

assessments that are imposed against owners of improved property (which is defined to mean property on which a home has been placed). Further provisions relating to dues and assessments are contained in the By-Laws of the Homeowners Association.

MARKUP #1 ->

8. Laundry: Laundry shall be dried outside only on a special drying apparatus in the form of a folding rack or umbrella-type temporary clothesline, all of which must be placed in the rear part of each lot. Carports may not be used in the drying of clothes.

ISSUE #1

9. Signs: No political, advertisement, signs/flags with foul language or vendor signs shall be displayed on any lots or rights of ways or other parts of said subdivision except as shall be specifically allowed by rules and regulations adopted by the Board of Directors. These rules shall determine size, time and permitted location and includes signs advertising homes for sale or rent. Vendor signs must be taken down one week after completion of project.

10. Limitation on Mobile Home Size, Placement and Model Type: There shall be only one (1) mobile home placed on each lot, with the minimum length of 35 feet and a minimum width of 24 feet. As referred to herein, a “mobile home” includes both mobile and manufactured homes. Homes with a roof pitch greater than 5/12 are not permitted. The Board of Directors may adopt rules and regulations, if necessary, in order to clarify what is considered to be a mobile or manufactured home for purposes of these restrictions.

(a) Any mobile or manufactured home must be new and unused at the time of the home being brought into the community. A current homeowner may replace their older mobile home with one which is no more than (5) five years older than the current calendar year. Board of Directors approval is required in all cases.

(b) The placement of all mobile and manufactured homes must comply with all governmental regulations and requirements, in addition to being approved by the Association. Further, all homes must have a carport and/or a garage, and must also have a utility room, and may have a screen room or a Florida room or the equivalent thereof. Any homes being brought into the community must be placed on the lot in accordance with the certified site plan developed by an engineer or surveyor licensed in the State of Florida to ensure that all setback requirements are met, additionally all exterior work, including the laying of sod on any disturbed ground, or fully installing “xeriscaping” or “Florida-friendly landscaping”, as provided for and described in the Florida Statutes, must be completed within 120 days.

11. Hurricane Tie-Downs: All mobile homes must have hurricane tie-downs in accordance with current county and state laws and regulations, which tie-downs must be set up and completed within five (5) days after a mobile home is placed on a lot.

12. Rules and Regulations: The Corporation shall have the right and authority, through its Board of Directors, to adopt reasonable rules and regulations provided that they are not in conflict with these restrictions and its Articles of Incorporation and By-Laws regulating the use of Corporation property.

13. Completion of Improvements, etc.: Any improvement, change, or alteration, the approval of which must be granted by the Corporation under the provisions hereof, must be completed and finished within 120 days of commencement, unless an extension in writing is granted by the Corporation due to exceptional circumstances. New homes must be completed within 120 days of delivery date. A mobile home shall not be deemed to be completed until all aspects of the approved engineered site plan/blueprints are satisfied and sod is laid or “xeriscaping” or “Florida-friendly landscaping”, as provided for and described in the Florida Statutes, is fully installed. No plants, shrubs, etc. over (2) two feet in height (and maintained at (2) two feet) are to be placed in front easement area.

14. Solicitation and Sales: Solicitation within said subdivision by parties other than owner residents is prohibited. Resident owners are to file notice and receive approval from the Corporation in connection with any solicitations that may be permitted.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9 (p. 13): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243)

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) prohibits community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:

Signs: No political, advertisement, signs/flags with foul language or vendor signs shall be displayed on any lots or rights of ways or other parts of said subdivision except as shall be specifically allowed by rules and regulations adopted by the Board of Directors. These rules shall determine size, time and permitted location and includes signs advertising homes for sale or rent. Vendor signs must be taken down one week after completion of project.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.