

Orchid Bay Property Owners Association

WELCOME TO ORCHID BAY!

On behalf of the entire community, we would like to welcome you as a neighbor and look forward to getting to know you. Orchid Bay is one of the finest neighborhoods in the area and the Board works very hard to maintain and improve the common grounds and amenities.

There are opportunities to become involved in Orchid Bay. Upcoming events, notices and alerts are sent via email, so be sure to register at Orchidbaypoa.org after closing!

Owners and resident tenants take great pride in maintaining their properties and have a responsibility to maintain their yards, clean driveways and roofs, remove rust from their sidewalk and residences, ensure mailbox lanterns are lit between dusk and dawn, and keep trash bins out of sight. Trailers, boats and personal watercraft must be kept out of sight in garages. Overnight parking of vehicles on the street or your lawn is not permitted, along with not parking on swales (the grassy area between the road and sidewalk). Parking across the sidewalk creates a danger by forcing pedestrians into the street, so please park in your garage or driveway. Strict violation and fine policies are enforced to protect property values. Please review the entire set of governing documents, found on the website, for all restrictions.

If you have any questions or concerns, please contact Coastal Community Association Management at 772-286-0030.

We hope your time here will provide happy memories and pride in being a resident of Orchid Bay.

The Orchid Bay Board of Directors

Orchid Bay Property Owners Association

c/o Coastal Community Association Management Services, Inc.
909 SE Central Parkway, Stuart, FL 34994
(772) 286-0030 PHONE - (772) 286-0250 FAX

Selling or Leasing Procedures

All owners are required to provide written notification to the Association no less than 15 days before the listing contract or agreement is signed. Owners are required to provide a fully executed copy of the sales or lease agreement within 7 days after the document has been signed.

Selling a Home

1. The Association must be notified no less than 15 days BEFORE the listing contract is signed.
2. A copy of the fully executed contract must be provided to the Association **within 7 days** of being signed. **There is a \$100.00 application fee.**
3. No action related to the sale will be taken by Coastal Community Association Management until the **completed** application is received.
4. Estoppel requests shall be made on the website Estoppels.com
5. Corporations, partnerships, foundations, etc. must be occupied by an officer, director, etc., otherwise the unit is subject to the terms of leasing.

Leasing a Home

1. The Association must be notified no less than 15 days BEFORE the lease agreement is signed.
2. A copy of the lease agreement must be provided to the Association **within 7 days** of being signed.
3. The Lot/Dwelling must be owned for **TWO YEARS** before it may be leased.
4. **All leases are subject to the approval of the Association.**
5. All leases must be for a term of not less than 6 months. No portion of the lot/dwelling may be separately leased: no subletting or rent-sharing.

6. The owner must be current on all assessments and other fees.
7. Owners and tenants will be liable for damage to the Association's property. A security deposit of \$100.00 is required and will be returned within 30 days of the lease's termination (less damages).
8. **There is a non-refundable lease application fee of \$100.00**
9. A personal interview BEFORE occupancy is required.
10. No more than 4 occupants per dwelling, regardless of age.
11. Tenants/occupants must abide by the covenants, restrictions and rules and regulations of the Association.
12. Any person 18 years of age or older that is not related to an approved tenant shall be deemed a co-tenant if there for more than 30 days, and must submit an application.

Orchid Bay Property Owners Association

Notification of Buyer or Lessee

Date _____

LOT # _____

PROPERTY ADDRESS _____

Current Owner (please print clearly)

Name _____

Mailing address _____

Signature of owner _____

Signature of 2nd owner _____

Name(s) and address of TENANT or BUYER (circle one)

Name _____

Mailing address _____

Telephone _____ (home)

_____ (cell)

Email _____

ARTICLE XV

NOTICE OF THE ACQUISITION, SALE OR RENTAL OF LOTS AND DWELLING UNITS

The transfer of a Lot and/or Dwelling Unit by any Owner other than the Developer shall be subject to the following provisions, which provisions each Owner covenants to observe:

Section 1: NOTIFICATION PROCEDURE.

A. Sales or Lease. An Owner intending to make a bona fide sale or lease of his Lot/Dwelling Unit or any similar interest therein, shall give the Association notice of such intention, in writing, and the names and address of all parties.

B. Gift, Devise or Inheritance, or other transfers. An owner who has obtained title by gift, devise or inheritance, or by any other manner not previously mentioned, shall give the Association notice of the acquisition of title and the names and address of all parties.

ARTICLE IX if Tenant Occupied ****ATTACH COPY OF EXECUTED LEASE****

USE RESTRICTIONS Term of Lease _____ Date of Occupancy _____

Section 1: RESTRICTIONS USE OF LOT AND COMMON PROPERTY:

D. (partial excerpt) An Owner may lease his Dwelling Unit a maximum of two (2) times per year, each such lease to be for a term of at least six (6) months.

ARTICLE XI

MINIMUM STANDARDS AND PROHIBITED USES

26. All Lot Owners and any leasees of Dwelling Units shall abide by this Declaration, the Articles of Incorporation, the Bylaws and the Rules and Regulations.

Mail completed form to: COASTAL MANAGEMENT, 909 SE Central Parkway, Stuart, FL 34994

Orchid Bay Property Owners Association

Application to Buy or Lease

Name of current owner _____

Telephone number _____

Email address _____

ADDRESS OF PROPERTY _____

Name of purchaser or lessee (circle one) _____

Telephone number _____

Email _____

Sale closing date _____ **Attach fully executed copy of contract

Lease start date _____ Lease end date _____ **Attach copy of lease

Note: For a sale, the purchaser agrees to provide the association with a copy of the deed within 10 days of the sale. It is the responsibility of the current owner to provide a copy of the Articles of Incorporation and Rules and Regulations to the lessee/purchaser. By signing below, the prospective owner or lessee agrees to abide by all the rules and regulations of Orchid Bay POA.

Owner's signature _____ Date _____

Prospective owner/lessee signature _____ Date _____

Mail completed form to COASTAL MANAGEMENT, 909 SE Central Parkway, Stuart, FL, 34994

Orchid Bay Property Owners Association

RULES AND REGULATIONS

Applies to Owners, Tenants and Invitees

❖ **REQUIRED**

- ALRC application for changes to driveway, landscaping, generator installation or alterations/additions to the exterior of the residence, including painting.
- Roofs, residences and driveways kept free of mildew & stains. Rust stain removal from residence, sidewalk, driveway. Lawns cut to 6" or less with no cuttings left on sidewalks or on streets
- Landscaping neatly trimmed and edged, removal/replacement of dead material and trees growing on owner lots overhanging sidewalks to be trimmed to a clearance height of 7'
- Residences kept well maintained and free of debris & clutter with equipment, supplies, ladders, etc. stored out of view
- A/C, pool equipment, pumps, water softener & generator shielded from view by ALRC approval
- Mailbox – Photocell operated light from dusk to dawn (notice of inoperable light corrected within 7 days), approved green numbers visible on both sides, clear panes in the lantern, unit in good repair & clean of grime, stains and bugs (approved parts and assembly information found on website). Trash receptacles and recycle bins stored out of sight except on pick up day. Trash must be secured and not allowed to litter the community.
- Removal of your dog's waste from common property and private lots. Service, maintenance and delivery vehicles access through rear gate only. Submission of Notice of Intent form to sell or rent home (executed copy of lease required). Speed limits & stop signs obeyed (20 mph inside the gates and 25 mph on Roby's Way).
- Golf carts operated by a licensed driver only, certificate of insurance for liability & property damage naming the POA as certificate holder and cart required to be equipped with efficient brakes, reliable steering apparatus, safe tires, rearview mirror and front and rear red reflective devices.
- Application 30 days in advance for Garage/Yard/Estate or similar type sale; limited to one time per calendar year per home.

❖ **PROHIBITED**

- Vehicles parked on swales, lawns or sidewalks or overnight street parking.
- Parking or storing of commercial vehicles, trailers, boats, personal watercraft, motorcycles, motorbikes or ATVs in driveways, lots or on streets.
- Operation of a motorized vehicle by an unlicensed driver anywhere within Orchid Bay. Operation of motor vehicles, other than golf carts, on common areas other than streets.
- Golf cart operation on sidewalks and recreation sand or after dark unless equipped with headlights, brake light, turn signals & windshield.
- Alteration by any method to sidewalks, equipment, swales or other common property or easement. Signs/flyers/advertisements without approval by ALRC.
- Discharge from pool, any equipment or septic systems onto sidewalk/street/storm drain. Excessive noise by residents, tenants, animals.
- Blocking of driveway swale drains and street storm water catch basins with any debris. Forcing a gate open from the closed position or continual triggering of opening mechanism.

- Trespassing on lake frontage lots – this is private property for use only by the owner-resident or their guests. Use of recreation parking lot & all facilities after Sunset and before Sunrise (dark). Placement of personal sports equipment on streets.
- Work before 7 AM or after 5 PM Mon-Sat by service personnel or contractors (none on Sundays)
- Release or publication of gate code to a non-Orchid Bay resident (tele entry to be used only to call resident/owner). Fireworks other than July 4th & New Years Eve between 9pm & midnight (must be approved by Florida and Martin County, all debris removed).
- ❖ **OPEN HOUSE INFORMATION**
- For the “Open House” gate code, contact the manager (this is not the resident’s gate code). 3x5 card taped up to tele entry with address info and/or cell phone of realtor or owner.

Orchid Bay Property Owners Association

Disclosure Summary

I (we) understand that I (we) are moving into a deed restricted community and hereby agree to abide by all Community Documents and Rules and Regulations of Orchid Bay Property Owners Association, Inc. and acknowledge that I (we) have either received a copy from the Owner or have obtained same from the county or free of charge on the Public section of the Orchid Bay website.

PRINT Lessee/Tenant Name

Lessee/Tenant SIGNATURE

PRINT Lessee/Tenant Name

Lessee/Tenant SIGNATURE

Print Orchid Bay Property Address

Dated _____

1. As tenant or lessee you are obligated to obey the rules and regulations of the POA.
2. There have been recorded restrictive covenants governing the use and occupancy of properties in this community. Owners are responsible for a lessee/tenant's compliance with the restrictive covenants.
3. Owners will be obligated to pay quarterly assessments and/or special assessments to the association. All assessments are subject to periodic change. Lessee/Tenants can be held accountable for these assessments while in residence if the owner becomes delinquent.
4. Failure to pay these assessments levied by the Association could result in a lien on the property or eviction of a lessee/tenant.
5. The Association governing documents (*i.e.* - the Articles of Incorporation, Bylaws, ALRC Guidelines, Declaration of Covenants & Restrictions and Rules & Regulations are collectively called the "Community Documents"). These Community Documents are matters of public record and can be obtained from the records office in the county where the property is located or on the public portion of Orchid Bay's website www.orchidbaypoa.com
6. The statements contained in this disclosure form are only summary in nature, and as a prospective lessee, you should refer to the Community Documents before leasing the property.

Mail completed form to: COASTAL MANAGEMENT, 909 SE Central Parkway, Stuart, FL 34994

Orchid Bay Property Owners Association

Authorization and Consent for Publication

Of Contact Information

The undersigned, _____, being the owner of a residential unit in Orchid Bay Community, hereby consents to and authorizes the Orchid Bay Property Owners Association to publish the undersigned's name(s), telephone number and email address in the Orchid Bay Community Directory. By this authorization and consent, the undersigned waives his or her right to have such contact information kept confidential under Florida Statue 720.303. The authorization and consent given hereby will remain in force and effect until it is revoked by subsequent written notice delivered to the Orchid Bay Property Owners Association, C/O Coastal Management, 909 SE Central Parkway, Stuart, FL 34994. Any changes to phone numbers or email address listed here should be requested in writing to the aforementioned address.

Date _____

Owner's signature _____

Lot number _____

Street address in Orchid Bay _____

Phone number _____

Email _____ (please print clearly)

Mail completed form to: COASTAL MANAGEMENT, 909 SE Central Parkway, Stuart, FL 34994

**ORCHID BAY PROPERTY OWNERS ASSOCIATION, INC.
CERTIFICATE OF APPOINTMENT OF VOTING REPRESENTATIVE**

THIS IS TO CERTIFY that the undersigned, constituting ALL THE RECORDED OWNERS of

_____, a/k/a/ _____ in the
(Print Street Address) Lot #

Orchid Bay Property Owners Association, Inc. this _____ of _____, 20____
Day Month Year
designate:

_____ of _____
(Print Name of (1) Voting Representative*) (Print Name of Corporation or LLC, if applicable**)

as their/its representative to cast all votes and to express all approvals that such owners may be entitled to cast or express at all meetings of the membership of the Association and for all other purposes provided by the Declaration, Articles and Bylaws of the Association.

This certificate is made pursuant to the Declaration and revokes all prior Certificates and is valid until replaced by a subsequent Certificate.

(Print) Name of 1st Owner or Trustee

(Signature) of 1st Owner or Trustee

(Print) Name of 2nd Owner

(Signature) of 2nd Owner

(Print) Name of 3rd Owner

(Signature) of 3rd Owner

(Print) Name of President of Corp or LLC

(Signature) of President of Corp or LLC

(Print) Name of Secretary of Corp or LLC

(Signature) of Secretary of Corp or LLC

(DO NOT DESIGNATE MORE THAN ONE PERSON ON VOTING REPRESENTATIVE* LINE)

The following examples illustrate the correct use of the Certificate

A lot owned by husband and wife or multiple individuals

All deeded owners print and sign as owners. Designate only 1 of the owners as the voting representative*.

A lot owned by a Trust

Print name of the deeded Trustee and have trustee sign. Designate only one person entitled to vote on behalf of the Trust as the voting representative*.

A lot owned by a Corporation or LLC

Print the name of the deeded Corp or LLC (**where indicated) and designate a person authorized to vote on behalf of the company as the voting representative*. Have the President of the Corp or LLC print their name & sign then have the Secretary of Corporation or LLC print his/her name and sign.

This form is NOT A PROXY and should not be used as such

MAIL COMPLETED FORM TO: ORCHID BAY POA, PO BOX #705, PALM CITY, FL 34991

Orchid Bay Property Owners Association

ADVISORY FOR RENTED PROPERTIES

Florida Statute affecting rented properties - Demand for Payment of Rent

Please be advised pursuant to § 720.3085(8) Florida Statutes, demand can be made of a tenant that rent payments be paid directly to the Association by the tenant until the Association notifies otherwise for all monetary obligations owed by the owner to the Association until paid in full. The tenant is required to comply with all laws, restrictions, protective covenants and rules relating to the Association. § 720.3085(8) Florida Statutes, which became effective on July 1, 2011 and provides that when a unit owner is delinquent in the payment of assessments, the tenant may be notified and be required to pay his/her full rent payments to the Association until the obligation has been satisfied. This provision states in relevant part as follows:

(8)(a) If the parcel is occupied by a tenant and the parcel owner is delinquent in paying any monetary obligation due to the association, the association may demand that the tenant pay to the association the subsequent rental payments and continue to make such payments until all the monetary obligations of the parcel owner related to the parcel have been paid in full to the association and the association releases the tenant or until the tenant discontinues tenancy in the parcel.

The obligation for the tenant to pay the Association begins immediately upon notice to the tenant, unless they have already paid rent to the owner for the current period before receiving the notice. In that case, written proof must be provided to the Association of the tenant's payment to the owner within 14 days after receiving the demand notice and the obligation to pay rent directly to the Association would then begin with the next rental period.

Please note that pursuant to § 720.3085(8) Florida Statutes, payment of rent to the Association by the tenant gives the tenant complete immunity from any claim for the rent by the landlord (owner).

The association may issue notice under s. 83.56 and sue for eviction under ss. 83.59-83.625 as if the association were a landlord under part II of chapter 83 if the tenant fails to pay a monetary obligation. However, the association is not otherwise considered a landlord under chapter 83 and specifically has no obligations under s. 83.51.

Important Telephone Numbers

<i>Coastal Comm. Assn. Mgmt.</i>	<i>772-286-0030</i>
<i>Gas:(propane) Ferrell Gas</i>	<i>772-287-4330</i>
<i>Electricity: FPL</i>	<i>772-462-0555</i>
<i>Martin County Sheriff</i>	<i>Emergency 911</i>
	<i>Non-Emergency 772-220-7000</i>
<i>Martin County Animal Control</i>	<i>772-287-1656</i>
<i>Martin County School Dist.</i>	<i>772-219-1200</i>
<i>Motor County Tax Collector</i>	<i>772-288-5600</i>
<i>Waste Management</i>	<i>772-546-7700</i>