

WYNDHAM LAKES ESTATES HOMEOWNERS ASSOCIATION, INC.



Dear Wyndham Lakes Estates Residents,

Part of the role of the Association is to enforce its restrictive covenants and ensure that all properties are being maintained in accordance with the Association's restrictions and the community-wide standard. The Board of Directors thanks its numerous residents who actively maintain their properties and seek approval from the Architectural Control Committee ("ACC") prior to making modifications to their homes and lots. However, unfortunately, there are a handful of properties in the community that are not being maintained in accordance with the Association's restrictions or that have made modifications to their property without the approval of the ACC.

Consequently, at the Association's Board of Directors meeting held on June 16, 2021, the Board of Directors approved a new procedure for how covenant enforcement matters will be addressed within the Association. Enclosed herein, is a copy of this resolution. Essentially, there will be two notices provided for property compliance issues. The first notice will provide a homeowner with fourteen (14) days to bring the property into compliance. If no action is taken, or if no acceptable resolution is provided to the Association, a second notice will be issued that provides the homeowner with seven (7) days to bring the property into compliance. If the homeowner fails to bring the property into compliance within this time period, the Association will forward the matter to its legal counsel in accordance with the enclosed policy. This new policy will be effective for all violations initially cited on or after July 1, 2021.

Additionally, while many in the community are already aware of this, the Fifth Amendment to the Association's Bylaws has been approved by the Board of Directors. This amendment solidifies that individuals who wish to run for the Board must own a property within the community but are not required to reside within the community. This change was made to conform with Florida law. A copy of this document was already provided to the membership. It has also been posted on the Association's website and has been recorded in the Public Records of Orange County, Florida at DOC# 20210378128. Additionally, a copy of the amendment is available at no charge upon written request to the Association.

Thank you for your continued support of our community.

Sincerely yours,

Association Board of Directors

WYNDHAM LAKES ESTATES ASSOCIATION, INC.
COVENANT ENFORCEMENT RESOLUTION AND POLICY

June 28th, 2021

WHEREAS, the Wyndham Lakes Estates Association, Inc. (“Association”) is governed by that certain Declaration of Covenants and Restrictions for Wyndham Lakes Estates recorded at Official Records Book 8267, Page 4394 in the Public Records of Orange County, Florida, as amended from time to time (“Declaration”), along with various Rules and Regulations promulgated by the Association (collectively the “Governing Documents”) and Chapter 720, Florida Statutes; and

WHEREAS, Article 20 of the Declaration provides that the Association may enforce the provisions of the Declaration by any proceeding at law or equity against any person any provision thereof; and

WHEREAS, the Board of Directors has the option of determining which procedure for enforcement of the Declarations is most effective and beneficial to the Association; and

NOW THEREFORE, the Board of Directors hereby adopts the following Resolution:

BE IT RESOLVED THAT, that from the date this resolution is signed, the Association shall follow the “Summary of Enforcement of Procedures” which is attached hereto and incorporated herein by reference as **Exhibit “A”**.

BE IT FURTHER RESOLVED THAT, the Association reserves all rights and remedies available to it under its governing documents or Florida law and nothing herein shall be deemed to be a waiver of any such rights.

The undersigned hereby certifies that at its duly posted and noticed Board meeting held on June 16, 2021 the enforcement policy attached hereto as Exhibit “A” was approved by a vote of the Board of Directors of the Association.

Sign: 

Print: Naomi Alamy
As the President of Wyndham Lakes Estates Association, Inc.

Sign: 

Print: Toy S. Kersis
As the Secretary of Wyndham Lakes Estates Association, Inc.

Exhibit "A"

Summary of Enforcement Procedures

INSPECTION AND VERIFICATION

The Association, through its Board of Directors ("Board") and Community Association Manager ("CAM") will perform routine inspections of the community to determine violations of the Declarations and any Rules promulgated under the same (sometimes collectively referred to hereinafter as the "Governing Documents").

In addition to the aforesaid routine inspections, the Association, through its Board, the CAM and/or any other authorized agent of the Association shall inspect and verify any reports of violations of the Governing Documents coming from any members, i.e. Owners or residents. Inspections, routine or verification of a report, can be done from the road, sidewalk, common ground, or from a neighbor's property if invited by the respective neighboring owner.

NOTIFICATION OF VIOLATION

1. **First Notice.** In the event of a violation of the Association's Governing Documents, the Association shall provide a First Notice ("First Notice") providing fourteen (14) days to bring the property into compliance or provide an acceptable action plan to resolve the violation. The CAM has discretion to suspend the process if a realistic resolution to a violation is deemed forthcoming.
2. **Final Notice.** In the event that the property does not come into compliance within the time period specified in the First Notice, the Association shall issue a second notice ("Final Notice") providing seven (7) days to bring the property into compliance.

Each notice shall contain:

- A description of the violation(s)
- The curative act or actions that must be performed to cure the violation(s).

ATTORNEY ENFORCEMENT

If the property remains in violation after the expiration of seven (7) days after the Final Violation Notice is mailed, the Board may, in its sole discretion, forward the matter to its legal counsel. The Association's legal counsel shall then initiate enforcement actions which could include pre-suit mediation and, if necessary, a lawsuit seeking injunctive relief, as defined more specifically below. The Association's legal counsel shall be permitted to seek its attorney's fees from the Owner, or other appropriate parties, in violation of the Association's governing documents at all stages of enforcement.

While the Board of Directors contemplates that the above procedure will be followed for most violations of the Association's covenants and rules, the Board recognizes that certain violations, either based on the egregiousness of the violation or the threat the violation poses to the safety and welfare of the Association, may require the Association to deviate from the procedure above and forward the matter directly to the Association's attorney for legal action or provide less than two notices, or no

notices, before sending such violation to the Association's legal counsel. Additionally, based on the specific nature of the violation, the Association's Board of Directors may determine that it is in the best interest of the Association to exercise its self-help rights and assesses the homeowner for the cost of any such efforts. Any such deviations shall not constitute a waiver of the Association's enforcement rights or selective enforcement of this policy.

The above policy and timeframes are intended to be a guideline and all actions are subject to administrative and processing delays. However, any deviation from this policy shall not constitute a waiver of any rights or remedies of the Association.

STATUTORY OFFER FOR PARTICIPATION IN PRE-SUIT MEDIATION

If a violation persists despite any of the foregoing steps being taken by the Association and the Owner has not otherwise made arrangements with the Board to cure the violation(s), the Association shall send a correspondence offering to participate in pre-suit mediation to the Owner pursuant to Fla. Stat. § 720.311 prior to the initiation of filing a lawsuit. The Owner must respond to the Statutory Offer for Participation in Pre-Suit Mediation within twenty (20) days of it being sent as set forth therein. If the Owner elects to participate in pre-suit mediation, such mediation must occur within ninety (90) days of the correspondence being sent unless the Association and Owner agree to a later date. The Association shall not be required to issue the Statutory Offer for Participation in Pre-Suit Mediation if the violation is, pursuant to the Board of Director's reasonable discretion, one that threatens the safety of the community.

PRE-SUIT MEDIATION:

Pre-suit mediation consists of meeting between the Association, its legal counsel, the Owner and a mediator. Owners may have an attorney accompany them if they so choose. The purpose of the mediation is to find a workable solution that both parties can agree to. In the event a resolution is reached a signed settlement agreement is entered into by both parties to memorialize the agreement.

DECLARATORY ACTION AND INJUNCTION AGAINST OWNER

If no response is received to the offer for pre-suit mediation, the Owner declines to participate in pre-suit mediation, or the pre-suit mediation ends in an impasse, the Association may elect to initiate a legal action against the Owner for, among other things, a declaration of its rights under Florida law and the Governing Documents and for an injunction against the Owner to require compliance with the Florida law and Governing Documents.