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December 1, 2023

All Owners of Forest Glen at Bayside Lakes Homeowners Association, Inc.

**Re: *Forest Glen at Bayside Lakes Homeowners Association, Inc.  
Notice of Enforcement of Covenants and Restrictions***

Dear Owners:

One of the primary benefits of living in a deed restricted community is the potential to preserve and protect property values by maintaining community standards. That is why among the important duties of the board of directors of Forest Glen at Bayside Lakes Homeowners Association, Inc. (“Association”), enforcement of the community’s covenants and restrictions is paramount. In fact, the board of directors has a fiduciary duty to enforce such covenants and restrictions – a duty that is imposed by statute.

Consequently, when an owner, resident, or occupant fails to maintain the community standards set forth in an Association’s governing documents, the board of directors must seek to compel their compliance. Please understand, the Association’s board of directors intends to enforce all of the Association’s covenants, restrictions, rules and regulations. Therefore, in accordance with *Chattel Shipping and Investment, Inc. v. Brickell Place Condominium Association, Inc.* 481 So.2d 29 (Fla. 3<sup>rd</sup> DCA 1985), the enclosed Notice of Intent to Enforce Covenants and Restrictions places you on notice that you cannot rely upon prior lack of enforcement by the Association, if any, as a basis to justify a violation or infraction.

While the Association intends to compel compliance with each and every provision of the governing documents, there are a few matters which raise the most concern to the board of directors. **As such the board of directors wishes to remind all owners, residents, and occupants of the following:**

**Paint Colors:** Pursuant to Article II, Section 7 of the Declaration of Covenants, Conditions and Restrictions Forest Glen at Bayside Lakes Subdivision (“Declaration”), “[a]ll paint used on the exterior body of any residence shall be subdued in its tone. Colors should be selected to harmonize

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*with the natural environment of the subdivision and should be soft and unobtrusive. No colors should be loud or bright. No more than one paint color (may be used) for the body of each residence and no more than two accent trim colors. **Paint colors must be submitted for approval prior to being applied on any residence.** A written approval listing the manufacturer and paint sample number of all paint colors including body and trim paint must be obtained for each residence from the Committee.”* (Emphasis added)

**Fence Height:** Article III, Section 10(a) of the Declaration provides “*[f]ences ... shall not exceed a height of four (4) feet above the finished graded surface of the grounds upon which it is located and shall not be constructed, ... placed or maintained upon any Lot without the written consent and approval of the Homeowners Association’s Architectural Control Review Committee.*” (Emphasis added)

**Fence Type:** In accordance with Article III, Section 10(c) of the Declaration, “[a]ll fences to be constructed in the Subdivision shall be of uniform design and finish, commonly known as **White PVC similar to the front entrance fencing of common areas (Semi-private Picket Fence with 7/8” gaps).** ... No fence may be constructed of wire, chain link or cyclone style of fencing on any Lot.” (Emphasis added)

The Association is hereby providing a thirty (30) day grace period for owners to voluntarily correct any violations existing on their Lot and/or residence before the Association undertakes enforcement actions. We, as well as the board of directors, encourage you to read and review the Association’s governing documents so you can determine if your Lot and residence are within compliance or have existing violations that need to be corrected during the grace period.

**Please understand that this letter shall not be interpreted to mean that you are currently violating the Association’s governing documents.** However, in the future, should you receive a violation notice, the board of directors kindly requests that you understand and appreciate such letters are being generated for your benefit and the benefit of all of the community’s owners, residents and occupants as the board of directors works to protect and preserve the community and your property values.

The Association looks forward to working with the membership to continue making Forest Glen at Bayside Lakes a wonderful place to live.

Sincerely,



Carlos R. Arias  
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CRA/jll