

## BSIA POLICY FOR ENSURING PROPER MAINTENANCE OF PROPERTIES IN BSI

Authority for Policy: The following provisions of the BSI Deed Restrictions give BSIA authority to take action to ensure a property in BSI is maintained in a manner such that the appearance of the property is consistent with the appearance of other properties in BSI:

1. Section 20 provides, in relevant part, that “No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises on the aforescribed land, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon; and, in addition all of the landscaping including the grass shall be kept as befitting a high-quality lawn and any plants, grass, shrubs, etc. that might die or become other than luxuriant and well formed shall be promptly replaced and should the Grantee [Property Owner] fail to keep premises in the aforescribed condition then the Grantor [BSIA] may enter upon the land and repair, replace, install or maintain the offending portion and such entry shall not be deemed a trespass and a lien shall arise in favor of the Grantor [BSIA] to the extent of the expenses to accomplish the aforesaid.”
2. Section 25 provides that “Violations or breach of any condition, restriction or covenant herein contained by any person or concern claiming under the Grantor [BSIA], or by virtue of any judicial proceeding, shall give the Grantor [BSIA], in addition to all remedies, the right to proceed at law or in equity to compel a compliance with the terms of said conditions, restrictions or covenants and to prevent the violation or breach of any of them. In addition to the foregoing, the Grantor [BSIA] shall have the right, wherever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the property where such violation of these restrictions exists and summarily abate or remove the same at the expense of the applicant, purchaser, optionee, lessee or grantee, and such entry and abatement or removal shall not be deemed a trespass.”

Policy: It is the responsibility of the owner of each property in BSI to maintain his property in a manner to insure that such property does not detract from the overall appearance of BSI and decrease the value of other properties in BSI. When the property owner fails to do so, under the provisions of the BSI Deed Restrictions set forth above, BSIA is authorized to take steps to maintain the property. There are three situations where this is likely to occur: (a) where the owner, for whatever reason, does not to maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI; (b) where a foreclosure action has been commenced against the property and the owner of the property, who is either still in possession of the property or has moved out of or abandoned the property, does not maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI; and (c) where a lender has foreclosed upon the property and taken title to the property,

but does not maintain the property consistent with the standards required in the BSI Deed Restrictions for properties in BSI.

In each the three situations described above, it shall be the policy of BSIA to first work with the City of Punta Gorda ("the City") to remedy the condition of the property not being properly maintained. When BSIA first learns that a property in BSI is not being properly maintained, the BSIA Director for Community Standards shall contact the City, describe the situation and see if the City can and will take action through its Code Compliance Section to insure that the property will be brought into compliance with both the City's Code requirements and the standards required in the BSI Deed Restrictions for properties in BSI. If BSIA is satisfied that the City will take appropriate action to insure that the property will be maintained in accordance with the standards required in the BSI Deed Restrictions for properties in BSI, BSIA will take no further action and rely upon the action taken by the City.

If the City cannot or will not take appropriate action to insure that the property will be brought into compliance with the standards required in the BSI Deed Restrictions for properties in BSI, BSIA will use its authority under Sections 20 and 25 of the BSI Deed Restrictions to insure that the property is maintained in a manner consistent with the standards required in the BSI Deed Restrictions for properties in BSI. Before doing so, however, BSIA shall send a letter by certified mail, return receipt requested, to the person(s) or entity shown to be the title holder of the property by the Real Property Records of the Charlotte County Property Appraiser, notifying such person(s) or entity that such property is not being maintained in compliance with the standards required in the BSI Deed Restrictions for properties in BSI. Such letter shall specify all Deed Restrictions governing maintenance requirements which are being violated by the person(s) or entity owning the property. The letter shall also set forth the specific actions that BSIA plans to undertake to maintain the property and provide an estimate of the expenses expected to be incurred by BSIA in performing the maintenance of the property. The letter shall also inform the person(s) or entity owning the property that unless the person(s) or entity owning the property agrees in writing to undertake the maintenance activities deemed necessary by BSIA as specified in the letter within thirty (30) days following receipt of the letter, BSIA will undertake the performance of the required maintenance activities and will thereafter seek reimbursement of any and all expenses incurred by BSIA in performing such maintenance activities, either by filing a lien on the property or by a legal proceeding. A copy of the letter sent to the person(s) or entity owning the property shall also be sent to every entity having a mortgage on the property.

Except in extraordinary circumstances, the maintenance activities undertaken by BSIA under this Policy will be limited to maintaining the grass, trees, shrubs, gardens and other similar items located on the property and cleaning the roof of a residence located on the property. Nothing herein, however, shall preclude BSIA from undertaking additional maintenance activities, including, but not limited to, painting the exterior of a residence or maintenance inside a residence, where deemed necessary by BSIA to insure the appearance and condition of the residence is compatible with other residences in BSI.

To assist in the implementation of this Policy, the BSIA Director for Community Standards shall maintain a list of all homes in BSI which are either in or have been through the foreclosure process. Such list shall include the name and address of the person(s) or entity holding title to

the property, as well as the name and addresses of all entities having a mortgage or lien on the property.

Adopted by the BSIA Board this 2<sup>nd</sup> day of September, 2011.