

## Enforcement of the Villages of Homestead Restrictions and the Rules

Life in our community is based upon courtesy and consideration for our neighbors, in the way that we conduct ourselves, control the activities of our guests and maintain our property. And in the overwhelming majority of cases our owners and residents conform to the high standards that they set for themselves and others. However there are a small number of instances, where, for a variety of reasons this does not occur. To address these cases, our governing documents (which all owners became legally obligated to follow when they purchased their property) provide a number of methods by which these situations may be addressed. The purpose of this document is to provide an overview of what these methods are, and how they will be applied.

The Audubon Village Declaration of Restrictions states the following:

*The structures and grounds on each Lot shall be maintained in a neat and attractive manner. Upon the Owner's failure to do so, the Architectural Control Committee or Developer may, at its option, after giving the Owner ten (10) days written notice sent to his last known address, have the grass, weeds, and vegetation cut when and as often as the same is necessary in its judgment and have dead trees, shrubs, and plants removed from any Lot and re-sod any Lot.*

*Upon the Owner's failure to maintain the exterior of any structure in good repair and appearance, the Architectural Control Committee or Developer may, at its option, after giving the Owner thirty (30) days' written notice sent to his last known address, make repairs and improve the appearance in a reasonable and workmanlike manner. The Owner of such Lot shall reimburse the Architectural Control Committee or Developer for the Cost of any work as above required, and to secure such reimbursement, the party or parties incurring such expenses shall have a lien upon such Lot enforceable as herein provided.*

The Villages of Homestead Homeowners' Association employs a property management individual to periodically survey all of the homes within its jurisdiction. In the event that a lawn, landscaping or exterior of any structure has not been properly maintained, following the required written notice, the Homeowner's Association will take action to have the problem corrected and bill the property owner. In connection with this process it is important to emphasize that a distinction is made between a lawn that is merely overdue for cutting or a house that needs a paint job, and a property that repetitively or significantly has become an eyesore to the community. Discretion is utilized in connection with this process.

The Audubon Village Declaration of Restrictions contains limitations on the manner in which a property may be used. In this connection it states the following:

*Each and all lots within the Properties are restricted to the use of a single family, their household servants and guests exclusively for residential purposes. By way of illustration but not limitation the Lots or any buildings erected or to be erected thereon shall not be used for the purpose of any profession, trade, employment, service, manufacture, or business of any description nor as a school hospital. Or other charitable institution nor as a hotel apartment house, rooming house, or place of public resort, nor for any sport (other than such games as are usually played in*

*connection with the occupants of private residences) nor for any purpose other than a private residence.*

*No trucks or commercial vehicles, home trailers, motor homes, campers, boats, boat trailers, or recreational vehicles or trailers of every other description shall be permitted to be parked or stored at any place on any Lot in this subdivision, except in a garage or carport, or except during periods of approved construction on said Lot*

Enforcing rules of this type is, unfortunately, not as simple as cutting the grass. However, Florida Statute 720 "Homeowners Associations" does give the Homeowners' Association the power to impose fines for violations of the restrictions and rules.

*The association may levy reasonable fines of up to \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents.*

The process prescribed by the Statute is a measured one, with steps for appeal and safeguards to ensure that a fine is being legitimately imposed. This process is not taken lightly by the Homeowners' Association, but, at the end of the day, it will be used to ensure that the actions of a few will not be permitted to degrade the quality of our community.

This discussion has presented a brief overview of some of the types of restrictions that exist on our properties, and some of the methods that will be used to maintain uniform compliance with these measures. The purpose is not to make life in our community unduly onerous, but to prevent the actions of a very small number of owners or residents from impacting the quality of life enjoyed by all.