

# ***Sand Lake Hills***

## **Fair Share Mandatory Maintenance**

### **Frequently Asked Questions**

Compiled by the Sand Lake Hills HOA Board  
407-386-6689

**Question 1: Will this make all of Sand Lake Hills one Subdivision?**

*Answer: Essentially Yes. Except for the legal description (see question 2) each Section loses it's "section" identity and becomes part of Sand Lake Hills as it adopts the Amended and Restated Declaration (ARD) of Covenants and Restrictions. The new ARD becomes the single governing document for all the sections. The new ARD also specifically identifies Sand Lake Hills Homeowners Association, Inc. as the functional HOA of record.*

**Question 2: Will this change the Legal Description of my Property?**

*Answer: Nothing changes in your legal description. No recording will be required by your lender. Your property will still be Lot #XXX, Sand Lake Hills, Section XX. It will retain the same parcel number for tax purposes. This is the way the subdivision and your property is platted with the County. Also any easements tied to the legal description will remain intact.*

**Question 3: Why is one Subdivision Declaration important?**

*Answer: Going forward it will make it much easier and less costly to make changes if and when laws, statutes or regulations change regarding Homeowners Associations. This also applies if the property owners decided to make a subdivision-wide change of some sort, or*

to participate in a subdivision wide project, since all lots in Sand Lake Hills will have a single governing document.

**Question 4: Will this make the Sand Lake Hills HOA a Mandatory Association?**

*Answer: NO. This does NOT change the statutory nature of the Association. For existing property owners there will be no requirement to become a member of the Association. Current members will automatically belong. Those that are non-members when the ARD is adopted will still need to agree to join the HOA before they can participate as a member. Once the ARD is adopted, each new owner of a property will automatically become a member of the HOA, upon transfer of the title to the property. (See Article III Section 1)*

**Question 5: If everyone doesn't have to be a member of the HOA – how can you say that every property owner will share equally in the maintenance of Subdivision?**

*Answer: The adopted ARD will apply to all owners of the adopting Sections. Article VI – Assessments states that each Owner is deemed to agree to pay an assessment for the operation of the Association (i.e. whether or not they are also a member of the Association). It is very clear in the new ARD that the requirement to pay an assessment for Association operations is not tied to membership. At the time a section converts, existing paid members of the HOA will have their paid membership count towards the assessment, so they won't be paying twice in that year. The following year that section will pay only the assessment and not a membership.*

**Question 6: Have any new restrictions been added?**

*Answer: Yes. There are 4 major changes and clarifications from the old C&R's.*

*1. Article VIII – Section 1 – A: Residential Use This restriction has been clarified. It has been broadened to allow business activity which is not apparent or detectable by sight, sound or smell. This means that those who run an internet business out of their home are not in violation unless it is apparent or detectable. The new provision also allows residents who have a business off-site, to operate a "home office" for that business without having to feel as though they are breaking the rules.*

*The "Residential Use" wording has also been tightened to specify that Orange County Zoning requirements must be met, as well as restrictions on business activities involving persons coming onto the properties who do reside in the property.*

*2. Article VIII – Section 1– G: Maintenance wording has been clarified to require that the properties must be maintained in good condition. The prior documents merely alluded to this requirement.*

*3. Article VIII – Section 1 – I – Signs: The signage allowed has been clarified from the prior documents.*

*4. Article VIII – Section 1 – N – Vehicles and Repair: This is an expansion of the current C&R restrictions and conforms closely to the County requirements, but the requirements are generally stricter than the County's.*

**Question 7: So you have more detailed rules and restrictions, what makes you think that the HOA will be better able to enforce them anyway?**

*Answer: This is a three-fold answer. The first part is the ability to directly fine an offender. This is something new for Sand Lake Hills, but has been common practice in many other subdivisions. The fining ability is outlined in Article VIII Section 3. It is very important to note the "safety net" provisions that were put into place for the fining.*

*Fining Committee must be at least 3 members of the HOA (not Board members or any relation to Board members)*

*Majority of the Committee must vote to fine or else no fine is issued.*

*Fines may be issued to owners, tenants, guests, invitees, and employees.*

*Fines are a personal obligation, and are not necessarily tied to the property.*

*Fining is a process that can be a relatively quick process. Offending properties can be notified within about 2 weeks and the fines can start immediately. Other communities have found that issuance of fines “gets the attention” of the property owner far better than the lengthy legal/mediation process. Often things are resolved quickly and at far less expense to the Association and its members.*

*The second part of this answer is that with everyone in a Section paying their fair share of the operation of the Association, the HOA will have sufficient funds to pursue other legal enforcement if required.*

*The third part of the answer is that the ARD clearly specifies that the HOA can recover its costs through and including appellate review(s).*

**Question 8: What other major feature does the new ARD give us?**

*Answer: The other main feature of the ARD is that it clarifies and quantifies exactly what the function of the HOA really is. The functions of Homeowners Associations in general have evolved a great deal since our initial documents were issued 30 years ago. The laws have changed making some of our current provisions significantly outdated. Laws have also been enacted which control fairly tightly how Homeowners Associations can be run. This is all for the protection of the Homeowner.*

*The new ARD is fully compliant with all current laws, statutes, and regulations.*

**Question 9: Right now, I pretty much like how the HOA is being run, but what is my recourse if future Boards get out of hand.**

*Answer: You can recall the Board, vote them out of office or as a last resort, even begin legal proceedings against the Board. Voting them out of office, or running against one or more of them would probably be the most effective. Remember, the Board serves at the will of the membership.*

**Question 10: I really don't want to join any organization, I don't have the time and I'm not a "joiner". How does this affect me ?**

*Answer: You can participate as much or as little as you wish. Of course we wish you would participate more, but your only obligation as to involvement under the new ARD would be to pay your fair share assessment. The real advantage for someone like you is that under the new ARD, the Association would have the funds to hire professional services such as grounds keepers like our neighboring Associations do. We wouldn't have to be constantly begging for enough money to keep ahead of expenses. We would also have funds for additional projects over time such as the Sandberry West entrance and lighting, and re-facing the Vineland Apopka wall.*

**Question 11: If the sections are converted as each adopts the new ARD, what happens when one section converts and another lags behind. Also, do you have to keep the money separate?**

*Answer: As each section is converted, the owners of that section would begin paying an assessment for Association operations. The sections that are all paying their fair share would receive a proportionally greater portion of the attention. They will also have the benefit of the new clarified ARD.*

*As to the money, there is no need to separate the money, because there will be no change to the Statutory organization of the Association. Clearly, more money will be spent in the sections that are paying their fair share.*

**Question 12: I don't think that I ever got a copy of the new ARD. How do I get a copy so I can read them and see what I would be supporting.**

*Answer: It is entirely possible that you were never sent a copy of the new ARD. The Board determined that due to the cost of producing and mailing an 8 page document to all*

owners, we would start with sending "hard copy" documents to the then current members. After all, they were the ones funding the project, and money was and still is very tight.

The ARD was published on our website last year, and you can review and print a copy from the Association website [www.sandlakehills.com](http://www.sandlakehills.com). The HOA will also mail or hand deliver a copy of the ARD, if you call and request one at 407-386-6689 or if you email a request to the association at [ard@sandlakehills.com](mailto:ard@sandlakehills.com).

**Question 13: What if I don't like the wording on the ARD or don't agree with parts of it. Can it be changed?**

*Answer: The Board took great pains in drafting this document in conjunction with our Association Legal Counsel. Many opinions were solicited, and questions asked of other Associations. The ARD as it stands now (with the exception of spelling, grammar or punctuation changes) is the FINAL document. The Board has determined after long deliberation, that too many people have already signed the new ARD as it is written and that we do not have the time or funding to generate a revision. The document will either stand or fail as it is written.*

*That being said, the ARD can be amended in future. Changing the ARD in future, will have the advantage of application to all sections rather than having to try to make changes to 11 different documents.*

**Question 14: How does the new ARD compare to my current C&Rs.**

*Answer: The Board has put together a matrix which shows where your current provisions are addressed in the new ARD. This matrix is also published on our website and available by request.*

