

HEATHERWOOD LAKES HOMEOWNERS GUIDE AND RULES AND REGULATIONS

This guide is for *reference purposes only* and in no way replaces or revises the **Heatherwood Lakes Covenants, Restrictions, and Amendments (CRAs)*. For more detailed information please refer to the CRAs, which are the legal documents that govern the community. **All community members are responsible for the contents of the CRAs.**

Questions and Comments

If you still have questions or can't find an answer after reviewing the information below or have a question pertaining to the contents of this quick-reference handbook, CRAs, etc., please contact the Community Association Management (CAM) company, Vesta Property Services at 239-573-3225 or RCzarnik@vestapropertyservices.com.

Vesta Property Services
125 SW 3rd PL Ste 207
Cape Coral, FL 33991

WELCOME!

We would like to welcome all new homeowners and renters to Heatherwood Lakes, a family-oriented, deed-restricted community. Each homeowner should have a copy of ***Heatherwood Lakes Covenants, Restrictions, and Amendments (CRAs)**. All homeowners, as part of the sales agreement when purchasing property in Heatherwood Lakes, have agreed to abide by the Covenants and By-Laws. If you are in need of a copy of the CRAs for the development, please note that it is the responsibility of the previous owner to provide those to you, or you may call the Community Association Management company listed on the last page of this guide or visit the community website at HeatherwoodLakes.org. Please note that there is a fee if the management company provides you with a copy of the CRAs. You may download a **free** copy from our community website.

What is a POA or HOA?

A POA or *Property Owner's Association*, commonly called HOA or *Homeowner's Association*, is a legal entity created to manage and maintain the common areas of a community. One of the primary functions of the POA/HOA is enforce and ensure that the individual homeowners adhere to the CRAs. The guiding principles of these regulations are normally to help maintain property values and the quality of life within the community.

Meetings

Heatherwood Lakes Board of Directors meeting schedules will be posted at the front gate and on the HWL Website. All residents are encouraged to attend.

Elections

The HOA operates on a calendar year and holds an annual meeting and election of officers (a letter will be mailed prior to this time). The Board cannot serve effectively, hold meetings, or even have a quorum without a fully staffed Board of Directors.

Website

Please visit the website to register for a username and password. The website includes a Calendar of Events, community documents (including CRAs), Social Committee Events, discussion forum, etc. The website is not intended to replace direct communication with the Community Association Manager about issues, policies, etc. **www.heatherwoodlakes.org**.

Committees

Any homeowner may serve on a committee and we encourage your participation. Please contact Vesta Property Services for further information.

- **Fining Committee (FC):** Attends meetings to mediate violations and fines at the request of an owner and the Board of Directors. Fining committee decisions are final.
- **Architectural Review Committee (ARC):** Reviews and approves homeowners applications for exterior modifications.
- **Social Committee (SC):** Plans community-wide events and activities to foster a neighborly community. Assists the Board by contacting all new residents with a copy of the Welcome letter and this guide.
- **Compliance Committee (CC):** Assists the Board with Communicating violations to the CAM.

Dues

Monthly assessments for HOA dues are determined by each annual budget and are **due the 1st day of the month and considered late by the 10th day of month**. Payment coupons will be mailed to any homeowner that request one. You can also pay automatically through the ACH (automatic clearing house, contact the CAM for more information), or through your bank's online bill-pay service or through the Association's website, for a nominal fee. Homeowners will be assessed a \$25.00 late fee for late payments. Homeowner's, not current on their dues, will not be permitted to use the cabana or pool areas. Property owners with outstanding Association dues are subject to liens and possible foreclosure of property. Please contact the CAM regarding any payment concerns.

What Your Dues Pay For

There are many components involved in the day-to-day operation of the Heatherwood Lakes community, most all of which are related to the maintenance of the common areas of the property. This includes the community swimming pool & cabana area, entry & exit gates, entry fountains, landscape maintenance, security, lake maintenance, utilities (electric & water), insurance, legal fees, street maintenance, and more.

Architectural Guidelines (or DRG's)

The Architectural Review Committee (ARC) must approve any proposed modifications to the exterior of your property. A \$100.00 per day fine up to \$1000.00 will be assessed for any major changes made to the exterior of your property without prior approval from the Architectural Review Committee and you may be required to reverse the changes, putting the property back to the way it was previously. Exterior changes will not be approved unless homeowner dues and/or special assessment balances are current and paid in full. At your request, the CAM will provide the forms needed to request approval for an exterior modification. These forms may also be downloaded from www.heatherwoodlakes.org and must be submitted to the individuals noted on the form.

Architectural Guidelines are included in the CRAs and further detailed in the Design Review Guidelines document. Exterior modifications include, but are not limited to, additions or modifications to the exterior front, rear, and side of your house and yards, fences, swimming pools, spas, screen enclosures, playground equipment, trampolines, ornamental lawn décor, planting of trees, painting, etc.

Property Appearance

Owners and residents shall at all times keep their home and yard in a safe, presentable and sanitary

condition. Appropriate maintenance includes, but is not limited to, the watering and mowing & edging of all lawns, the grass border along the street, the trimming and cutting of all trees and shrubbery, and the painting (or other appropriate external care e.g. power washing) of homes, driveways and sidewalks and other improvements. Approved exterior items (e.g. play sets, basketball hoops) need to be in good repair and condition. Please refer to the CRAs which contain detailed information regarding property maintenance.

Non-Compliance

In the event of a violation of the CRAs, homeowners will be notified by mail or email and have ten days to contact the management company (Vesta Property Services) with a plan of action and usually 30 days to remedy the violation. In the event that the violation is not remedied after notice per the CRAs, owners may be subject to fines or the potential of legal pre-suit mediation at their own expense.

Basketball Hoops

Portable Basketball hoops should be placed on the easement (grass area between the street and sidewalk) **and not block the sidewalk entirely** (they will extend into a portion of the sidewalk), nor extend into the street. They should leave a reasonable path clear for the passage of pedestrians and should not obstruct access to mailboxes. Basketball hoops should be kept in good condition and properly weighted as designed with sand or water. **The use of other weights such as concrete blocks and bricks is not permitted.**

Rentals

All homeowners are required to get PRIOR approval from the Board of Directors to rent/lease their home. Applications to rent/lease your property can be obtained from the CAM. Each homeowner (Lessor) is responsible for the actions of their renters (Lessee's) and their guests. A refundable security deposit of \$500 is required against damages to the common elements. Please refer to the CRAs for more details and rental restrictions.

Trash & Waste

Trash receptacles and related waste materials should be put out the evening before trash pick-up (Thursdays) or the morning of trash pickup and put away the same day. Trash receptacles and related waste may not be stored in the front of homes and are required to be stored either in the garage or on the side of the house. Trash receptacles and waste material must not block access to the mailboxes at any time.

Holiday Decorations and Lights

To maintain consistency throughout the neighborhood, exterior holiday decorations and lights (e.g. Christmas lights) are not be installed prior to 30 days before the holiday and should be removed prior to 30 days after the holiday.

Pets

Common household pets are welcome in Heatherwood Lakes in accordance with CRAs. However, all City, County & State laws and ordinances apply and are strictly enforced. Pets shall be appropriately restrained, leashed, and attended at ALL times. No pets are to be left alone on a screened patio or a back yard. Please refer to the CRAs for any restrictions. Pet owners are responsible for picking up waste from their respective pet(s). There are multiple pet waste receptacles throughout the community and failure to pick up and dispose of the pet waste will result in an immediate \$50 fine. Any pet deemed a nuisance or a danger to the community must be removed. **The telephone number for Animal Control is (239) 432-**

2083.

Community Safety and Security

In case of an emergency, dial 911 immediately. Cape Coral Police Department's non-emergency telephone number is (239) 574-3223. **Please refer all police related issues and or concerns to the Cape Coral Police Department.**

Child Safety, Street Use and Supervision

- Child safety is a primary concern for all families. ***By following a few guidelines and working together we can reduce the possibility of a child being injured or killed by a motor vehicle.*** Although Heatherwood Lakes is a "kid friendly" community and children will play in the streets (basketball, riding bicycles, etc.), we all must work together to ensure the safety of all children.
- Parents are fully responsible (per conversations with the Cape Coral Police Department) for their children and **must supervise their children while playing in the streets.** **Please contact the Cape Coral Police Department for specifics and clarification regarding Child Endangerment, Child Neglect, Parent Responsibility, and how they are related to children playing in the streets while unsupervised.
- The Community playground hours are dawn to dusk and is for use by children 10 and under only. All children must be accompanied by an adult.

All residents should drive slowly throughout the community and keep an eye on children playing in or near the streets at all times. You are required to abide by the 13 mile an hour speed limit.

Vehicles

No commercial vehicles, boats, boat trailers, recreation vehicles or motor homes are allowed in owner's driveways or on the streets overnight. They may be in the driveway for loading, unloading or cleaning. Please refer to the CRA's for further details and descriptions of allowed vehicles. Any vehicle used on the streets of the Community must have a licensed driver and sufficient seating for the number of riders and be legal to use on the roads.

Resident and Tenant Parking:

- Residents and Tenants must always use their driveways and garages for parking. They are not to park on the road.
- All resident cars must have a green parking boss decal registered to their vehicle. Tenants will have a yellow parking decal.
- Residents and Tenants are responsible for all visitor vehicles coming to their homes.

Residents with 4 or more cars:

- If a resident currently has 4 or more licensed drivers residing in their HWL home they may request to purchase a red parking boss decal.
- The red decal must be adhered to a specific vehicle for use at the cabana or to park in a designated section of Willow Branch if the cabana parking lot is full. The red decal must be renewed monthly through **hwlparkingattendant.com**
- For a resident to be eligible for the Red parking pass they must produce:
 - Florida driver's licenses (4 or more) with the same HWL address on all the licenses and an equal number of car registrations with HWL address on them.

Visitor parking

- Visitors may park in the community any day of the week; however, they must use the even/odd method, NO parking in front of driveways, on the grass, on the sidewalk, or in front of mailboxes.
- Beginning at midnight all cars must be off the street. Overnight guests must register their vehicle with Parking Boss and park at the Cabana or Overflow parking (between the palms) on Willow Branch from 8pm to 8am.
- All registered overnight visitors must remove their cars from the cabana parking lot by 8am.
- The cabana parking lot is not to be used as a parking area during the day from 8 am to 8 pm unless residents and visitors are using the pool/cabana.
- Willow Branch parking is to be utilized where the parking lines are only, in front of the Palm Trees. No parking near stop signs or fire hydrants.
- Parking Fines are: 1st violation is a warning, 2nd Violation is a \$25 fine, 3rd Violation your car will be towed. Cars parked on the wrong side of the road or parked on the sidewalk will be towed automatically.

***The even/odd parking method** corresponds to the months of the year and street numbers in a street address. During odd months registered visitors will park on the odd side of the street and during the even months registered visitors will park on the even side of the street using street numbers to determine odd/even. Odd months are: January, March, May, July, September, and November. Even months are: February, April, June, August, October, and December. Street numbers ending in an odd number such as: 1, 3, 5, 7, and 9 are considered odd. Street numbers ending in an even number or 0 such as: 0, 2, 4, 6, and 8 are considered even.

- **Holiday Parking:** Halloween there is to be NO cars on the road between the times of 5-9pm for the safety of our trick or treaters. Thanksgiving and Christmas parking is suspended as long as everyone is parked on the correct side that month.

Cabana Rental

Please refer to Heatherwoodlakes.org or Vestaforyou.com to complete an application and pay the \$50.00 fee. Please note that if the pool/cabana area is reserved, the pool and restroom facilities remain available to all residents. The homeowner must be present during the event and is solely responsible to clean the area thoroughly and remove all trash. If the cleaning is not done, the owner will be charged for any cleaning costs (\$50.00-\$100.00) and/or damages and will be billed accordingly. Please turn off all lights and ceiling fans prior to leaving. **48 hours prior to your reserved date you must contact the CAM (Ron's email) for access the refrigerator, TV, microwave, etc.**

Lakes and Canals.

No swimming or boating is allowed in any lake or canal within or contiguous to the Community. No Owner shall deposit or dump any garbage or refuse in any lake or canal within or contiguous to the Community. No Owner shall install any improvement upon a Lot within 20 feet of any lake or canal without the prior written consent of the Board, including but not limited to landscaping (other than grass), fences, walls, or any other changes. No Owner shall create any beach or sandy area contiguous to any lake or canal within the Community unless otherwise approved by the Association.

Pool Rules

- Hours are dawn to dusk. No nighttime swimming is allowed.
- Anyone entering the pool must do so via the gates with a pool fob and must follow all posted rules and regulations.

- Any children under the age of 16 must be accompanied by an adult at all times. Teens 16-18 years of age will be allowed 2 guests.
- No glass containers anywhere in the pool area nor food or drink in the pool or within four feet of the coping.
- Residents must accompany their guests. Unaccompanied guests will be asked to leave.
- All persons utilizing the pool do so at their own risk, there is no lifeguard on duty.
- No running allowed in pool area.
- Remove all pool toys, float or apparatus when you leave or they will be disposed of.
- Parties if 10 or more need to rent the cabana to accommodate your guests.
- Jumping the fence or bending the fence to gain access is strictly prohibited. The authorities will be notified and a fine will be imposed as well as reimbursement of any damages to the property.
- There is no smoking allowed while in the pool.
- No animals, except registered service animals are allowed in the pool area.
- No bikes, skates, skateboards or scooters are allowed in the pool area or the Cabana.
- If you witness something unusual or unsafe, please contact the Cape Coral Police Department at 239-574-3223.

Mailboxes

It is illegal to post or tape notices to U.S. mailboxes. Mailboxes are maintained by the HOA.

Rev. 11/2020. Contents of this handbook are subject to change without notice. Please reference the CRAs, DRG's, City of Cape Coral ordinances, and the Heatherwood Lakes Website for updates and specifics. The information contained in this guide in no way provides legal advice and does not quote policies not governed by the Heatherwood Lakes Community. The information is based on community member's conversations with the City of Cape Coral and the Cape Coral Police Department. Please contact the City of Cape Coral and the Cape Coral Police Department directly to confirm and clarify the information provided in these rules and regulations pertaining to their current policies.