

**DELWOOD ESTATES COMMUNITY ASSC., INC.**

**\*\* OFFICIAL RECORDS \*\***  
**BK 1486 PG 1880**

**RULE 98-1**

**FILE# 94-10943**  
**BAY COUNTY, FLORIDA**

**RULES ADDRESSING UNSIGHTLY OR UNSAFE PROPERTY CONDITIONS,**  
**ARCHITECTURAL VIOLATIONS AND REQUIRING CLEANING AND**  
**STAINING OF UNITS EVERY THREE YEARS**

WHEREAS a Townhouse Subdivision, Delwood Estates , Phase I (the "Declaration") is a legal document filed in the courthouse of Bay County, Florida and provides, in Article III, Section 1., that all property owners at Delwood Estates are automatically members of Delwood Estates Community Association, Inc. (herein after "D.E.C.A."); and

WHEREAS Article III (of the Articles of Incorporation for D.E.C.A.) expressly authorizes the D.E.C.A. Board "...to exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth..." in the Declaration with regard to the appearance and cleanliness of properties throughout Delwood Estates, and other matters; and

WHEREAS Article VI, Section 1 provides that, "No building, fence, wall or other structure shall be commenced, erected or maintained upon the property, whether located within a Lot or within the Common Area, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color or finish and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an Architectural Committee composed of three or more representatives appointed by the Board of Directors"; and

WHEREAS, under Article VIII of the Declaration, owners have the obligation to abide by the architectural standards of the Delwood Estates and to keep their properties maintained and free from litter and debris; for the beauty and protection of the property owners at Delwood Estates; and

WHEREAS Article VII of the By-laws of D.E.C.A. in Section II (c) provides that the Board has the power to "...adopt administrative rules and regulations governing the administration management, operation and use of the lots and common areas, and to amend such rules and regulations from time to time."; and

Whereas, a number of ill-maintained yards and properties have been brought to the attention of the Board of Directors of D.E.C.A.; and the Board therefore finds that inadequately or improperly maintained yards and properties at Delwood Estates constitute violations of the Declaration , causing decline in the property values for all members of D.E.C.A..

Accordingly, in order for the Board of Directors of D.E.C.A. to provide for the protection and safety and appearance of Delwood Estates and the property owners at Delwood Estates, through the enforcement of the Declaration of Covenants and Restrictions, Rule 98-1 is hereby adopted, and provides:

1. All property owners, and their guests and renters, are required to observe and comply with the Covenants and Restrictions contained in the Declaration, the Articles of Incorporation and By-laws of D.E.C.A. and the rules Adopted by D.E.C.A.
2. The Board of Directors of D.E.C.A. hereby supplements the covenants found in the Declaration under Article VIII, Section 1, by instituting the following alternative enforcement plan whereby if owners fail to discharge their obligations by keeping their properties in a clean, neat and safe condition and being in compliance with the architectural standards satisfactory to the Board of Directors of D.E.C.A., the Board, After: 1) Notice to the offending owner; 2) giving such owner an opportunity to be heard; and 3) approval by two-thirds (2/3) vote of the Board of D.E.C.A. shall have the right to either A) through its agents and employees enter upon said lot, and maintain, repair and restore the offending portion of the lot, including the right to remove trash, debris, items which should be stored out of sight and any otherwise inappropriate, rusted, broken or unusable items such as, but not limited to, furniture, grills, gardening and carpentry objects; and/or trim shrubs and cut lawns and, B) assess the owner a fifty dollar (\$50.00) fine for violating the Covenants, Rules and Regulations of Delwood Estates.
3. If, after written notice from the Board of Directors of its intention to abate the nuisance and assess a Fifty Dollar (\$50.00) fine, the property owner has not taken corrective action by the deadline stated in said letter, then the cost of the corrective action and the fine assessed shall become a lien upon the property on which the unsightly or unsafe condition is occurring. The Board of Directors may at any time pursue the collection of delinquent fees, fines assessments, etc. by filing for same in Small Claims Court.
4. At the next regular or special Board meeting the Board shall give a report stating the cause of the Claim of Lien to be prepared and filed, with a copy thereof being transmitted by certified mail to the owner of the property upon which the violation(s) exists. Said Claim of Lien shall accrue interest as provided in the Declaration and By-laws at the rate of nine percent (9%) per annum.
5. The Board of Directors of D.E.C.A. also hereby supplements the Covenants found in the Declaration, Article VIII, Section 1, whereby each Unit shall have its exterior surfaces cleaned and stained every three (3) years. This shall be done on a simultaneous basis with the complete cleaning and staining/painting for the entire development, to take place over a six month period. This six months period will commence on the first day of January in the year cleaning and painting is to occur.

6. The standards for external harmony relating to buildings/units at Delwood Estates are as follows:

- A. The official colors, and the only colors allowed at Delwood Estates are, for the stucco, "Delwood Yellow"; for the wood, "Beachwood Gray", all exterior doors, by which the unit is entered and exited, must be painted "Stratford Brown". Store-rooms and storeroom doors must be painted "Beachwood Gray". These colors are mixed specifically for Delwood Estates. The Glidden Paint store on Lisenby Ave. has the formulas. IF THE WOOD ON A UNIT HAS BEEN SEALED AND WILL NOT ACCEPT STAIN, "BEACHWOOD GRAY" OUTDOOR LATEX PAINT MAY BE USED.
- B. Exterior window frames and sliding glass doors may be the original aluminum or factory painted only.
- C. Storm and screen doors must be factory painted brown or painted "Stratford Brown. Security doors, with bars, may be black.
- D. Aluminum (unpainted) roof flashing and roof flashing coated with tar, etc. must be painted. The paint color is "colony brick". The Glidden Paint store on Lisenby Ave.
- E. Fences and gates must be painted "Beachwood Gray". The exterior sides of the fence must be pressure cleaned or the fence may be cleaned with a mildew removal solution and painted. Only the exterior of the fence and gate must be painted. The owner may opt to paint or not paint the interior side of the IF A FENCE IS COMPLETELY INCLOSED, THE OWNER OF THE PROPERTY WHICH IS ENCLOSED IS RESPONSIBLE FOR THE CLEANING OF THAT INTERIOR OF THE FENCE WHETHER OR NOT HE/SHE ERECTED THE SIDES FENCING.
- F. The Board of Directors also hereby clarifies the meaning of "Party Wall" as found Article VII, Sec.1 of the Declaration by reiterating that the Party Wall delineation is a center line down the wall separating two units. EACH UNIT OWNER IS RESPONSIBLE FOR CLEANING AND PAINTING HIS/HER SIDE OF ANY PARTY WALL PRESENT ON HIS/HER PROPERTY.

7. The Board of Directors shall have exclusive discretion to engage a contractor to clean the entire building and stain/paint the exterior woodwork, including any fences and gates of any unit to enforce the cleaning and staining/painting rule if a unit owner does not comply with the directive of the Board of Directors directly or through its appointed Architectural Committee, to do the work.

8. If, after written notice from the Board of Directors of its intention to abate the nuisance and assess a fine of One Hundred Dollars (\$100.00), the property owner has not taken corrective action by the deadline stated in said notice, then the Board of Directors, shall file a lien upon the property for the cost of the corrective action and fine assessed. The Board of Directors may at any time pursue the collection of delinquent fees, fines, assessments, etc. by filing for same in Small Claims Court.

9. At the next regular or special Board meeting the Board shall give a report stating the cause of the Claim of Lien to be prepared and filed, with a copy thereof being transmitted by certified mail to the owner of the property upon which the cleaning, staining and painting is or was required. Said Claim of Lien shall accrue interest as provided in the Declaration and By-laws at the rate of Nine Percent (9%) per annum.

10. Rule 90-1 applies to all members of D.E.C.A., members of their households and guests.

11. Notice of the adoption of this Rule shall be furnished in writing to all members of D.E.C.A..

Adopted in a regular meeting of the Board of Directors this 3rd day of February, 1994

THAT I AM THE DULY ELECTED AND CURRENT SECRETARY OF THE DELWOOD ESTATES COMMUNITY ASSOCIATION, INC., A FLORIDA CORPORATION NOT FOR PROFIT; AND

THAT THE FOREGOING CONSTITUTES RULE 90-1 OF THE OPERATIONAL RULES OF SAID ASSOCIATION AND THE REVISIONS APPROVED BY THE BOARD OF DIRECTORS AT THE REGULARLY SCHEDULED BOARD MEETING HELD THE 3rd DAY OF February, 1994 AT 7:00 PM IN THE ASSOCIATIONS CLUBHOUSE, WHICH IS LOCATED AT 1025 W. 19TH STREET, PANAMA CITY, FLORIDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED THE SEAL OF THE ASSOCIATION THIS 16 DAY OF February 1994.

WITNESS

Ann M. McMinn  
ANN McMINN, SECRETARY

RCD: MAR 8 1994 @ 2:09 PM  
HAROLD BAZZEL, CLERK