

# GEORGETOWN EAST HOMEOWNERS' ASSOCIATION

May 2, 2022

Dear Homeowners,

Great News! Our HOA now has Amended and Restated Articles of Incorporation, and By-Laws. On April 11th the annual Membership Meeting was reconvened, and 13 additional proxies were gathered and counted for a total of 83 affirmative votes. Over three quarters (75%) of 107 lot owners voted to approve the Amended and Restated Articles of Incorporation. Our attorney is in the process of certifying the Articles with the State of Florida and the By-Laws with Pinellas County. Thank you to all who voted.

## Common Area Improvements and Maintenance

We have seen much change in our community in the last four years. Thirty households changed hands and our property values have increased. Georgetown East is a desired neighborhood. We also saw investment of our Reserve funds into the following common area projects:

- 2018 New Mailboxes Installed
- 2019 Storm Water Drainage Pipes Inspected
- 2019 Miami Gutters Removed/Replaced
- 2019 New Streets - Mix, Mill, Asphalt
- 2019 Sidewalk Grinding & Replacement
- 2020 Street Name Signs, Plates & Poles Repaired/Replaced
- 2021 Streets Seal Coated
- 2022 Storm Water Drainage Pipes Inspected & Cleaned
- 2022 Sidewalk Grinding & Replacement
- 2022 Additional Signage (no soliciting, no parking, pond signage, low hanging tree)
- 2022 Dead Tree Removal

Additional common area projects were completed utilizing operating budget funds. Matching Grants were secured with the City of Safety Harbor to purchase and install the aerator/fountain on Roxbury Pond (2021); as well as enhance the landscape at the Kensington Court entrance (2022). In addition, the bed at Roxbury Pond was planted with Blue Agave and Bromeliads (2021).

## Community Compliance Moves Forward

In January 2022, the Board of Directors approved a fining policy and process. Since 2015, the State of Florida statutes have empowered Homeowner Associations to implement a fining process. We have enclosed a copy of the 720.305 statute that speaks of the fining process. After a year and a half of studying the statutes and consulting legal counsel the Board in January 2022 passed the enclosed Fining Policy. Even though State statutes requires only one 14-day notification, the Board continues to use three non-compliance letters. The Board has been utilizing legal counsel to bring lot owners with violations into compliance; however, this can be a long process extending over a year and requiring the expense of arbitration. Incorporating a fining process into our non-compliance letters aids in expediting violations into compliance; as well as, utilizing Association dollars and human resources more wisely.

Enclosed you will find:

- Georgetown East Association Fining Policy
- The Florida Statute 720.305
- Example of First Non-Compliance Notice; giving the homeowner 30 Days to correct the matter
- Example of Second Non-Compliance Notice by certified mail; giving a 14-day notification and commencing fines on day 15
- Example of Final Non-Compliance Notice from attorney; announcing fines have commenced; Compliance Appeals Committee engaged
- Example of Letter from the Hearing of the Compliance Appeals Committee

Most homeowners will not receive a non-compliance letter(s). However, if a non-compliance notice is received, communication is key. Please contact our property manager immediately with a plan to correct the non-compliance violation to ensure the correction is completed within 30 days.

**Parking Restrictions and Towing Contract Renewed**

One month into the development of our Association the City of Safety Harbor initiated no parking in the three "Hammer Heads" (cul-de-sacs) of our community. In addition, Pinellas County ordinance specifies it is illegal to park within 15 feet of a fire hydrant. Our Association restrictions (Section 15) state no parking in the street "for a period in excess of one (1) hour. Street parking is intended to be reserved for guest parking in the subdivision." Whenever possible, please have guests follow the parking pattern and park only on one side of the street. Parking perpendicular in the driveway and parallel to the sidewalk are creative options for a third car.

Our streets are narrow and through the years the following parking restrictions were initiated:

- No overnight parking on the street
- No parking over the sidewalk

In addition, we ask that you not park on the grass to avoid damage to sprinkler heads and to the grass.

We realize this is a lot of information to absorb, especially for new homeowners. We thank you for working with us to follow our community Covenants, Conditions and Restrictions. We are grateful for our community and the opportunity to serve as your 2022 HOA Board of Directors.

Regards,

Dan Kistel, Director & President  
hoa.president.georgetown@gmail.com

Jane Rakestraw, Director & Vice-President  
janerake@hotmail.com

Jean-Paul Antona, Director & Treasurer  
hoa.treasurer.georgetown@gmail.com

Gerard Bribiescas, Director & Secretary  
georgetown.east.secretary@gmail.com

Roth Block, Director  
gteboardroth@gmail.com

Victoria Romero Lara, Director  
victoria.georgetown@hotmail.com

Alan Douglass, Director  
roofroof2@gmail.com

# Georgetown East Association, Inc. Fining Policy

*Approved by the Board of Directors on January 11, 2022*

STEP 1. The Board of Director(s)/Property Manager identifies the violation.

STEP 2. The Property Manager completes a violation record.

STEP 3. The Property Manager mails a FIRST notice of the violation to the lot owner via the United States Postal Service. This violation notice must contain the following:

- A. Description of the violation,
- B. Authority in the governing documents to cite the issue as a violation,
- C. An image or photo of the violation,
- D. A 30-day time frame to correct the violation or contact the property manager,
- E. Notification to lot owner of the possibility of implementing the fines.
- F. Notification to the lot owner that the Board of Directors may begin legal remedies.

STEP 4. When there is no response to the first notice of the violation and after 30 days the Property Manager mails a SECOND notice to the lot owner via certified mail. The second violation notice must contain the following:

- A. Description of the violation,
- B. Authority in the governing documents to cite the issue as a violation,
- C. An image or photo of the violation,
- D. A 14-day time frame to contact the property manager and correct the violation,
- E. Notification to the lot owner of the implementation of the fines after a 14-day time frame.
- F. Fining: \$100 per day of violation up to \$1000. The Board of Directors may seek a lien against the lot after \$1000 in aggregate.
- G. Notification to the lot owner of their 14-day right to appear before the Compliance Appeals Committee. Include information about the Compliance Appeals Committee.
- H. Notification to the lot owner that the Board of Directors has sought legal remedies.

Alert the Compliance Appeals Committee of violation sent and schedule a hearing.

STEP 5. When there is no correction to the violation, the Property Manager mails a FINAL Notice to the lot owner via certified mail. The FINAL notice must contain the following:

- A. The previous contact dates,
- B. The violation,
- C. Notification that the fining has been implemented and a fine of \$100 per day has begun.
- D. Notification that the lot owner has a right to appear before the Compliance Appeals Committee. Include information about the Compliance Appeals Committee and how the homeowner may contact the committee chair.
- E. Notification to the lot owner that the Board of Directors has sought legal remedies.

Alert the Compliance Appeals Committee that a final notice has been sent and fining has begun.

**STEP 6. Compliance Appeals Committee holds a hearing.**

- A. Complete the violation record.
  - B. Send notice of final decision to the owner and Board of Directors.
  - C. If fine is approved, then include fine amount in the account ledger.
  - D. Send non-payment of fine, collection notice to owner.
  - E. If delinquent more than 90 days and more than \$1000, then suspend voting rights.
  - F. For non-payment beyond 30 days, send a legal letter of non-payment followed by small claims lawsuit.
- The prevailing party is awarded attorney's fees.

When a lot is being leased and the tenant is the cause of the violation. Violation letters may be sent to both the lot owner and tenant.

## FLORIDA STATUTE 720.305 FOR YOUR REVIEW

### Florida Statute

**720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—**

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:

- (a) The association;
- (b) A member;
- (c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and
- (d) Any tenants, guests, or invitees occupying a parcel or using the common areas.

The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

(2) An association may levy reasonable fines. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. 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 of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(a) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner and, if applicable, any occupant, licensee, or invitee

of the parcel owner, sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner.

(3) 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 rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This subsection does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection.

(4) An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the governing documents. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the association.

(5) All suspensions imposed pursuant to subsection (3) or subsection (4) must be approved at a properly noticed board meeting. Upon approval, the association must notify the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery.

(6) The suspensions permitted by paragraph (2)(a) and subsections (3) and (4) apply to a member and, when appropriate, the member's tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple parcels owned by a member.

# Georgetown East Assn.

c/o Ameri-Tech Community Management, Inc.

24701 US Highway 19 N, Suite 102

Clearwater, FL 33763

Phone (727) 726-8000 Fax (727) 723-1101

## COMPLIANCE REQUEST

[^ViolationPicture^]

March 29, 2022

# EXAMPLE LETTER

[Homeowner Name]  
[Address]

**Re: Request to comply with HOA Governing Documents- [Homeowner Address]**

Dear [Homeowner]:

I am contacting you on behalf of Georgetown East HOA Board of Directors. To maintain the quality of your community and to also protect property values, the Board of Directors requests compliance from all residents with the requirements specified in the governing regulations of Georgetown East HOA. During a recent inspection of the community, the following issue(s) was observed at your home:

### Clean fence.

As per the Association's Rules and Regulations, Item 12 states in part: "In the event an Owner of any Lot shall fail to maintain the exterior of his premises and the improvement situated thereon in a manner satisfactory to the Board of Directors, GEORGETOWN EAST ASSOCIATION, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees to enter upon said parcel and to repair, maintain, and restore the Lot thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which the Lot is subject..."

Please take the necessary action to **correct the condition mentioned above within 30 days** of the receipt of this letter, as required by the governing documents of the HOA. If no action is taken to correct this violation, the Board of Directors has approved a \$100.00 initial fine plus a \$100.00 per day fine per violation. This fine will accumulate up to the maximum extent allowable by law of \$1,000.00 per violation and may subject you to any and all appropriate legal action to collect this fine. Do not hesitate to contact me with any questions or concerns you may have. I can be reached at 727-726-8000 ext. 232 or e-mail me at [rkelly@ameritechmail.com](mailto:rkelly@ameritechmail.com). Thank you for your prompt attention to this matter.

By Order of the Georgetown Board of Directors,

Robert Kelly, LCAM  
Community Association Manager  
cc: Board of Directors

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Clearwater, FL 33763

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CERTIFIED MAIL

#### COMPLIANCE REQUEST - SECOND NOTICE

[^ViolationPicture^]

April 28, 2022

[Homeowner Name]

[Address]

## EXAMPLE LETTER

**Re: Request to comply with HOA Governing Documents- [Homeowner Address]**

Dear [Homeowner]:

I am contacting you on behalf of Georgetown East HOA Board of Directors. According to our records you were originally contacted on March 29, 2022 regarding the issue referenced below.

#### Clean fence.

**As per the Association's Rules and Regulations, item 12 states in part: "In the event an Owner of any Lot shall fail to maintain the exterior of his premises and the improvement situated thereon in a manner satisfactory to the Board of Directors, GEORGETOWN EAST ASSOCIATION, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees to enter upon said parcel and to repair, maintain, and restore the Lot thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which the Lot is subject..."**

Upon re-inspection of the community, it was noted that the condition cited above still exists. Your cooperation to **resolve this issue within 14 days** of the receipt of this letter is required. If no action is taken to correct this violation after 14 days, **the Board of Directors has approved a \$100.00 initial fine plus a \$100.00 per day fine per violation.** This fine will accumulate up to the maximum extent allowable by law of \$1,000.00 per violation. The Board of Directors may seek a lien against the lot after \$1,000.00 in aggregate. You have a 14-day right to appear before the Compliance Appeals Committee to respond to the assertions. According to Florida Statutes, you may be subject to any and all appropriate legal action to collect this fine. Do not hesitate to contact me with any questions or concerns you may have. I can be reached at (727) 726-8000, ext. 232 or you may email me at [rkelly@ameritechmail.com](mailto:rkelly@ameritechmail.com). Thank you for your prompt attention to this matter.

By Order of the Georgetown Board of Directors,

Robert Kelly, LCAM  
Community Association Manager  
cc: Board of Directors



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**CERTIFIED MAIL**

**COMPLIANCE REQUEST- FINAL NOTICE**

[^ViolationPicture^]

May 12, 2022

**EXAMPLE LETTER**

[Homeowner Name]  
[Address]

**Re: Request to comply with HOA Governing Documents- [Homeowner Address]**

Dear [Homeowner]:

I am contacting you on behalf of Georgetown East HOA Board of Directors. According to our records, you were originally contacted on March 29, 2022 and again on April 28, 2022 regarding the issue referenced below.

**Clean fence.**

**As per the Association's Rules and Regulations, item 12 states in part: "In the event an Owner of any Lot shall fail to maintain the exterior of his premises and the improvement situated thereon in a manner satisfactory to the Board of Directors, GEORGETOWN EAST ASSOCIATION, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees to enter upon said parcel and to repair, maintain, and restore the Lot thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which the Lot is subject..."**

Upon re-inspection of the community, it was noted that the condition cited above still exists. This letter shall serve as our **FINAL NOTICE** that this issue must be resolved immediately, as a fine of \$100.00 per day up to \$1,000.00 per violation is now in effect. You have the right to appear before the Compliance Appeals Committee to respond to these assertions. You may contact the Committee chair, Sam Gray, by email at [bgokcowboy@gmail.com](mailto:bgokcowboy@gmail.com). The Board of Directors is now seeking legal remedy.

Do not hesitate to contact me with any questions or concerns you may have. I can be reached at 727-726-8000 ext. 232 or e-mail me at [rkelly@ameritechmail.com](mailto:rkelly@ameritechmail.com). Thank you for your prompt attention to this matter.

By Order of the Georgetown Board of Directors,

Robert Kelly, LCAM  
Community Association Manager  
cc: Board of Directors

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 Clearwater, FL 33763  
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**Certified Mail - Return Receipt Requested**  
**XXXXXXXXXXXX**  
**COMPLIANCE APPEALS COMMITTEE DECISION NOTICE**

[Date], 2022

[Homeowner Name]  
[Address]

## EXAMPLE LETTER

**Re: COMPLIANCE APPEALS COMMITTEE DECISION - [Homeowner Address]**

Dear Homeowner:

We are contacting you on behalf of Georgetown East HOA Board of Directors. On HEARING DATE at TIME, the Compliance Appeals Committee held a hearing to address the violation at your property, namely:

**Clean fence.**

**As per the Association's Rules and Regulations, item 12 states in part: "In the event an Owner of any Lot shall fail to maintain the exterior of his premises and the improvement situated thereon in a manner satisfactory to the Board of Directors, GEORGETOWN EAST ASSOCIATION, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees to enter upon said parcel and to repair, maintain, and restore the Lot thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which the Lot is subject..."**

**Compliance Appeals Committee Response:**

If you have addressed the violation(s) please email me at [rkelly@ameritechmail.com](mailto:rkelly@ameritechmail.com), so that we can make another inspection to confirm that the violation has been completed. You will get a response from me if the violation(s) has been satisfied. Should you have any questions regarding this notice or any of the Deed Restrictions, please feel free to contact me at 727-726-8000 ext. 232 or email me at [rkelly@ameritechmail.com](mailto:rkelly@ameritechmail.com).

Sincerely,  
AMERI-TECH COMMUNITY MANAGEMENT, INC.

Robert Kelly, LCAM  
Community Association Manager

cc: Board of Directors  
Compliance Appeals Committee