

## HUNTERS TRACE HOMEOWNERS ASSOCIATION, INC.

AS PRESIDENT, I wanted to provide the general membership a clear understanding of the Board of Directors' assignment of responsibility and liability as a Board under Florida Statutes, and under what authority we operate and enforce the Deed Restrictions.

Florida Statute, Chapter 617, governs all Corporations Not-For Profit; Chapter 720, governs all not-for profit Corporations who operate as a Homeowner's Associations in the State of Florida. Any Federal or State Law or Regulation has precedence over any of our deed restrictions and covenants, or our Articles of Incorporation and By-Laws.

In the late 1980s a group of investors appealed to Marion County for permission to develop this parcel. Like all Counties, the County Zoning & Building Code enforcers wanted to know what impact this development would have on the earth, the air above and the ground beneath, the surrounding neighborhood and property owners; as well as ensure that the developer's plan would include necessary infrastructure to serve the people who would be moving in to Hunters Trace.

The Developers submitted their Improvement Agreement. This Agreement was presented to the County, approved, and recorded on January 4, 1989. Just like your builder had to submit your building plans to the County for his permit to build. Then the Developer submitted his approved Improvement Agreement to his banker for a loan for these improvements. THEN CAME THE.....

### DEED RESTRICTIONS AND COVENANTS OF RECORDED

March 14, 1989, the Developer, wanting a platted subdivision and certain deed restrictions to ensure the value of his investment, recorded in the County Public Records the original DEED RESTRICTIONS AND COVENANTS OF RECORD. Deed Restrictions go with the property, they automatically renew every 10 years. Hunters Trace Deed Restrictions renewed last time on 12/31/2012 and will again renew on 12/31/2022.

To abolish Hunters Trace Deed Restrictions, it will take a majority vote of the membership on 12/31/2022, which is the next automatic renewal date.

To Amend Hunters Trace Deed Restrictions, it takes a 2/3 vote of the membership at a meeting of the Association. Along with a duly executed instrument, recorded in the Public Records of Marion County, signed by 60% of the owners of homesites as well as signed by 60% of the Institutional Mortgage Holders of 1st Mortgages.

The Board of Directors at various times have studied the Regulations and By-Laws and determined the intent and interpretation of certain deed restrictions, which is our authority to do. We have granted no "waivers", "exceptions", or "variances" that I can find in our historical record. The Developer did grant such things, and that is why you see certain fences that appear to be non-compliant, additions, Fla Rooms, and Screened porches. Quite frankly, the Developer was trying to sell lots and get the heck out of here, he didn't care that others would have to deal with his straying from the Deed Restrictions. There are couple of homes with screen porch additions that received a denial from the Architectural Committee because they were non-compliant, yet the owners quickly, in one case a day, installed the structure. Unfortunately, the Board of Directors failed to stop the construction, creating a thorn for us to hear about for the next 25 years.

**Note: Contractors who plan to perform certain types of work that require a County permit must make a permit application. (Before the permit will be granted and issued, the County compares the scope of work against the recorded Deed Restrictions. This is how powerful the deed restrictions are! Since I have been in office, I have had to work with the County, the home owner, and the Contractor to reconcile the differences.)**

**Just a few of Hunters Trace Deed Restrictions that were in place from the beginning!**

**Any home constructed must have a ground floor min. area of 1600 sq ft., masonry foundations only.**

**No home over two stories**

**No motorcycle, boat, trailer, camper, travel trailer, recreational vehicle, mobile home or other powered or non-powered vehicle other than a private passenger vehicle shall be parked or maintained on any homesite except in an enclosed garage. \***

**Homesites must be maintained in a clean, neat, and attractive condition**

**No abandoned vehicles**

**No natural or artificial feature on any homesite to become obnoxious, overgrown, or unsightly**

**No animals shall be kept or maintained except conventional household pets and only in such number as not to constitute a hazard, nuisance, or annoyance to the adjoining homesites**

**All landscaped areas shall be maintained in a live, healthy and growing condition**

**No temporary buildings**

**No window unit air conditioners**

**All pools shall be 'in-ground'**

**No radio or television antennas, satellite dishes, clothes lines clothes racks, are permitted to remain (Note new Laws allow for satellite dishes, and clothes lines) but we can limit the location of their placement because we have the right to 'attractive appearance).**

**Assessments can carry an 18% per annum from due date, plus costs to collect.**

**No utility sheds.**

## **HUNTERS TRACE HOMEOWNERS ASSOCIATION ARTICLES OF INCORPORATION**

**In 1994, Homeowners at the time were led by three men. Two of which, Don Sjolund and Elbert Wilkinson, still live in Hunters Trace today. The men retained an attorney and the process was made legal. Our Birth Certificate so to speak, is called the ARTICLES OF INCORPORATION and it was recorded on May 16, 1994, with the Div. of Corporations in Tallahassee Florida. Corporations require By-Laws, so that was the next governing instrument.**

## **HUNTERS TRACE HOMEOWNERS ASSOCIATION BY-LAWS**

**By-laws must follow Statute requirements. By-Laws govern the corporate business operation of Hunters Trace, our finances, defines what constitutes a quorum, determines how and when notices are to be presented, allows us to collect assessments, purchase goods for the operation of the HOA and pay expenses; and in the event of unpaid assessments, we are even given the authority to foreclose!**

**Further, our By-Laws grant all powers, via Florida Statute 720, to pay expenses, maintain areas for the common good. This same document grants you membership as a property owner. This document restricts us as well. We can not, as a non-profit collect more funds than we anticipate for landscaping, fence, entrance, and to sustain the image of our beautiful subdivision. We can have no gain or profit. This is why so much time is spent on our annual budget and so little is collected.**

**By-Laws set out the number of Board of Director members, defines term, function and role; how we are elected, removed, how to fill a vacancy, the term of office, how our meetings, Board of Directors, Annual, or Special Meetings, are to be conducted, and even specifically spells out the Order of Business at the meetings of the Board of Directors; grants us the right to make reasonable rules and regulations for the occupancy of the lots. And lastly, the By-Laws clearly define the rights of the individual members regarding voting, etc.**

**The present Hunters Trace Homeowners Association, by its creation in 1994, is perpetual, forever and ever; unless 100% of this total membership agree to terminate this HOA.**

**No one should ever think that they can move into a deed restricted community and disregard its regulations. Without an HOA for enforcement, the neighborhood standards will collapse. I have seen it over and over, but especially since the market crash of 2008. Believe me, for your own protection and security of your investment, you want these rules in place! There is no one looking out for you outside of these walls (fences). There will be no more apologies for enforcing the deed restrictions.**

**As a Board, we are patient and kind in our enforcement, giving plenty of time for correction, with understanding of extenuating circumstances such as illness or frailty, death, or renovation construction. But eventually, compliance is expected, and if it does not come, corrective enforcement will be taken. AS MEMBERS OF THE BOARD, WE ARE HELD LIABLE FOR THE ENFORCEMENT OF OUR RESTRICTIONS by the laws of the State of Florida. I live with them just like you do. Just like all of our laws and regulations, our deed restrictions protect Hunters Trace citizens with a set of minimum standards.**

**If you the homeowners and we the Board of Directors acquiesce to the *lowest standard* within this community, we will all soon be living by the *lowest standard*. That is why the deed restrictions are enforced.**

**As President of this Association, I will do my very best to help educate those that do not know or do not understand our regulations; I will also do my best to enforce our rules and regulations, because they are what drew me to this community and it is why I have stayed. I am very proud of our neighborhood and members!!**

*Cynthia Head, President*