligence on the unit owners part. In order to deny the claim the burden of proof for this lies with the association.

The association, through the BOD needs to develop a comprehensive policy to address this issue to lessen the impact of insurance claims to our community. Some ideas I came across in addition to turning the water off when absent is mandatory replacement of items at certain intervals to try to prevent insurable events. This list included hot water heaters, dishwashers and the hoses for the washing machines as well as shut offs for toilets and sinks.

This month's photo behind the Gnome



A Gentle Reminder about POOL RULES

On Monday, July 17, 2017 we had an intruder IN the swimming pool. My husband was just getting off work and said that I should go and check it out. (Thanks Steve). When I got to the pool I noticed a bicycle leaning up against the pool fence and a boy of 13 or 14 swimming quite happily in the pool. Another unit owner had mentioned to me that the boy told him that he was here visiting his Grandpa. I asked the young man who and where his Grandpa lived. His response was that he had not been here in awhile and couldn't remember his Grandpa's name or condo number.

At that time I told him he had one minute to vacate the pool and property or I would call the police. He slowly got out of the pool, dried off and left the area on his bicycle. My parting words to him was this was the only warning. Next time the police would be called to escort him off and he would face the consequences. (Not sure what that would be, but it sounded good!)



Here is our problem.

Last year it was mentioned that the pool **MUST BE PADLOCKED** when no one was in the pool area. It is a law. Even though we are a private condominium association the city considers it a public pool. **CODE ENFORCEMENT** was here last spring addressing some issues that had been reported and this was reiterated again with the acting pool chairman. If we do not comply and they do a random check they warned us they would shut the pool down.

The pool was not padlocked when I went down to talk to the intruder. I don't know if it would have made a difference but if there was an accident that would be one of the first things and investigator would want to know. I know it is difficult to operate the padlock mechanism. Our eyes aren't what they used to be and fingers aren't as nimble. I am hoping this will be a board issue this fall to put a push button combo lock on pool gates or something more user friendly. Hotels have key cards. Until then call if you need assistance. ~~Thanks, ***Janey Hesche***

Daily Mojo

By Janey Hesche

Stella Part 2

So, the inevitable has happened, dialysis must begin and a "New Normal" way of life must start.

~~*~*~*~*

We begin in February of 2009. Stella has gone to Lee Memorial Hospital to have the port put in her arm to receive dialysis. The port is called a Fistula and actually has two ports in it. One for the Arterial entry where the blood goes out to the dialysis machine to be cleaned, and the Venous entry where it comes back in.

Well, what should have been a standard, operating procedure went awry for Stella. The fistula was successfully put in her arm, and she was sent home to heal. Three days later she had an extremely high fever. The stitches had become infected and an ambulance had to be called to transport her back to Lee Memorial. This, my friends, resulted in a one month stay in the hospital. There were seven surgeries to remove the Fistula, clear up the infection and put in another port to get this sweet lady ready for dialysis. The infection took its toll on her barely functioning kidneys. While in the hospital they had to put a temporary port in to her chest so they could begin dialysis every day from February 23rd to the 28th. It was necessary to get the toxins that had built up in the hospital out of her body as soon as possible. She was finally released on March 2, 2009.

On March 4, 2009 she arrived at the clinic that she would become very familiar with for her first dialysis appointment. I ask Stella how she decided on this particular clinic? She said the Doctor gives you options, usually the closest proximity to your home. (Makes sense!) I want to mention I also ask Stella if she is frightened? Her answer is no, in fact she was very optimistic. (I'm feeling her good mojo!)

So, she starts dialysis, three days a week, each session is four hours long. You are not allowed to bring anyone with you to pass the time. You can read, watch television, listen to music or even take a nap. There are thirty-two people at the clinic on dialysis. (Remember this as it will come up again in Stella, part three.) The first week a nutritionist, social worker, administrator, and a doctor or nurse practitioner are there to counsel her on the do's and don'ts! Also, she receives plenty of literature to read and familiarize herself on.

Nutrition is of the utmost importance. You can **ONLY** drink 32 oz. per day. Obviously, water is a big part of this, also, jello, soup, the juice of a watermelon,

what you swallow your medications with. No salt, dairy, whole wheat, tomatoes, potatoes, fruit. Only white flour, white bread, white rice, etc. My next question was what was the hardest food to give up? Well our gal Stella was born and raised in the Caribbean and her favorite foods were the fruit of her country. Some of which were Cassava, Mangoes, Papaya and Pumpkin. All high in carbs and potassium. All on the forbidden list. (I personally would have a problem giving up dark chocolate.)



The ever resourceful Stella planted an herb garden. It flourished. She grew mint, parsley, basil, rosemary and thyme. These are what she used

to flavor her food. Amigos, I would pass by Stella's window on many early morning runs and the amazing aroma of her cooking made my stomach rumble. If only she would have called out, "Come in for a bite, you weary runner!" Just kidding!

Stella committed herself to doing everything EXACTLY right. No sodium, very low carbs, limited fluids, minimum potassium and so on. She disciplined herself to Do The Right Thing. She had the required nutrition and blood test every month. They checked for any changes in protein levels, calcium, potassium, phosphate, weight, parathyroid and anything that would affect the dialysis process.



You see, my friends, if you are not diligent, dialysis can be agonizing. If you drink too much or eat incorrectly the cramping during dialysis becomes excruciating. I ask Stella how painful are the cramps? She looks at me and says, you have no idea. I leave it at that.

Take note that no dialysis is normal. It is an individual journey. The Fistula is checked every three months to make sure there is no clotting, a potential downside to dialysis. The nurses are highly trained to handle any situation and in Stella's words, they are amazing. Truth be told, they doted on her. In my

Stella Part 2, Continued

experience, she just rubs off on you!

Well neighbors, Stella's purpose through all of this was to embrace the situation of dialysis. After all, because of her positivity she knew that people lived many years on dialysis. It is a life giving procedure. She mentions that there were a few times over the years while driving home from dialysis that she felt like she had been wrung through the wringer. It was in those instances and moments she felt there was a guiding light leading her home. On the flip side, the days that Stella did not go to dialysis she felt reasonably good. Certainly well enough to carry on with her daily life and enjoy it to the fullest.

When this all began, Stella had three options. The first was Hemo Dialysis, which she chose to do. The second was Peritoneal Dialysis which is done at home, everyday, and the third, a kidney transplant. And that kemosabe (which means, trusty scout, according to the Lone Ranger) is where we will close for now on Stella, part two.

GENTLE REMINDER

Next month, you will hear of the Power that family, friends, doctors and maybe a stranger or two have experienced on this journey they have been on with Stella. Positive, Purposeful, Powerful Mojo. Stay tuned for Stella, part three. You will not be disappointed.

Something I read every morning while I make my coffee is a plaque that reads, "Even miracles take a little time." The fairy godmother Stella certainly understands this.

namaste



Stella celebrating another year on dialysis

Your hair and you!

Contributed by Stephanie Elliott,
our In-house Hair Knowledge Goddess



Without exaggeration, the right haircut takes 5-10 years off your looks, the problem of many older women is, sticking to one hair style for decades (*oops, my hand's in the air here ~ Bekki*) or choosing the style which makes them seem too severe at least and a nice change every few years is a must for a woman of any age.

Not only hair tendencies change, you change as well. New hair hue, new shapes of haircuts, new finishes for the ends can work wonders.

The good news is there's nothing new under the sun and your favorite pixies and bobs are still popular. (*thank heaven. ~ Bekki*)

What about that new gray coming in?

Many women are shy of their first gray hairs and try to cover them up with permanent dyes, while those grays are not numerous, and you are still young that really makes sense. And when you are turning grayer, our can either consider going blondish or sport your silver locks with pride and style.



After viewing gray hairstyles, you may completely change your opinion about gray looks, when else in your life could you have that stunning silver hue that looks natural and flattering on you?



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***Tech In A Flash
Matthew Rebstock
& Bekki Shanklin
at your service!***



Stella Odie-Ali, Janey Hesche: Jadwiga Lawrenz, A8, celebrating her birthday with friends eating breakfast at First Watch in downtown Fort Myers.



Janice and her mom at golden corral.. How old is Mama? A Lady NEVER tells



The Local Grillin Gang

