

Prepared by and return to:  
James R, De Furio, P.A.  
201 E. Kennedy Blvd., Suite 775  
Tampa, FL 33602

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 2015183875 06/30/2015 at 10:54 AM  
OFF REC BK: 18832 PG: 2100-2103  
DocType:NOTICE RECORDING: \$35.50

### RESOLUTION OF THE BOARD OF DIRECTORS REGARDING LEASING

At a meeting of the Board of Directors of Cumberland Trace Property Owners Association, Inc. (the "Association"):

WHEREAS, the Association is governed by the Declaration of Covenants, Conditions, Restrictions and Easements for Cumberland Trace (the "Declaration"), and

WHEREAS, Article X of the Declaration gives the Association the authority to regulate leasing and provides that Lots may not be rented without the Association's prior written approval; and

WHEREAS, the Declaration gives allows the Board of Directors to pass Rules and Regulations regarding use of Lots, and

WHEREAS, the Board of Directors desires, through the exercise of its rule-making authority to preserve the Property as a desirable place to live for all Owners and residents, and

THEREFORE, BE IT RESOLVED that:

#### Leasing.

- I. All leases or occupancy agreements shall be in conformance with Article X of the Declaration. No lease shall be for a period of less than one (1) year in duration. **No Owner shall lease less than the entire Dwelling and subleasing is not permitted.** All leases or occupancy agreements are subject to the following provisions:
  - A. All leases or other occupancy agreements shall be subject to the prior written approval of the Association.
  - B. No later than seven (7) calendar days prior to the beginning of a lease or occupancy agreement, including a proposed renewal of a lease, the Owner shall provide to the Association the following:
    - 1) A copy of the written lease.
    - 2) A standard lease addendum signed by the tenant on his or her own behalf and on the behalf of any other occupants that they agree to abide by and

adhere to the terms and conditions of the Declaration of Covenants, Conditions, and Restrictions and all rules, regulations and policies of the Association; and that in the event of any violation of the Declaration or the Rules and Regulations the Association shall have standing to terminate the lease and evict the occupants under Chapter 83, Florida Statutes. The Board of Directors may adopt the form of the addendum.

- 3) The Application for Residency and Application Fee (see below for details) including a list of the names of the tenants and other occupants of the Dwelling, and any other information regarding the identity of the tenant(s) or occupants as the Association may reasonably require to obtain a background check of the tenants and any occupants that are (18) eighteen years of age or older.
- C. Prior to the consideration of the lease, a thorough background check of the tenants and any occupants that are (18) eighteen years old or older must be completed by an investigation company chosen by or otherwise acceptable to the Association or its management company. Upon receipt of the copy of the written lease and the Application for Residency, the management company shall engage the investigation company and receive the results of the investigation. The investigation shall be at the sole expense of the owner and the tenant, who shall pay the expense in advance. If the tenant is to pay for the investigation, advance payment shall be made by cash, money order or certified check.
- D. The Application for Residency will require the tenant to provide the following information:
- 1) Information regarding misdemeanor and felony arrest, disposition, and sanction records for all who will occupy the rental address.
  - 2) Driver's license number and state of issue for all who will occupy the rental address.
  - 3) A list of all vehicles and license plate numbers that will be parked at the rental address.
  - 4) Previous addresses.
  - 5) Information regarding any pets.
- E. The information disclosed on the Application for Residency, plus any other information as the Board or its management company may deem necessary, will be used by the Association to review the application and by the investigation company to complete the background check.
- F. Reasons for potential disapproval may include:
- 1) The Association may deny a lease on the ground that the proposed tenant or occupant poses a danger or undue risk to the health, safety or general welfare of the community including but not limited to:

- a. the tenant or occupant has a felony conviction for a crime for which the sanction imposed has not been completed, or
  - b. the tenant or occupant has a felony conviction for a crime for which the sanction imposed has been completed, but:
    - i. The felony conviction has occurred within the last fifteen (15) years; or
    - ii. the felony conviction disqualifying a tenant or occupant would be a crime which designates the tenant or occupant a sexual predator or sexual offender (see F.S. 775.21; F.S. 943.0435), or
    - iii. the felony conviction is related to illegal drugs, or
  - c. the tenant or occupant has a misdemeanor conviction within the last ten (10) years that is related to illegal drugs, or other offenses within the judgment of the Board poses a safety concern to the community, including commission of any violence against another person.
- 2) The Association may deny a lease on the ground that the proposed tenant or occupant has previously resided or occupied a Dwelling in the Association and has been cited for a violation of the Association's governing documents, including any of its rules and regulations, or
  - 3) The Association may deny a lease on the ground that false, misleading or incomplete information has been provided on the Application for Residency.
  - 4) The Association may deny a lease on the ground that the Dwelling is in violation of the Declaration or the rules and regulations of the Association, or that the Owner is delinquent in the payment of any monetary obligation to the Association.
  - 5) The Association may deny a lease if the proposed tenant is receiving rent assistance under Title 42, USC, Chapter 8, Section 1437 (f).
- G. Only occupants that have been approved by the Association shall occupy the dwelling. Per Article X of the Declaration, dwelling shall be occupied only by a single family. Any residence which there resides more than a single family, shall cause all persons who reside there, including the tenant, to be subject to eviction by the Owner or the Association. A Single Family shall be defined as follows: the maximum number of residents in any residence shall be twice the number of bedrooms:
1. 1 bedroom residence – 2 residents
  2. 2 bedroom residence – 4 residents
  3. 3 bedroom residence – 6 residents
- H. A resident is a person who occupies a residence for more than fifteen (15) days in succession, or sixty (60) days in any twelve (12) month period whether or not those

days are in succession. A resident shall require the approval of the Association and shall be subject to these Rules and Regulations Regarding Leasing, including the requirement of completing an Application for Residency and submitting to a Background Check.

- I. Tenants must follow all local ordinances and the Association's governing documents regarding parking and vehicle policies, including, but not limited to, refraining from parking or storing any commercial vehicle or motor home on any Lot. See Article II, Section 10(f) of the Declaration of Covenants, Conditions, Restrictions and Easements.
- J. Tenants must adhere to the restrictions the Association's governing documents regarding pets, including, but not limited to a maximum of one (1) dog under twenty (20) pounds, and a maximum of two (2) cats. See Article II, Section 10(w) of the Declaration of Covenants, Conditions, Restrictions and Easements.

The rights of the Association herein shall be in addition to and not in lieu of any other enforcement rights the Association may have under the Declaration.

I hereby certify that on the 10 day of JUNE, 2015, at a meeting duly called for the purpose, after proper notice had been made, and where a quorum of the Board was present, the Board of Directors of Cumberland Trace Property Owners Association, Inc. by a vote of 4 adopted the above RESOLUTION.

By: Peter Brabant  
Print Name: Peter Brabant For  
Its: CUMBERLAND TRACE POA.