

## **PROPOSED CHANGES TO THE DECLARATION OF COVENANTS**

- 1) Amendments – Your Declaration has been changed several times by recorded Amendments. The language of all the previous amendments has been incorporated into this new Declaration.
- 2) Added language so your community will be governed by all future changes made by the legislature to Chapter 720 of the Florida Statutes, which governs HOAs.
- 3) Lien Signature (4.1) – Allowing an attorney or agent to sign a Claim of Lien instead of only a Director of the Board. This is simply to expedite the process; liens are always authorized by the Board only.
- 4) Assessment Due Date (4.5) – Stating that dues are owed in January, even if collections enforcement does not commence until April.
- 5) Late Charges (4.7) – Allowing for imposition of \$25 late charge for unpaid assessments. Added that no legal enforcement or collections action shall occur until April 1
- 6) Lien Subordination (4.8) – Your current Declaration provides that when a bank forecloses a lot, they are not responsible for any back-owed assessments on the lot. This has been changed to mirror Florida Statute 720.3085, which makes banks who acquire title via foreclosure responsible for the “safe harbor” amount (which is an amount reduced to the lesser of 12mos of previous dues or 1% of the mortgage). The way this provision is currently written has no benefit to your association or community. We have adapted it to current law which would make the banks have some liability for the back debt, just like a new owner would after a standard property sale.
- 7) Structures (5.2) – Defining type and parameters of structures allowed on lots.
- 8) Fences (5.3) – Allowing for more types of fencing. Added reference to fenceposts being on the interior side where possible.
- 9) Landscaping (5.7) – Allowing for more types of landscaping including Florida Friendly Landscaping practices.
- 10) Tenancies (5.10) – Providing that the association must be provided a copy of a written lease agreement for any tenancy and reinforcing that the owner is responsible for the actions of their tenants, which is already established in law
- 11) Satellite and Solar (5.14) – Clarifying that this equipment is allowed where permitted by law (federal law mandates that an HOA cannot prevent an owner from installing this equipment but can regulate where it is located). Added reference to solar.
- 12) Amenity Center (5.28) – Entering reference to the Amenity Center into the Declaration. It was created by a separate recorded amendment and we have included that language in the new Declaration, including the subsequently-added lots.

### **Changes after September meeting:**

- 1) 4.7 (Collections Enforcement) – Stated that no legal enforcement or collections action shall occur until April 1.
- 2) Removed all changes to 5.13 (Parking of Vehicles) and returned it to original language.
- 3) Added reference to solar in 5.14 and revised language.
- 4) Revised 5.7 (Landscaping) language to state only “rock” not specific colors of rock. Added language referencing need for ARC approval for all landscaping including rock.
- 5) Revised 5.3 (Fencing) to allow for any type along lake as long as 4-feet in height. Added reference to fence posts being inside fence towards lot where possible.
- 6) 5.2 (Structures) – Added different types of allowed structures. Clarified that only a shed requires a fence.