

# *Bayway Isles Homeowners Club, Inc.*

5650 Leeland Street South ♦ St. Petersburg, Florida 33715-1637 ♦ Phone (727) 867-7586 ♦ www.bayway.org

## **DEED RESTRICTION COMPLIANCE POLICY AND PROCEDURE**

Bayway Isles Homeowners Club, Inc. (the “Association”) is responsible for the reasonable, uniform and consistent enforcement of our community’s Deed Restrictions. Assuring proper and timely compliance with the Deed Restrictions by every property owner maintains the qualities and character of Bayway Isles and serves to protect the safety and property interests of every owner. The Association has established a Deed Restriction Compliance Committee (the “Compliance Committee”) and adopted this Deed Restriction Compliance Policy in an effort to discharge that obligation in a fair, consistent and effective manner.

- 1. Notification and Recording of Complaints:** As used herein, the term “Complaint” means a statement of verbal, written or electronic communication of an alleged violation of the Deed Restrictions communicated to the Association in the following manner: i) written or electronic transmission (email) of the Complaint to the assigned Area Compliance Committee Lead or to the Board of Directors Compliance Committee Advisor (“Committee Advisor”) by any member of the Board of Directors (each a “Board Member”); or ii) verbal, written or electronic communication of the Complaint to any Compliance Committee Member by any Owner, in which event such Member shall transmit the Complaint to the assigned Area Committee Lead in writing or by electronic transmission (email) within 24 hours following the Member’s receipt of that Complaint with a copy to the Committee Advisor. A Complaint shall be deemed to be received by the Association when it is communicated to the Compliance Committee in the manner stated in this provision. An Owner submitting a Complaint may elect, at their option, to remain anonymous. The Compliance Committee Lead will provide notice to the Committee Advisor who will maintain a record of all complaints received, along with any recommended or follow-up actions taken by the Compliance Committee.
- 2. Review of Complaints:** A review of each Complaint shall be performed by either: a) the Area Compliance Committee; b) the Committee Advisor; or c) the President and Vice President of the Association. The purpose of the review of each Complaint shall be to determine if it states sufficient facts to allege a violation of the Deed Restrictions. The review of each Complaint shall be conducted within ten (10) days following the initial transmission of the Complaint. The findings and conclusion of such review shall be communicated by the Committee Advisor to the members of the Area Compliance Committee, and to the Owner who initiated the Complaint, if known, by written or electronic communications within ten days following the completion of the review and shall state either: i) upon review no enforcement action is recommended because there are insufficient facts of an alleged violation of the Deed Restrictions; or ii) upon review an investigation will be opened to determine if enforcement action is recommended because there are sufficient facts of an alleged violation of the Deed Restrictions.
- 3. Initial Contact and Informal Notice of Violation:** Verbal or electronic notice of a violation should initially be made by an Area Compliance Committee member to the owner. This will give the Owner an opportunity to recognize and correct the violation and/or provide additional information to the Compliance Committee such as extenuating circumstances. The Owner should provide the Compliance Committee with an estimated time to cure the violation, and such information shall be logged in the Committee’s record.

# *Bayway Isles Homeowners Club, Inc.*

5650 Leeland Street South ♦ St. Petersburg, Florida 33715-1637 ♦ Phone (727) 867-7586 ♦ www.bayway.org

4. **First Notice to Owner of Violation:** Should the initial contact be insufficient to resolve the violation, a written or electronic notice of the violation (a “First Notice”) shall be served by the Area Compliance Committee or the Committee Advisor upon the Owner (and to such Owner’s tenant, if appropriate) of the Lot in violation by either electronic transmission or US mail service with a copy to the Association’s Secretary, President and Vice President. The First Notice shall identify each violation and shall require that each such violation be cured within such reasonable period of time as shall be determined by the Compliance Committee and stated in the First Notice.
5. **Second Notice to Owner:** Should the Owner fail to cure the violation within the allocated time period stated in the First Notice, the Area Compliance Committee or Committee Advisor shall follow up with a written or electronic notification reminding the Owner of their responsibilities under the Association’s By-Laws and Deed Restrictions together with a copy of this Compliance Policy and a copy to the Association’s Secretary, President and Vice President. The Second Notice shall state the period of time during which the Owner may complete the curing of the violation before it is submitted to the Board of Directors for its determination as to further enforcement action to be taken.
6. **Failure to Cure:** Should the Owner fail to cure the violation within the time period stated in the Second Notice, the Area Compliance Committee Lead or Committee Advisor shall forward a copy of its findings of the Compliance Committee regarding the violation for distribution to the Board of Directors who shall solely determine if the violation should be enforced and the action to be taken. The Board of Directors, in its sole discretion may provide a copy to counsel for the Association to enforce compliance through legal action.
7. **Grandfathered Conditions:** As used in this provision, the term “Grandfathered Condition” means a physical condition of a Lot or Home that was lawfully created and complied with the Deed Restrictions prior to the amendment of and revisions to the Deed Restriction in November of 2008 (the “2008 Revisions”), though such physical condition may not comply with the 2008 Revisions, provided that no material changes were made to the subject physical condition following the 2008 Revisions. In each case in which the Board of Directors shall determine that a Complaint is based upon a Grandfathered Condition, the Board of Directors shall have authority to allow the Grandfathered Condition to remain, without alternation, until such time as there shall occur a transfer of title ownership of the Lot upon which such Grandfathered Condition is located, at which time the Grandfathered Condition shall be brought into compliance with the 2008 Revisions. It shall be the responsibility of each Owner of a Lot upon which a Grandfathered Condition exists to give proper notice of the same to each person or party to whom title or interest in such Lot shall be transferred by that Owner.

Nothing herein limits or otherwise affects the Association’s right to proceed in any other lawful manner to revise or enforce the Deed Restrictions.

The Association reserves the right to modify or amend this Compliance Policy at any time.