

**PREPARED BY**

**TWIN LAKES ESTATES HOA**

**ROBERT L. SANTUCI JR., PRESIDENT**

**98 GOLF VIEW CIR**

**UMATILLA, FL 32784**

**ROBERT L SANTUCI JR**

**104 FAIRWAY CIRCLE**

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## **Guidelines/Criteria to Article IX, General Provisions, Section 9, Occupancy – 55 Years of Age and Older Community, of the Declaration of Easements, Covenants, Conditions and Restrictions of Twin Lakes Estates**

These guidelines/criteria made effective June 16, 2020 by the Board of Directors of the Twin Lakes Estates Homeowners Association, Inc. ("Association"), whose address is 98 Golf View Circle, Umatilla, Florida 32784.

**Whereas**, the owners assumed control of the Association on January 1, 2010 from Twin Lakes Reserve & Golf Club, Inc. (Developer) who relinquished control of the Association.

**Whereas**, Section 9 states, "The Properties are designed, operated, and maintained for the use and benefit of, and to meet the social and physical needs of persons 55 years of age or older. As such, every person who lives on any lot or in any improvement located thereon must be an adult. For purposes of this provision, adult shall mean 55 years of age or older, or other person of at least 40 years of age sharing a residence with a resident 55 years of age or older."

"The Board of Directors shall have the right and authority to waive this restriction for a person who is not 55 years of age or older, or at least 40 years of age or older and residing with a person who is 55 years of age or older, provided that at least 80% of the lots, including that of the new resident or lot owners for which this waiver provision applies, are occupied by at least one person 55 years of age or older. The Board of Directors may, from time to time, adopt and publish guidelines or criteria specifying conditions or requirements for granting waivers hereunder, and the decision of the Board of Directors respecting requests for waivers shall be binding and final."

**Whereas**, Section 9 also states, "It is the stated intention of Developer to protect and preserve the community of persons age 55 years and older, and the Board of Directors may adopt reasonable rules and regulations for the protection and preservation of such a community. Notwithstanding the foregoing, no individual under the age of 18 years shall be permitted to reside or live on any lot, and the Board of Directors shall neither be permitted to waive nor circumvent such age restrictions."

**Whereas** Federal law requires that a minimum of 80% of the community's homes in a 55+ community have at least one occupant who is 55 years of age or older. However, Federal law also allows the community to make their age-restrictions stricter than the Federal law requirements e.g. the community can mandate that all residents be over the age of 55.

**Whereas** A majority of the Board of Directors voted at a Board of Directors meeting on June 16, 2020 to approve the guidelines/criteria described below.

**Therefore**, the following guidelines/criteria are made in accordance with Article IX, General provisions, Section 9, Occupancy of the Association's Declaration. These guidelines/criteria take effect immediately and the Association will adhere to them, unless they are revised, regardless of the rulings of any previous Board of Directors. Any seller or realtor not following these guidelines/criteria or not submitting the buyer application will be dealt with legally.

1. If one occupant of the home is 55 years of age or older, and the other occupant(s) are younger than 55 but older than 40 years of age, and the occupant who is 55 years of age or older leaves, (e.g. dies, moves), the other occupant(s) will still be able to occupy the home, provided the number of homes in Twin Lakes Estates containing only occupants who are under 55 years of age is less than 20%.
2. When a house goes on the market for sale, and the Association is informed of such offering for sale, the Board of Directors of the Association will send the seller and realtor (if any) a copy of these guidelines/criteria, a buyer application and a copy of Article VIII, General Restrictions; Section 22, Leasing from the Association's Declaration. They will also request reliable documentation of all potential occupants ages, i.e. birth certificate or government issued picture ID.

**NOTE:** Article VIII, General Restrictions; Section 22, Leasing is included to ensure all participants know that there are additional occupancy requirements when leasing, and that the Association will be enforcing those as well.

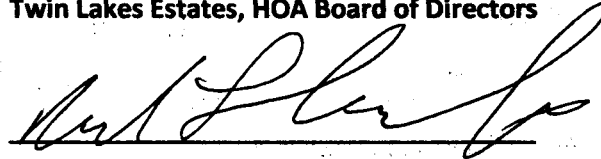
- a. When the potential occupants are identified, the potential occupants, seller, or real estate agent shall provide the Board of Directors with reliable documentation of all occupants ages (e.g. birth certificate or government issued picture ID).
  1. If all of the potential occupants are under the age of 55 years old, but one will be 55 years of age within 6 months, and the others are over 40 years of age, the Board of Directors will not generally oppose the potential occupants moving in, provided that the number of homes in Twin Lakes Estates containing only occupants who are under 55 years of age is less than 20%.
  2. If all the potential occupants are under the age of 55 years old, and item (1) above does not apply, the Board of Directors may request the HOA lawyer obtain an injunction prohibiting the potential occupants from moving in.
  3. If one or more of the potential occupants is under 40 years of age, unless such potential occupant is a spouse of another potential occupant the Board of Directors may request the HOA lawyer obtain an injunction prohibiting the occupant(s) under the age of 40 from moving in.
3. If a person moves in with a current resident, the current resident shall provide the Board of Directors with reliable documentation of the new occupant's age (e.g. birth certificate or government issued picture ID). Should the new occupant be under 40 years of age, and item 5 or item 6 below does not apply, and the new occupant not the spouse of the current resident, the Association will send the resident a letter explaining the requirements of the covenants and request that the person under 40 years of age move out. Should it be necessary, the Board of Directors will direct the HOA lawyer obtain an injunction requiring the person to move out.
4. To the extent allowed by law, any time an injunction for removal is granted, the owner of the property will be billed for all costs (attorney's fees, court costs, etc.) associated with obtaining and enforcing the injunction.
5. If an occupant/potential occupant is 55 years of age or older, and is a legal guardian of any disabled person of the age of 18 years or older, the Board of Directors will not generally oppose the disabled person moving in.

6. All live-in aides, nurses, or other healthcare providers, required by a doctor, regardless of age can live with residents of Twin Lakes.
7. As stated in this section of the covenants, "no individual under the age of 18 years shall be permitted to reside or live on any lot, and the Board of Directors shall neither be permitted to waive nor circumvent such age restriction." The Board of Directors will seek legal advice on how to enforce this section, for each individual case, should it arise.

**Additionally:** The Board of Directors shall send a copy of these guidelines/criteria and a copy of Article VIII, General Restrictions; Section 22, Leasing, to every household in Twin Lakes Estates and to all Real Estate Agencies that have listed a house for sale in Twin Lakes Estates.

**IN WITNESS WHEREOF, Twin Lakes Estates Homeowners Association, Board of Directors by and through its authorized representative, Robert L. Santuci Jr., Member Board of Directors & President HOA has hereunder set his hands this \_\_\_\_ day of July 2020.**

**Twin Lakes Estates, HOA Board of Directors**



**Robert L. Santuci Jr., Member Board of Directors & President HOA**

State of Florida

County of Lake

ACKNOWLEDGED AND SUBSCRIBED before me by Robert L. Santuci Jr., Member Board of Directors & President, Twin Lakes Estates HOA, who has produced Florida Driver's License as identification on the 8th day of July 2020.



Notary Public



Twin Lakes Estates, HOA Board of Directors

*[Handwritten Signature]*

07/08/2020

Robert L. Santuci Jr., Member Board of Directors & President HOA

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of

physical presence or  online notarization.

this 8th of July, 2020, by Robert L. Santuci Jr.

who is personally known to me or

who has produced FLDL as identification.

*[Handwritten Signature]*

Notary Public

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