



KENNETH R. FOUNTAIN | KERRY ANNE SCHULTZ | SCOTT C. BRIDGFORD

Wednesday, May 29, 2019

**VIA ELECTRONIC MAIL and REGULAR U.S. MAIL**

Jim Stallings, Ph.D  
1864 Bay Pine Circle  
Gulf Breeze, Florida 32563

**RE: Legal Opinion  
Bay Pines of Santa Rosa Homeowners Association, Inc.  
Article VII, Sections 3 and 8 of the Covenants, Conditions and Restrictions**

Dear Board:

This letter will serve as a written legal opinion relating to Article VII, Section 3 and Section 8 of the Covenants, Conditions and Restrictions (“Declaration”) of Bay Pines. Please be advised that the Board is required to strictly enforce the language as stated in the Declaration. Article VII, Section 3, states in pertinent part:

Section 3---Maintenance. “All structures, improvements, yards, drives and landscaping must be diligently and properly maintained at all times. . .”

Article VII, Section 8, states in pertinent part:

Section 8---Appearance. “All residences, structures and improvements shall be designed to present a pleasing, attractive, tasteful, neat and well-maintained appearance from all views.”

The Board is not permitted to interpret the Article VII, Sections 3 and 8 beyond the express language contained in these Sections. The Board must enforce the language contained in Sections 3 and 8. I agree that the Declaration does not define “pleasing,” “attractive,” “tasteful,” “neat” and “well maintained appearance.” To the extent that there is a question as it relates to compliance with these Sections, I can assist to ensure that we are applying the Declaration fairly and uniformly to all owners, and that we are not interjecting the Board’s subjectivity when determining enforcement and compliance with the Declaration.

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I understand that there has been discussion about landscaping requirements. The Declaration does not require an owner to have specific landscaping installation other than the requirement to diligently and properly maintain landscaping as provided in Articles VII, Section 3. The Board must enforce the Declaration as written. If the Board desires to amend the language contained in the Declaration, we will need to schedule a meeting to discuss the proposed amendment(s), the notice requirements and the legal process involved.

Please feel free to call me to discuss this matter in more detail. Thank you for your consideration.

Very truly yours,  
**FOUNTAIN, SCHULTZ & BRIDGFORD, P.L.L.C.**

Kerry Anne Schultz, Esquire



KAS/amf