

## **Stone Creek at Eagle Harbor Association, Inc. Rules and Regulations**

### **Overview**

Stone Creek at Eagle Harbor Association, Inc. (Stone Creek) is a town home community which is governed by the Declaration and General Protective Covenants as recorded in Book 2393 Page 0312 of the Official Public Records of Clay County, Florida. Stone Creek is a sub-association of Towncenter East of 17 at Eagle Harbor Association, Inc. and is also subject to that association's Declaration of Covenants, Conditions, Restrictions, Limitations and Easements as recorded in Book 1690 Page 0346 of the Official Public Records of Clay County, Florida. The governing law is Chapter 720 of the Florida Statutes.

The authority of the Board of Directors to establish, adopt and enforce the rules and regulations as contained herein is established in Article IX, Section A of the Bylaws of Stone Creek at Eagle Harbor Association, Inc., which are included and recorded with the Association Declaration and Protective Covenants specified above.

The main purpose of these Rules and Regulations is to compile, supplement and clarify guidance provided in the governing documents listed above and to provide guidance where none is provided. This document is not intended to be all inclusive in addressing every situation that may arise in Stone Creek. It is not intended to replace or contradict any of the governing documents. If there is any conflict or contradiction between the governing documents or Florida Statute and these Rules and Regulations, the governing documents or Florida Statute shall prevail.

The Board of Directors retains sole authority and discretion to resolve any situation where guidance is not provided for in the Florida Statutes, governing documents or Rules and Regulations outlined herein.

These rules and regulations shall be effective as of the date signed by the President and adopted by the Board of Directors.

### **Assessments**

- **Regular Assessments** are paid ahead quarterly on the first days of January, April, July and October. Regular assessments are based on the annual budget for the operation and administration of the Association, exterior maintenance of the buildings and funding of a reserve account for capital improvement and unbudgeted and/or emergency requirements adopted by the Board of Directors. The annual assessment is determined by dividing the total budgeted amount equally among the 146 Stone Creek unit owners.

- Special Assessment of up to \$5,000.00 may be assessed by the Board of Directors to meet extraordinary or emergency expenses. Special assessment in excess of \$5,000.00 must be approved by two-thirds of the members at a meeting or by ballot.
- Remedy for Non-Payment:
  - There will be a 15-day grace period after the assessment due date. Accounts which are not paid in full by the end of the grace period will be assessed a \$25.00 late fee and the account will be declared delinquent.
  - The Association may assess interest at the rate of 18% APY, or the maximum allowed by Florida Statute beginning the day the account becomes delinquent.
  - If the account is not paid in full by the first day of the month following the due date, the Board may initiate the process to establish all amounts due as a continuing lien against the property and to foreclose against that lien as provided for in Florida Statute. The homeowner will be responsible for all attorney's fees and other costs incurred in the collection of the amount owed.
    - A Notice of Intent to File a Claim of Lien will be issued and mailed by Regular and Certified Mail (Return Receipt Requested).
    - If full payment is not received within the time frame specified in the Notice of Intent to File a Claim of Lien, the account will be referred to the Association Attorney to file the Claim of Lien in the Public Records of Clay County, Florida
    - The Association may begin foreclosure processing on the Claim of Lien if payment is not received within the timeframe provided for in the claim.

**Changes or Modifications to Exterior of Buildings.** No changes to the landscaping as originally installed and/or exterior of any building in Stone Creek may be made without the approval of the Board of Directors/Architectural Review Board. This includes installation of storm doors and screening or extending lanais. Any requests for changes shall be submitted to the to Board of Directors/Architectural Review Board on the appropriate architectural review form and no action may be commenced until the request has been approved.

**Exterior Lighting:** Outdoor lighting is authorized provided it is reasonable, safe, attractive and properly installed.

- Lighting shall not be installed in a manner that interferes with or hinders landscape or building maintenance.
- Examples of appropriate exterior lighting would be low voltage landscape lights in or around flower beds or lights activated by a motion detector for security/safety reasons.
- Lights mounted on poles, bright spotlights, projection lights and any excessively bright or distracting lights are not considered appropriate.
- Lighting may become unreasonable when it creates conflict between neighbors. If conflicts cannot be resolved between neighbors, the offended person shall report the issue to the Board of Directors in writing for final resolution. The final authority for determining whether lighting is attractive or reasonable rests with the Board of Directors.

- **Seasonal/Holiday Lighting and Decoration** must be reasonable and must not unreasonably disturb the peaceful enjoyment of neighboring owners.
  - Holiday lighting and decorations shall be removed within 30 days after the holiday has ended.
  - Appropriate projection lighting may be used during holiday seasons, but owners shall ensure that any projection extends only to the part of the building which belongs to them.
  - Inflatable decorations/characters must remain properly inflated or be removed on the day on which they deflate.

**Fences or Other Detached Structures:** Fences of any kind or other detached structures such as sheds or children's' playhouses are not permitted in Stone Creek.

**Firearms and Fireworks:** Discharge of firearms (including BB guns) or fireworks of any type is not permitted in Stone Creek.

**Flags, Banners and Signs.**

- **Flags.** Owners are encouraged to fly the flag of the United States of America. The American Flag may be flown in accordance with Section 702.304 of the Florida Statutes.
  - The flag of the State of Florida, any of the Armed Forces of the United State, or the POW/MIA flag may be flown together with and beneath the American Flag. Such flags must be equal to or smaller in size of the American Flag. Flags other than those listed above are not permitted.
  - Flags dimensions shall not exceed 3'x5' in size.
  - Worn or tattered flags shall not be flown but may be replaced.
- **Lawn signs or banners** are not authorized in Stone Creek except:
  - Real estate related signs which must comply with the requirements established within Eagle Harbor.
  - Sign of reasonable size provided by a contractor for security services within 10 feet of any entrance to the home.
  - Landscaping or pest control providers may place small signs around the property for safety reasons.
  - Political or other controversial signs shall not be displayed anywhere within Stone Creek.

**Insurance:** Each owner shall obtain and maintain an HO3 Homeowners Insurance Policy which shall insure the property for its full replacement value with no deduction for depreciation, for loss against fire, storm or other hazard casualty. Such insurance shall name the Association as an additional insured and shall be sufficient to cover the full replacement value or to cover repair or reconstruction work. Each owner shall also be responsible for purchasing liability insurance for accidents occurring on his or her lot.

**Landscaping**

- **Flower Beds:** Changing the size or shape of any flower bed in Stone Creek is not authorized. Owners may plant flowers or other plants within existing beds to enhance the appearance provided they are properly maintained. Any flowers/plants installed shall be consistent with the established Stone Creek landscaping theme.
  - Removal of any originally installed landscaping, including sago palms, hedges, shrubs, or other ornamentals is not permitted without the approval of the Board of Directors.
  - Flowers or plants shall not be placed where they will interfere with the normal maintenance of developer installed landscaping. Owner installed plants or flowers which are not properly maintained or are dead shall be promptly removed.
  - There shall be a minimum six-inch space between any part of a plant/flower and any building wall to provide access for maintenance and/or painting.
  - Association provided irrigation will not be adjusted to accommodate owner installed plants/flowers. Proper watering will be owner responsibility.
  - Weed control in flower beds containing owner installed plants/flowers will be the responsibility of the owner.
  - Decorative items, including lights, placed in flower beds shall be placed so as not to interfere with association provided landscape maintenance. Neither the association nor our landscaping company will be held liable for damage done to decorative articles or lights placed in flower beds.
  - Trellises for rose bushes or other climbing plants shall not be placed on the front or any side of a building which is parallel to a street. They may be placed in the rear of buildings provided they do not hinder landscape maintenance.
- **Trees:** The Association will maintain trees which were installed by the developer as part of the landscaping plan for Stone Creek.
  - Proper maintenance of trees installed by current or previous owners of any lot are the responsibility of the current owner.
  - Trees shall be properly maintained, present an attractive appearance and be trimmed in such a manner so that no part of the tree is in contact with any part of any building and shall not be permitted to hang over or touch any part of the roof of any building. Owners will be requested to correct any deficiencies in tree maintenance and be given a reasonable time to complete such corrections. If corrections are not made within a reasonable time, the association may complete necessary corrections and the owner will be assessed the cost of the corrections and related expenses.
  - Owners shall not plant trees on any part of the Stone Creek property without prior approval of the Board of Directors/Architectural Review Board. Trees planted without approval will be subject to a notice to remove the tree(s) within seven days. If not removed within seven days, If the owner does not comply with the seven day notice, the Association will remove said trees and the owner will be assessed the cost of removal and any related expenses.
  - Existing trees may not be removed without prior approval of Architectural Review Board. Trees planted prior to the adoption of these Rules and Regulations

may be retained provided they are properly maintained by the owner as stated above.

**Maintenance:**

- **Association:**
  - Paint, repair, replacement and care of roofs and exterior surfaces, including wood trim and doors, all as originally installed.
    - The Association shall not be responsible for the maintenance or repair of any door, garage door or garage door opener or the mechanical components thereof.
  - Maintain in good repair and replace as necessary landscaping, trees, shrubs, grass, walks, driveways, sprinkler systems and any other exterior improvements on each Lot and outside each unit AS ORIGINALLY INSTALLED.
    - The Association shall not be responsible for repairs or damage caused by neglect of the Lot owner or for damage caused by vehicles leaking oil or other fluids. Repair or remedy of such damage, if undertaken by the Association after proper notice, shall be billed back to the Lot owner as a special assessment.
- **Lot Owner:**
  - Repairing and maintaining everything on the Lot including but not limited to the Dwelling Unit and other improvements except for those for which the Association is responsible as specifically mentioned above.
  - Water and sewage lateral pipes servicing their units which extend from the applicable water and sewer main to the dwelling unit.
  - Repair of damage to the property or unit by an Act of God or other Casualty is the responsibility of the Lot owner.

**Parking.** Lot owners MUST park within garage and/or on unit driveway. The unit driveway is that space immediately in front of the garage and does not include common driveway areas.

- All vehicles parked within Stone Creek must be properly registered and in good operating condition. Inoperative vehicles, or those leaking oil or other fluids shall immediately be removed. Owners shall be responsible for the cleanup after any leakage of fluids on the driveway.
- Only non-commercial passenger vehicles may be parked outside of a garage. Parking of boats, trailers, campers or other recreational vehicles outside of a garage in Stone Creek is not permitted.
- Overnight parking is not permitted on streets. At any other time, parking on streets should be kept to an absolute minimum. Parking in a manner which would hinder easy and safe passage of emergency vehicles or hinder mail delivery is never allowed.
- Parking on the grass anywhere within Stone Creek is not permitted.
- Parking in common areas is not permitted.
- Vehicles shall not be parked in a manner which blocks driveways or sidewalks.

- Parking in common driveways is allowed on a temporary basis for residents or guests. (Common driveway is defined as one which provides access to the interior units (B, C, D, E) of the buildings.) Vehicles shall not be parked in common driveways in a manner which restricts access to interior units of the building.
- Parked vehicles shall not display "For Sale" signs within Stone Creek.
- Vehicles parked in violation of these provisions may be towed at owner's expense and/or fines assessed in the amount of \$100.00 per day not to exceed a total of \$1,000.00 if they remain in violation 24 hours after the notice of violation is placed thereon.

### Pest Control

- Association:
  - Termite Bond: The Association will maintain a termite bond on all units/buildings. Owners must allow reasonable access to the interior of the units for inspection by technicians.
  - Lawns and Ornamentals: The Association will provide insect control for lawns and ornamentals as originally installed by the developer/builder and in common areas.
- Unit Owners: Owners are responsible for control of:
  - Insects to include ants, roaches, silverfish and other crawling insects and spiders inside and around the exterior perimeters of their units
  - Mud daubers, wasps, bees and other such flying/stinging insects in nests attached to any part of their units. Such nests shall be promptly removed, and the area cleaned to original appearance.
  - Intrusion of squirrels, rodents, birds or other such wild animals. Repair of damage done by such animals is the responsibility of the owner.
  - Armadillos, rodents, salamanders and other such burrowing animals. Repair of damage done to property is the responsibility of the owner.

**Pets.** No animals except common domestic household pets may be kept, maintained or cared for within Stone Creek. No pets shall be allowed to make an unreasonable amount of noise or become obnoxious or a nuisance neighbors. All pets shall be kept on a leash when outside of the residence. No pet shall be allowed to run at large.

- A Lot owner is permitted to keep up to a total of two (s) dogs and/or two (2) cats. Domesticated birds may be kept provided they are caged or otherwise properly secured.
- No breeding of any animal is allowed within Stone Creek.
- No livestock poultry or other exotic or undomesticated animal of any kind (such as reptiles or snakes) are allowed within Stone Creek.
- Pet owners shall immediately pick up and remove any solid animal waste deposited by his or her pet. It is a violation of Clay County Ordinances to allow your pet to defecate on someone else's property or in any common area.

**Satellite Dishes.** Effective with the adoption of these rules and regulations, satellite dishes shall no longer be permitted to be mounted on the roofs or attached in any way to any building.

Satellite dishes may be installed or mounted on appropriate poles next to the building in a location which cannot be readily viewed from the street side of the building and will not interfere with mowing or other landscape or building maintenance. Satellite dishes shall be no more than one meter in diameter and shall be installed in a manner so wires and other equipment will not detract from the appearance of the building. The location where cables enter a building shall be properly sealed and finished to present a neat and clean appearance. Satellite dishes shall be removed at owner expense when the resident owning the dish (either owner or renter) vacates the property. Owners are responsible for restoring the building to the original condition prior to the installation of the dish.

**Note: Dishes which were installed when these rules and regulations were adopted may be retained in their present location until the unit is vacated (by either renter or owner) or until roofs are replaced. At that time, dishes will be removed and may be reinstalled at owner expense in accordance with the restrictions outlined above (not attached to roof or building).**

**Trash and Recycling.** Lot owners shall keep all trash and recycling receptacles in garages except on collection days. On collection days, trash shall be placed in an appropriate receptacle which shall serve to keep trash secure in the event of inclement weather. Recycling containers are provided to homeowners by the county and should be used for disposal of recyclable waste. Care shall be taken to ensure materials in recycle bins are secure in the event of inclement weather. Trash and recycling receptacles should be removed as soon as practicable after trash pickup, but in no case later than the day following pickup. Any waste which the county has deemed inappropriate for curbside pickup shall be immediately removed and properly disposed of at an appropriate county disposal facility. Hazardous material or construction debris of any type shall not be set out for curbside pickup. Such materials shall be taken to the appropriate county facility for disposal.

**General Appearance:** Stone Creek is designed to be a community relatively uniform in appearance and easy to maintain. The following are intended to present and maintain an attractive appearance for the Stone Creek community.

- **Lanais.** Lanais shall be kept neat and clean. Owners may have patio furniture, a grill and neatly arranged and appropriate decorative items. Lanais are not a storage bin for bicycles, toys, boxes or other items which are not generally used in conjunction with the use of the lanai. Lanais shall remain painted the same color as the remainder of the building. Lanais shall not be screened or otherwise modified without the approval of the Board of Directors/Architectural Review Board.
- **Garages:** Garage doors shall remain closed when the garage is not in use.
- **Garage and Yard Sales:** Garage and Yard Sales are not authorized in Stone Creek except as authorized by the Board of Directors. Individual owners may have a garage/yard sale on an isolated basis reasonably associated with the sale of the unit.
- **Driveways:** It is very appropriate to gather in a driveway with friends, bring out some chairs to be able to sit and enjoy the good weather and fellowship. It is not appropriate to

leave furniture in the driveway after you are done. Do not leave unattended patio or other furniture in the driveway.

- Lawns/Yards. Do not put birdbaths, birdhouses or other yard ornaments out in the lawns where they will interfere with mowing and trimming. Do not leave furniture, yard games or other items on lawns where they will hinder lawn maintenance. Such items will be removed.
- Open Air Burning: The burning of trash, rubbish, leaves, trees or other materials in open yards is not permitted.
- Retention Ponds: Do not dump trash or yard clippings in the ponds. Do not feed the wildlife. You may fish in the ponds provided the fish are released back into the ponds. Boating of any kind is not permitted in retention ponds.
- Basketball Hoops and Other Yard Play Equipment. Play equipment, including basketball hoops are permitted in Stone Creek. However, any such equipment must be taken down and properly stored upon conclusion of play. Such equipment shall not be left out overnight.
- Window Air Conditioners are not authorized in Stone Creek
- Window Coverings: No reflective window coverings or treatments are permitted. No unsightly signs or ornaments shall be placed in windows. "Unsightly" shall be determined by the Board of Directors.

**Exceptions to Rules and Regulations.** The Board of Directors retains sole discretionary authority to allow exceptions to the Rules and Regulations outlined herein when in the opinion of a majority of the Board such an exception is justified for safety reasons or is determined to be in the best interest of the Association and its member(s).

**Association Remedy on Violations.** Owners of property in Stone Creek are governed by, and must comply with, the provisions of Chapter 720 of the Florida Statutes, the governing documents of Stone Creek and Towncenter and East of 17 Associations, and the rules of the association outlined herein. Owners are responsible for the behavior and conduct of their tenants, guests and invitees. Owners or their tenants, guests or invitees in violation of the above-mentioned documents will be subject to fines as outlined below:

- The association may levy reasonable fines. A fine may not exceed \$100 per violation for failure comply with any provision of governing documents, the association bylaws, or Rules and Regulations of the association.
- A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine for violations herein of less than \$1,000 may not become a lien against a parcel.
- A fine or suspension levied by the Board of Directors may not be imposed unless the board first provides at least 14 days' notice and an opportunity for a hearing before a committee of at least three members of the Association appointed by the Board who are not members or relatives of members of the Board.



- The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.
- A majority of the committee must vote to approve the fine levied by the Board.
- If the proposed fine levied by the board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved.
- The association must provide written notice of such fine by mail or hand delivery to the parcel owner.
- If a member is more than 90 days delinquent in paying any fee, fine, or other monetary obligation due to the association, the association may suspend the voting rights of the member on any and all association matters.
- Fines are deemed as special assessments levied against the owner.

These Rules and Regulations shall be effective after approval by the Board of Directors on the date signed by the President of the Association below.

I, James Crymes, Jr., President of Stone Creek at Eagle Harbor Association, Inc., hereby certify that the Rules and Regulations contained herein were approved and adopted by the Association Board of Directors in accordance with the Association's governing documents and applicable law.

Stone Creek at Eagle Harbor Association, Inc.

By: James Crymes Jr  
James Crymes, Jr, its President

Annette Rouse  
Witness Signature

Annette Rouse  
Witness Print Name

Cecily Gates  
Witness Signature

Cecily Gates  
Witness Print Name

STATE OF FLORIDA  
COUNTY OF CLAY

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February 2020 by James J. Crymes, Jr., who has produced a driver's license and who did take an oath that matters contained herein are true and correct.

Cecily Gates  
Notary Public  
Cecily Gates

