

VAC Hearing Wednesday, October 19th, 2011.

Meeting Minutes:

The Holley By The Sea (HBTS) Violations Appeal Committee (VAC) met on October 19th, 2011. at 6.30 p.m. at the HBTS Rec. Center to conduct a hearing of the Board of Directors (BOD) vs Tinsley case. No representative of the BOD or of the HBTS Architectural Committee (ACC) were present. Mr and Mrs Tinsley were present .

On September 13th, the HBTS BOD voted to suspend the Tinsley's use of the common areas of the association effective October 19th, 2011. This suspension was due to the continued violation of the HBTS regulations with respect to the failure to maintain the lawns at 6528 Fern Street. The suspension would remain in effect until the violation has been resolved either through voluntary compliance with the regulations and payment of related legal fees or through possible legal proceedings. From August 2008 through October 2010, Mr Tinsley was sent numerous request to maintain or resod the lawns at 6528 Fern Street, but did not comply. Mr Tinsley offered no new defense other than the trees had been trimmed and that he drew the line at resodding. He also stated that for a year during the period in question the property was sold under contract so that he did not have access to the property, but that the sale was never completed. During this time period Mr Tinsley was still the legal and recorded owner of the property and responsible for complying with all aspects of the HBTS covenants.

After Mr and Mrs Tinsley had been excused from the hearing, the chairperson declared the VAC in executive session. Both today's oral presentation from the Tinsley's and all previous written documentation were reviewed. Following the review of the evidence the chairperson called for a vote for or against the suspension. The VAC unanimously voted to concur with the decision of the BOD to suspend the Tinsley's use of the common areas of the association. Any transfer of use rights that Mr Tinsley may have made to other renters at other HBTS properties would also then become void until Mr Tinsley's rights are re-established.

The decision was based on the following reasons:

1. The ACC provided documented copies of the violation notices that were sent to Mr Tinsley (maintenance of lots and improvements Article VII section 5) over a 2 year period from 8/14/08 to 9/27/10.

2. Pursuant to Article VII Section 2a of the Covenants"Sodding is required for the front and side of all lots. A sprinkler system is required for the full front and sides of property to the street's edge.if the lot is cleared, it must be landscaped with sod and trees in accordance with an approved landscape drawing, and a sprinkler system is required for all sodded areas."

Article VII Section 5, Maintenance of Lots and Improvement, states: "The owner shall be responsible for and shall maintain and keep in good condition the lot and all improvements thereon."

The property at 6528 Fern Street does not comply with these requirements in any way.

3. Detailed letters specifying the violations of specific articles of the covenants were sent to Mr Tinsley by the chair of the ACC on 6/8/2009 and 8/11/2010 with no reponse.

4. Numerous driveby inspections of the property by members of the ACC and VAC showed little effort, if any, to correct the problem.

In accordance with FL. Statute 720.305 Para (2)a, if the committee by majority vote does not approve a proposed fine or suspension it may not be imposed. If it does approve of the proposed suspension, it will stand.

The meeting was adjourned at 8:15PM.