



Section C - If any Assessment as to a Lot becomes past due, and notice has been provided to

If any Assessment as to a Lot becomes past due, and notice has been provided to the Owner that the Assessment is delinquent, the Association shall have the right to accelerate the due date of the entire unpaid balance of the Lot's Annual Assessment, Special Assessments for that fiscal year and/or Individual Assessments, as if the balance had originally been due on the date of the notice that the Assessment was delinquent. The Association's Claim of Lien for accelerated Assessments shall secure payment of the entire accelerated obligation, together with interest on the entire balance, any costs incurred by the Association, attorneys' fees and costs incurred incident to any step of the collection process, whether or not a Claim of Lien has been recorded or commences a foreclosure action against the Owner. The right to accelerate is exercised by sending, to the delinquent Owner, a notice of the exercise, which notice shall be sent by certified/registered mail and regular U.S. Mail to the Owner's last known address and shall be deemed given upon mailing of the notice. The notice may be given as part of the notice of intent to foreclose or may be sent separately.

Section D - All payments on the account shall be applied first to interest, then to late fees, then

All payments on the account shall be applied first to interest, then to late fees, then to attorneys' fees and costs, and finally to the unpaid Assessments as required by law. The foregoing shall be applicable notwithstanding any restrictive endorsement, designation or instruction in, or accompanying, the payment. No payment by check is deemed received until the check has cleared.

E. The liability for Assessments may not be avoided or abated by waiver of the use or enjoyment of any Common Areas, by abandonment of the Lot for which the Assessments are made, or by interruption in the availability of the Lot or the Common Areas for any reason whatsoever.

Section 10.10 - Proof of Payment of Assessment. Upon the request of any Owner or Owner's

Proof of Payment of Assessment. Upon the request of any Owner or Owner's designee, or any mortgagee or mortgagee's designee, the Association shall issue an estoppel certificate providing information on the amounts due and owing to the Association, and other information required by Florida Statutes Chapter 720, as amended from time to time. The Association shall comply within the time frame set forth by law to provide such a certificate and shall be authorized to charge a fee for the preparation of the certificate.

Section 10.11 - Association Defense of a Legal Action. If the Association is a named defendant in a

Association Defense of a Legal Action. If the Association is a named defendant in a mortgage foreclosure action of a Lot, the Association shall have the right to collect, from the Lot Owner, all attorneys' fees and costs incurred by the Association to defend the lawsuit in the manner described in this Article.

Section 11

COLLECTION OF ASSESSMENTS

Section 11.1 - Creation of Lien. Each Assessment levied by the Association against a Lot shall be

Creation of Lien. Each Assessment levied by the Association against a Lot shall be secured by a lien effective from, and relating back to, the date on which the original Declaration of University Park is recorded, as allowed by law, in favor of the Association against the Lot and Improvements thereon. If an Assessment is not paid on the due date set forth in the notice of the respective Assessment, the Association shall have the right to perfect its lien by recording a Claim of

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 13.4 (p. 36): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Exterior Antennas. No Person shall place or maintain, within the Community, any exterior antenna, aerial, satellite dish, or other apparatus for the reception or transmission of television, radio, or other electronic signals, without the prior written approval of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).

ISSUE #1