

Cypress Bend Homeowners Association, Inc.

c/o Bayside Management Services
P. O. Box 372850
Satellite Beach, Florida 32937
321-676-6446

February 2024

Dear Homeowner,

The Cypress Bend (CB) Board of Directors (BOD) are concerned with developing the best approach/procedures to handle and correct existing and future violations of the Association's Governing Documents.

Legal Counsel has recommended how violators of our Covenants should be handled and the course of action that should be taken by the Board of Directors. The Board of Directors ostensibly owes a fiduciary duty to the Membership which includes endeavoring to follow the Florida Statutes and to implement the requirements of the Governing Documents. Additionally, part of the purpose behind having Covenants and Restrictions, i.e., the Associations Declaration, etc., is to help preserve and protect property values. To maintain and promote our property values, the Association needs to compel each Homeowner's compliance with the Governing Documents. Therefore, **Homeowners cannot rely upon any prior infraction or violation as a basis to justify future violations or infractions. Similarly, Homeowners cannot rely upon any past inaction by former Board of Directors or Management as a justification to violate the Governing Documents.**

The CB Board of Directors intends to enforce and compel compliance with all of the Governing Documents. The procedure that has been adopted by the Board of Directors follows:

1. Once a violation is identified, the Association intends to send an initial notice/letter to the Homeowner and or occupant citing the violation and requesting compliance within 30 days of the date of the letter. The initial letter will also note that the Homeowner/Occupant will only be provided two additional notices/letters before the matter is turned over to the Due Process Committee, if appealed, or to the Association's Attorney for mediation or legal action to compel compliance if the notice/letter is not appealed.
2. Every Homeowner/Occupant needs to appreciate that in the event a violation is provided to our Attorney for action that the Law Firm will seek not only to compel compliance with the Governing Documents and Florida Statutes but may also seek to recover Attorney's fees and costs associated with compelling compliance. Please note that the attorney's fees which could ultimately be borne by the violating Homeowner/Occupant can be expensive.

3. Please work with your Board of Directors for the benefit of the entire Community by complying with the Association's Governing Documents. If you receive one of the referenced letters, please do not become irate, but rather appreciate that such letters are being generated for all Homeowners benefits so the Association may protect and preserve the Community. We realize that all of the Homeowners probably object to one or more of the requirements of the Association's Governing Documents. It is hoped that every Homeowner can appreciate the need for compliance by everyone to protect our community.
4. Also, please understand that not only do the Governing Documents mandate compliance, but the Florida Statutes mandate compliance as well. More specifically, the Declaration constitutes a covenant running with the land which is superior in authority to even the deed by which every owner took title to his lot or unit, and that by purchasing within your community; every Owner had record title notice of the existence of and the binding nature of the Declaration. This means that every Owner tacitly agreed to abide by every provision and covenant set forth in the Declaration and all Governing Document. Also, Section 720.305, Florida Statutes provides that a violation of the Governing Documents is a violation of Florida Statutes and subjects the violator to payment of the Association's reasonable attorney's fees. The Association hopes to work with every Homeowner for the benefit of the Community and hopes that every Homeowner will cooperate in this endeavor.
5. The Association intends to compel compliance with every provision of the Governing Documents. One of the most likely violations is the "failure to obtain the requisite approval from the Architectural Review Committee (ARC) prior to any construction, alternation(s), modification(s), changes(s) and improvements(s). As part and parcel to such review, **Homeowners wishing to make an alteration, change and/or improvement to their property must submit detailed plans and specifications of the improvement(s), change and/or alteration being sought.**

PLEASE NOTE:

This letter is not an indication that you are in violation of any of the Governing Documents. This letter is only for the purpose of helping you avoid violating the documents and explaining why Homeowners and Occupants must comply with all provisions to our Covenants. Enclosed is a list of the most common violations for your reference, this list is not intended to be all inclusive, please refer to the Document's for complete information. If you need a copy of the Association Documents, please contact Management.

Thank you in advance for working with the Association for the benefit of our community by complying with the Association's Governing Documents.

Sincerely,

Sara LaPointe, CAM/Agent on behalf of
Cypress Bend Homeowners Association, Inc.
Board of Directors

Sara.baysidemgmt@gmail.com

CYPRESS BEND HOMEOWNERS ASSOCIATION, INC.

c/o Bayside Management Services

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COMMON COVENANT VIOLATIONS

- ALL EXTERIOR CHANGES (including but not limited to decks, major landscape, patio extensions etc.) to the home and/or lot must be applied for through the Architectural Committee (ART 5.1)
- Outside Storage of Personal Property: All personal property shall be stored inside the resident's garage/home/yard behind a fence (ART 5.0e3)
- Garbage and Trash: All containers or trashcans shall be stored inside a unit or fenced in area and screened from view (ART 5.0e1)
- Vehicles: Do not park commercial vehicles, boats, recreational vehicles, trailers on the property unless in an enclosed garage. All vehicles must be in good repair and no vehicle that is unlicensed, or which cannot operate under its own power shall remain on the property for more than 24 hours (ART 5.0p1,2,3)
- Pets: All dogs/cats must be kept in compliance with Brevard County Leash Laws; they must be leashed/under the owners control and picked up after. No animal shall be allowed to create a nuisance (ART 5.0g)
- Do not engage in activity that might constitute a nuisance to your neighbors or the community at large (ie. Setting off fireworks, loud late-night parties, illegal activities etc) (ART 5.0b)
- Exterior Maintenance of Property: The exterior shall be kept in a neat, attractive, clean/sanitary manner and kept in good repair including shutters, garage doors, paint, trim, roof and yards, bushes, trees kept cut and neatly trimmed (ART 5.0m)

Please understand the above are only reminders of the most frequent violations; please review Article 5 amended 12/5/00 for complete information. If you need a copy of Article 5 please let us know.

Full enforcement of the Covenants will begin thirty (30) days from the date of this letter; on or about March 25, 2024

Please contact Management with questions at sara.baysidemgmt@gmail.com