

DELWOOD ESTATESZ COMMUNITY ASSOC., INC  
RULE 90-1 REVISED  
Rules Addressing Unsightly or Unsafe Property conditions  
Architectural Violations and Requiring of Cleaning and  
Painting of each Home

WHEREAS, a Townhouse Subdivision, Delwood Estates, Phase 1 (the "Declaration") is a legal document filed in the courthouse 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, material 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 90-1 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 VII, 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) 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) 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, ect. 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 violations(s) exists. Said Claim of Lien shall accrue interest as provided in the Declaration and By-laws at the rate of the twelve percent (12%) 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 pressure cleaned every three (3) years. Homes with James Hardie Board Siding need to be painted every six (6) years. Homes with wood siding need to be painted every six (6) years. This shall be done on a simultaneous basis with the complete cleaning and 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 the pressure cleaning 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 Gold/Yellow Elastomeric"; for the wood siding and Hardie Board siding, "New Delwood Cypress Acrylic Latex outdoor paint". All exterior doors by which the unit is entered and exited, must be painted "Stewart House Brown/Pittsburgh Brown". Storerooms and storeroom doors must be painted "New Delwood Cypress Acrylic Latex outdoor paint". These colors are mixed specifically for Delwood Estates. The PPG Paint Store, 1515 Lisenby Ave has the formula.
  - B: Exterior window frames and sliding glass doors must be Stewart House Brown/Pittsburgh Brown or factory brown color, from the date, February 2020 forward.
  - C. Storm and screen doors must be factory painted brown or painted Stewart House Brown/Pittsburgh Brown.
  - D. Aluminum (unpainted) roof flashing and roof flashing coated with tar, ect. Must be painted. The paint color is Stewart House Brown/Pittsburgh Brown from this date, February 2020, forward.
  - E. Fences and gates must be painted, New Delwood Cypress Acrylic Latex outdoor paint. 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 fence. If a fence is completely enclosed, the owner of the property which is enclosed is

responsible for the cleaning of the interior of the fence whether or not he/she erected the sides fencing.

- F. Gutters need to be Stewart House Brown/Pittsburg brown or New Delwood Cypress Acrylic Latex outdoor paint.
  - G. The Board of Directors also hereby clarifies the meaning of "Party Wall" as found in Article VIII, Section I 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 paint the exterior wood work, including any fences and gates of any unit to enforce the cleaning and 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 and fine assessed. The Board of Directors may at any time pursue the collection of delinquent fees, fines, assessments, ect 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 shall accrue interest as provided in the Declaration and By-laws at the rate of Twelve Percent (12%) 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 13<sup>th</sup> day of February, 2020.

THAT I AM THE DULY ELECTED AND CURRENT PRESIDENT OF THE DELWOOD ESTATES COMMUNITY ASSOCIATION INC. A FLORIDA CORPORAION NOT FOR PROFIT AND THAT THE FOREGOING CONSTITUES RULE 90-1 OF THE OPERATION RULES OF SAID ASSOCIATION AND THE REVISIONS APPROVED BY THE BOARD OF DIRECTIONS AT THE REGULARLY SCHEDULED BOARD MEETING HELD THE 11<sup>TH</sup> DAY OF FEBURARY, 2020 AT 6:30PM.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED THE SEAL OF THE ASSOCIATION THIS 11 DAY OF February 2020.

Karen Feeth  
Witness

Adam Gardner  
Adam Gardner, President

