



STONEWOOD TOWERS CONDOMINIUM ASSOCIATION, INC.

820-850 N. Atlantic Avenue

Cocoa Beach, FL 32931

Phone: (321) 783-7879 Fax: (321) 783-4669

September 15, 2022

To All Association Members,

Over the course of the past 30 plus years there have been violations of the Association's governing documents that had not been properly addressed. Some of these violations continue today and have existed for so long, it is the opinion of our attorney that efforts to address them would be time consuming, expensive and likely result in very limited success.

In order to prevent these past and ongoing violations from becoming justification for future violations the attorney recommended that the board issue a Rehabilitation Letter. This letter is a formal notice that going forward the Association intends to enforce all covenants within the governing documents.

During the August 2022 monthly meeting the Board passed the required resolution and instructed the attorney to record the resolution with the county. The enclosed letter and attachments are the legal documents required to be distributed to all members of the association as part of this process.

This action does not address past violations. However, it will enable enforcement actions to be taken going forward without people using past violations and issues as justification.

Regards,

The Stonewood Towers Condo Association

Board of Directors



Clayton & McCulloh

ATTORNEYS AT LAW
www.clayton-mcculloh.com

NEAL McCULLOH
Senior & Founding Partner
nmcculloh@clayton-mcculloh.com

Clayton & McCulloh, P. A.
Servicing 25 Counties
Respond to: Orlando Office

July 26, 2022

To Owners and Residents of
Stonewood Towers Condominium Association, Inc.

Dear Owner(s) and/or Resident(s):

Pursuant to the Association's request, we have advised the Board of Directors regarding how it should address violations of the Association's Governing Documents (i.e., its Declaration, Articles of Incorporation, Bylaw and Rules and Regulations). Accordingly, we advised the Board that the Association should follow the Florida Statutes and implement the requirements of its Governing Documents. Additionally, we discussed with the Board that part of the purpose of the Governing Documents is to help preserve and protect your property values. However, to maintain and hopefully promote your property values, the Association needs to compel each Owner's and resident's compliance with the Governing Documents.

Unfortunately, we understand that prior Board(s) may not have uniformly, timely and consistently enforced the Governing Documents. Of course, this needs to be immediately changed.

Given the above and to protect all Owners and Residents, the Association intends to enforce and compel compliance with all of the provisions within the Governing Documents and its Rules and Regulations. Accordingly, you cannot rely upon any prior policy or procedure of the Board, any past action or inaction of the Board or any past violation as a justification to violate the Association's Governing Documents and/or its Rules and Regulations in the future.

In the event the Association is apprised of or becomes aware of a violation of its Declaration, Articles of Incorporation, Bylaws and/or its Rules and Regulations, the Covenant Enforcement Policy and Procedure that has been adopted to enforce the Governing Documents is as follows:

1. The Association intends to send an initial notice/letter to the violating Owner and/or Occupant pointing out the violation(s) and requesting compliance within the time specified therein (e.g., 10 days of the date of the letter);
2. If the violation(s) are not corrected within the time period specified in the first notice/letter (e.g., 10 days), the Association will send out its second notice/letter

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The Clayton & McCulloh Building
1065 Maitland Center Commons Blvd.
Maitland, FL 32751
Phone: (407) 875-2655
Fax: (407) 875-3363

Toll Free: (888) 793-1486

Melbourne Office:
Phone: (321) 751-3449
Fax: (321) 751-3450

requesting and demanding compliance;

3. If the violation(s) are still not corrected within the time period specified in the second notice/letter (e.g., 10 days), the Association will send out its third and final notice/letter apprising the violating Owner and/or Occupant that the matter(s) is being escalated and that the Association shall proceed with fining, as well as potentially pursue other remedies available to it, which may include any or all of those specified hereafter.

The above time periods are only intended to be approximate. As such, the time periods to be specified in such notices/letters may be altered unilaterally by the Association and/or its management depending on the facts, conditions, etc. Accordingly, such time periods, notwithstanding anything to the contrary, may be altered in the sole unfettered discretion of the Association and/or its management without any further or advance notice of a change.

In the event your violation(s) are not corrected within the time specified in the Association's third letter/notice, the matter(s) will be escalated to compel your compliance. The following will outline various remedies that the Association may and/or will pursue depending on the violation(s):

Remedy 1 - the Association fining the violator(s) [e.g., fining Owner(s), Tenant(s) and/or Occupant(s)], pending confirmation/approval from the Fining Committee;

Remedy 2 - the Association suspending the violator(s) common area use rights (e.g., right to use the amenities);

Remedy 3 - the Association implementing its "self-help" rights. More specifically, the Association unilaterally correcting the violation/problem on the subject Lot (e.g., performing the necessary maintenance and/or corrective action thereon) and seeking to recover the associated cost from the Owner¹; and/or

Remedy 4 - the Association turning the matter over to and directing its law firm (Clayton & McCulloh) to compel compliance. As part and parcel thereto, it is expressly contemplated that if the matter is referred to this law firm, we shall proceed with arbitration, mediation and/or litigation as necessary to compel the violator(s) compliance.

While the above, outlines various remedies the Association can pursue to compel compliance, we hope you will work with your Board of Directors and comply with the Association's Governing Documents for the benefit of the entire Community. Furthermore, we hope each of you appreciate that such letters and the enforcement action(s) referenced above are for the benefit of all the Owners. Moreover, we hope that each and every Member (i.e., Owner) can appreciate the need for compliance by everyone.

¹ As you can see, the Association may pursue its "self-help" rights. More specifically, the Association's Governing Documents provide that the Association can go on an Owner's Lot, correct violation(s) and charge the Owner the expense(s) associated therewith. Of course, if the Association avails itself of this alternative and/or additional remedy, it is contemplated that the Association and/or this law firm shall, likewise, pursue recovery of all of the associated expenses.

Additionally, please understand that the Florida Statutes likewise mandate that each Owner and Tenant comply with the Governing Documents. In fact, Section §718.303, Florida Statutes, basically provides that a violation of the Governing Documents is a violation of Florida law and subjects the violator to payment of the Association's reasonable attorneys' fees.

Please appreciate that in the event a violation is turned over to Clayton & McCulloh, this law firm will seek to compel compliance with the Governing Documents and may seek to recover the associated attorneys' fees and costs. The violations which initially raise the most concern are:

1. Making alterations and/or modifications without Association approval;
2. Improper use of Garages (e.g., failure to use it for the parking of automobiles, using it as storage facility, storing flammable and/or hazardous materials therein, and/or having ancillary appliances plugged into the garage); and
3. Pet Violations (e.g., dogs not leashed at all times outside the unit, pets not walked in designated area, owners not removing their pet droppings from the condominium premises, etc.)

To reiterate, the Association intends to compel compliance with each and every provision of the Governing Documents. Accordingly, we hope this letter helps you to avoid violating the Governing Documents in the future, as well as avoid the need for the Association to undertake the enforcement action(s) listed above.

Please understand that this letter is not an indication that you are in violation of any of the Governing Documents. As such, this letter is only for the purpose of helping you avoid future violations. Accordingly, if you are currently violating the Association's Governing Documents, such matter(s) will be dealt with in separate correspondence

Given the above, it is hoped you appreciate that the Association has provided you with this letter as it seeks each owners' and residents' cooperation for the benefit of the Community and hopes that each of you will cooperate in this endeavor.

Please work with the Association for the benefit of your Community by complying with the Association's Governing Documents.

Sincerely,
CLAYTON & MCCULLOH



Neal McCulloh, Esq.
NM/rsw

**RESOLUTION OF THE BOARD OF DIRECTORS
TO ENFORCE ALL OF THE RESTRICTIONS AND PROVISIONS WITHIN THE ASSOCIATION'S
GOVERNING DOCUMENTS**

WITNESSETH

WHEREAS, Stonewood Towers Condominium Association, Inc. (hereinafter sometimes referred to as the "Association") is governed by a Board of Directors; and

WHEREAS, the Board of Directors wants to ensure that the Owners are apprised of its intent to enforce all of the restrictions and provisions set forth in DECLARATION OF CONDOMINIUM OF STONEWOOD TOWERS, A CONDOMINIUM, recorded in O.R. Book 2237, Page 2480, *et seq.*, of the Public Records of Brevard County, Florida, as amended and restated from time to time, as well as the balance of the Association's Governing Documents; and

WHEREAS, the Association in the past may not have timely, uniformly and consistently enforced all of its Governing Documents.

RESOLVED, that:

1. The Association shall enforce all of the restrictions and provisions set forth in the Association's Governing Documents forthwith;
2. The Association shall, within 60 days of the date hereof, by U.S. Mail Postage Pre-Paid, provide to each Owner at the address set forth in the Association's Official Records, Notice that it intends to enforce all of the restrictions and provisions set forth in the Association's Governing Documents (hereinafter referred to as the "Notice"); and
3. The Notice shall consist of a copy of this Resolution which includes a copy of Clayton & McCulloh's Rehabilitation Letter dated July 26, 2022, a copy of which is attached hereto as Exhibit "A"; and
4. The Association shall record a copy of the executed Resolution (with a copy of the Rehabilitation letter attached thereto) in the County's Public Records.

We, the undersigned Officers of Stonewood Towers Condominium Association, Inc., hereby certify that the foregoing is a true and correct copy of the Resolution adopted at the meeting of the Board of Directors of the

Association held on 10th day of August, 2022, which meeting was called after due notice was given and at which meeting a quorum of the Board of Directors was present and that such Resolution was adopted upon a majority vote of the Board of Directors.

IN WITNESS WHEREOF, Stonewood Towers Condominium Association, Inc. has caused these presents to be executed in its name, this 10th day of August, 2022.

Signed, sealed and delivered
In the presence of:

**Stonewood Towers Condominium
Association, Inc.**

Susan Burrows
(Sign - Witness 1)

By:

Bernard M. Mara
(Sign)

SUSAN Burrows
(Print - Witness 1)

Bernard M. Mara
(Print)

Henry J. Naber
(Sign - Witness 2)

**President, Stonewood Towers Condominium
Association, Inc.**

Henry J. Naber
(Print - Witness 2)

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10th day of August, 2022 by Bernard M. Mara as President of Stonewood Towers Condominium Association, Inc., a Florida corporation, on behalf of the corporation. He/She is personally known to me, or has produced _____ as identification.

(Seal)

Katherine Boehme
Sign

Katherine Boehme
Print



Signed, sealed and delivered
In the presence of:

**Stonewood Towers Condominium
Association, Inc.**

Bernard M. Mara
(Sign - Witness 1)

Attest:

Susan Burrows
(Sign)

Bernard M. Mara
(Print - Witness 1)

Susan Burrows
(Print)

Henry J. Naber
(Sign - Witness 2)

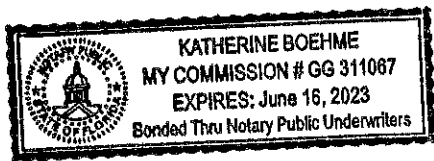
Secretary, **Stonewood Towers Condominium
Association, Inc.**

Henry J. Naber
(Print - Witness 2)

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10th day of August, 2022 by Susan Burrows as Secretary of Stonewood Towers Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He/She is personally known to me, or has produced _____ as identification.

(Seal)



Katherine Boehme
Sign
Katherine Boehme
Print



Clayton & McCulloh

ATTORNEYS AT LAW
www.clayton-mcculloh.com

NEAL McCULLOH
Senior & Founding Partner
nmcculloh@clayton-mcculloh.com

Susan Burrows

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EXHIBIT "A"

July 26, 2022

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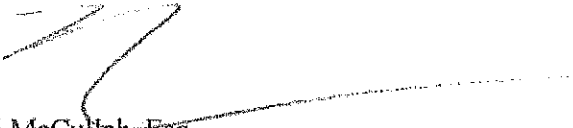
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Please work with the Association for the benefit of your Community by complying with the Association's Governing Documents.

Sincerely,
CLAYTON & MCCULLOH



Neal McCulloh, Esq.
NM/rsw

Prepared by & Return to:
CLAYTON & MCCULLOH
ATTN: NEAL MCCULLOH
1065 Maitland Center Commons Blvd.
Maitland, FL 32751

the space above this line is reserved for recording purposes

**NOTICE OF RECORDING OF
RESOLUTION OF THE BOARD OF DIRECTORS TO ENFORCE ALL OF THE
RESTRICTIONS AND PROVISIONS WITHIN THE ASSOCIATION'S GOVERNING
DOCUMENTS**

KNOW ALL MEN BY THESE PRESENTS:

That on this 10th day of August, 2022, the undersigned, STONEWOOD TOWERS CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation (hereinafter the "Association"), pursuant to Florida Statutes and the DECLARATION OF CONDOMINIUM OF STONEWOOD TOWERS, A CONDOMINIUM, recorded in Official Records Book 2237, Page 2480, *et seq.*, of the Public Records of Brevard County, Florida, as may be amended and restated from time to time (hereinafter referred to as the "Declaration"), hereby gives notice of recording in the Public Records of Brevard County, Florida, the RESOLUTION OF THE BOARD OF DIRECTORS TO ENFORCE ALL OF THE RESTRICTIONS AND PROVISIONS WITHIN THE ASSOCIATION'S GOVERNING DOCUMENTS (hereinafter referred to as the "Resolution"). A copy of said Resolution is attached hereto and by reference made a part hereof. Said Resolution was approved by the Board of Directors of the Association (hereinafter referred to as the "Board") at a duly called and conducted Board Meeting.

The Resolution is hereby being recorded in an effort to ensure that record title notice of it will exist and so that the contents thereof will be self-evident in the public records. Additionally, the Association has endeavored to record same to provide record title notice of the validity, binding nature, and enforceability of the Resolution, as well as the Association's intent to enforce the terms and provisions of the Declaration and the other Association's Governing Documents.

The Association is a not-for-profit corporation created pursuant to Chapter 617, Florida Statutes and a condominium association subject to Chapter 718, Florida Statutes. All terms and conditions of the Resolution as incorporated herein shall remain in full force and effect.

IN WITNESS HEREOF, the Stonewood Towers Condominium Association, Inc. has caused these presents to be executed in its name, this 10th day of August, 2022.

Signed, sealed and delivered
In the presence of:

**Stonewood Towers Condominium
Association, Inc.**

Susan Burrows
(Sign - Witness 1)

By: Bernard M. Mara
(Sign)

SUSAN Burrows
(Print - Witness 1)

Bernard M. Mara
(Print)

Henry J. Naber
(Sign - Witness 2)

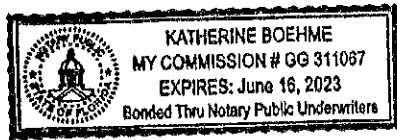
President, **Stonewood Towers
Condominium Association, Inc.**

Henry J. Naber
(Print - Witness 2)

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10th day of August, 2022 by Bernard M. Mara as President of Stonewood Towers Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He/She is personally known to me, or has produced _____ as identification.

(Seal)



Katherine Boehme
Sign
Katherine Boehme
Print

Signed, sealed and delivered
In the presence of:

**Stonewood Towers Condominium
Association, Inc.**

Bernard M. Mava
(Sign - Witness 1)

Attest: Susan Burrows
(Sign)

Bernard M. Mava
(Print - Witness 1)

Susan Burrows
(Print)

Henry J. Nabal
(Sign - Witness 2)

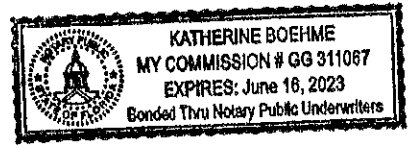
Secretary, Stonewood Towers
Condominium Association, Inc.

Henry J. Nabal
(Print - Witness 2)

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization, this 10th day of August, 2020 by
Susan Burrows as Secretary of Stonewood Towers Condominium
Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He/She is
personally known to me or has produced _____ as identification.

(Seal)



Katherine Boehme
Sign
Katherine Boehme
Print