



Mizner Pointe of Boca Homeowners Association, Inc. SUMMARY OF RULES AND REGULATIONS

PLEASE KEEP THIS COPY FOR YOUR RECORDS.

Upon taking ownership of a property in Mizner Pointe, the owner becomes a member of the Mizner Pointe of Boca Homeowner Association, Inc. As a member, the owner agrees to follow the rules and regulations.

This document is a description of these rules and regulations without involving the legal language found in other documents defining the same rules and regulations. While we try to keep this document current, rules are added, removed, and changed on an on-going basis. When in doubt, consult the property manager. It is the homeowners' responsibility to ensure that they have the most recent rules and regulations.

It is the responsibility of homeowners and residents to promptly read through (or have someone read to them) all of the rules and regulations stated in this document when asked to do so by the Board or Management of the Association and/or when this document is brought to their attention or given or made available to them in any form (hard copy or electronically) by the Board or Management. Failure to read or allege lack of knowledge as to the contents of this document does not excuse or release a homeowner or resident from any and all of the rules and regulations stated in this document.

All Association members and member's tenants, guests, and invitees, as well as the Association, are governed by the rules and regulations stated in this document.

Association member(s) is/are responsible for any Association violation(s) committed by member(s)' tenant(s), guest(s), and invitee(s).

If anything is unclear to you, or you have any questions about the content of this document, please consult the property manager.

GENERAL COMMUNITY RULES

ANIMALS – All dogs must be registered with Mizner Pointe's property management. Dogs must always be on a leash when off your property. Dog waste must be picked up, and disposed of, immediately and properly. It is the dog(s)' owner(s)' responsibility to ensure that their dog(s) does not/do not jeopardize the safety of others at Mizner Pointe because of their actions or lack of actions. Dog-poop containers of any kind at the member's residence must be completely out of sight at all times so they are not visible from any angle when looking from anywhere of the front of the house.

ASSESSMENTS – Any assessments not paid when due shall be delinquent. If the assessment is not paid thirty (30) days after its due date, a late fee and interest (as governed by Florida Statute), beginning on/from the due date, may be levied by the Association. As and when allowed by Florida Statute, the Association may bring an action at law against the Parcel Owner personally obligated to pay the same and/or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees incurred by the Association in connection with collection and/or appeal shall be added to the amount of such assessment. No parcel owner may waive or otherwise escape liability for the assessments by non-use of Common Area or abandonment of his/her Parcel.

BICYCLE AND E-SCOOTER USE – For the safety of the riders and residents, and liability concerns for the Association, all bicycles and e-scooters **must** have a bell on them and riders must ring the bell (such that it can be clearly heard) to caution those near the path of their approach. Additionally, we suggest the rider also call out to others when approaching them, something like "Coming to your left..." Riding bicycles or scooters on the grass is not allowed.

Other rules (also stipulated requirements by Florida Statutes) are as follows:

- (1) A bicycle rider, e-scooter rider, or passenger, under sixteen (16) years of age **must** wear a helmet that is properly fitted and is fastened securely upon the passenger's head by a strap. "Passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.
- (2) Every bicycle and e-scooter in use between sunset and sunrise **must** be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front; and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.
- (3) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk.

BUSINESS – No trade, business, or any commercial use shall be conducted in or from any Parcel or in or from the clubhouse.

CLUBHOUSE AREAS – No guest(s) or invitee(s) of an Association member can be in the clubhouse, pool, pool area, fitness room, playground, or tennis courts without being accompanied by the Association member at all times.

CONTRACTORS – Other than food deliveries and emergencies, contractors will not be allowed entry into our community on Sundays, Holidays, and before 8 AM and after 5 PM Monday to Saturday. Contractors on premises must stop all work at 5 PM and be off premises no later than 6 PM.

DELIVERIES – With the exception of food-delivery, delivery vehicles are allowed to enter the premises only Monday to Friday 7 AM to 8 PM, and weekends from 8 AM to 8 PM.

DOCUMENTS AND INFORMATION – It is the responsibility of owners and residents/lessees to ensure that any document they submit or information they provide to the Association is authentic and true to the best of their knowledge. The owner and/or resident/lessee will be responsible for any costs including, but not limited to, attorney and legal costs incurred by the Association as a result of false documents and/or information having been provided to it by the owner and/or lessee.

ENTRY/EXIT TO AND FROM MIZNER POINTE – Entry to and exit from our community by anyone must only be from the main entrance/guardhouse area of our community. No member(s) of the Association or member(s)' tenant(s), guest(s), or invitee(s) are allowed to walk (cross over) from Mizner Pointe into Escondido or other community or walk (cross over) from Escondido or other community into Mizner Pointe from any preserve area, backyard, fenced area, or perimeter of Mizner Pointe other than via Mizner Pointe's main entrance.

FIREWORKS – Fireworks are not allowed on Mizner Pointe of Boca Association property at any time.

GARBAGE – Garbage carts and recycle bins must be stored in garages or completely out of sight. Garbage carts, recycle bins, and bulk items shall be put out no earlier than dusk (sunset) the day before collection, and containers must be taken in by dusk of the day of collection. The pickup of garbage is twice a week, on Mondays and Thursdays. Garbage cannot be left in plastic or other bags *outside of* the garbage cart and all garbage must be placed inside the garbage cart for pickup. Recycling materials and bulk items are collected (picked up) only once a week on Thursdays and recycle bins and/or bulk items are to be put out only on Wednesday nights or Thursday mornings. The pickup of yard waste and vegetation is on Mondays only. In applying Florida Statute as it pertains to the levying of fine for leaving garbage carts, recycle bins, or bulk waste, outside (such as at the curb or end of driveway) before or after collection, the designated "collection *time*" will be the consideration/reference point by the Association.

GUTTERS – All gutters on the dwelling must be of uniform size. Gutters must be aluminum, K-style in 8-inch width. The Color must be white or match the house color.

HURRICANE SHUTTERS – If putting up hurricane shutters, the shutters shall be installed when the National Weather Service issues a tropical storm warning or hurricane watch, which is approximately 48 hours in advance of a potential storm. Shutters must be removed within one (1) week after the storm has passed. In the event of extraordinary weather circumstances, exceptions to this rule will be sent via community e-mail from the Property Manager. No home shall keep shutters up at any time outside of the above-defined window for the putting up and removal of shutters.

MOTORIZED SCOOTERS – Go-carts, ATVs, or any motorized scooters, or motorized type recreational and/or motorized type vehicles cannot be operated on any streets within Mizner Pointe. Any of the forementioned, and also boats, when stored, must not be visible from the parcel’s frontage, or an adjacent parcel, or an adjacent common area. Here, the term “Motorized”, where used, refers to those that have a “combustion engine”. Go-carts and ATVs, irrespective of anything (type of engine or such), cannot be operated on any streets within the community.

RAMPS – Ramps are not permitted anywhere on Mizner Pointe of Boca property streets, sidewalks, clubhouse parking lot, etc. Ramps must be confined to a homeowner’s yard, and/or driveway.

RESPECT FOR OTHER’S PROPERTY – No trespassing on other resident’s property.

SECURITY CAMERAS – Tampering in any way with security camera(s) placed by the Association anywhere in the community is a serious offence and will promptly be reported to the police. The owner and/or renter will be held responsible for any costs incurred in addressing the issue and/or repairing the damage as well as any legal and other costs that may be incurred by the Association in this matter.

UNLAWFUL USE – No improper, offensive or unlawful use shall be made of any parcel, and all valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be strictly observed.

VEHICLES – Cars shall be parked overnight only in driveways and garages.

Other restrictions are as follows:

1. No parking in front of mailboxes at any time.
2. **Overnight Parking:** No commercial vehicles, including commercial vans, trailers, RVs, mobile homes, or boats, are allowed to be parked overnight on Mizner Pointe streets or the clubhouse parking lot. Such vehicles must be parked overnight in a garage, or the owner’s driveway, or off Mizner Pointe premises.

3. Those “commercial vehicle”, that are defined in Florida Statute as vehicles that weighs over 26,000 pounds and have three or more axles, cannot be parked on any driveway in Mizner Pointe.
4. No vehicle repairs or maintenance is allowed in the community.
5. No vehicle, or any part of a vehicle (such as one or more tires), shall be parked on or have any kind of protrusion (such as any part of the front or back of the vehicle) over any lawn, grass surface, or sidewalk. The **only exception** being, since one of the parking spaces on the driveway of the villas listed below is smaller in length, protrusion over the sidewalk of a vehicle parked *in that smaller driveway space* is allowed such that this protrusion over the sidewalk (for the smaller driveway space only) can be no more than forty (40) inches for the following villas **only**:
 - Even-numbered villas on the south side of Via Serena 8362 through 8428; and 8446 through 8578
 - Even-numbered villas on the east side of Via Solano 21116 through 21128
 - Even-numbered villas on the east side of Via Ventura 21104 through 21122
 - Even-numbered villas on the south side of Via Leonessa 8340 through 8430
6. All owners and their guests must obey, without limitation, all signs posted by the community, including all speed limit signs, stop signs, and other traffic signs. Importantly, the speed limit throughout the community is 25 miles/hour and must be adhered to at all times.
7. No vehicle can be parked in the street between 2:00 AM and 6:00 AM.
8. Special situations, i.e., driveway repairs, roof replacement, pressure cleaning and sealing, exterior painting, etc., require that the owner obtain a permit from property management to be placed on vehicle(s) for that occasion, upon which the vehicle(s) may be parked in the clubhouse parking lot.

WILDLIFE – Feeding of ducks, feral cats, and other wildlife is strictly prohibited.

CLUBHOUSE RULES

Please note: The Association has the right to suspend the privileges of any person who violates the Rules and Regulations of the Mizner Pointe of Boca Clubhouse. There will be zero tolerance for any destructive behavior in or on the Clubhouse facilities.

1. The clubhouse hours are from 5:00 AM until 12:00 AM, except during special events or private functions.
2. All persons using the facilities shall follow all the rules and regulations regarding the use of the facilities, and the priority and length of time of use of the facilities, as set forth below. Security personnel reserve the right to remove violators from the clubhouse premises.
3. The property manager or Management Company will handle the scheduling of clubhouse activities.
4. Rules and regulations that are posted in any area, room, or facility will control the use thereof, and shall be deemed supplemental to the rules and regulations herein enumerated.
5. The facilities shall not be used by any club, group, or association without the consent of the Association.
6. Mizner Pointe of Boca clubhouse is a non-smoking facility. Non-smoking also includes vaping and e-cigarettes.
7. All food and beverages must be discarded, and area cleaned up after use.
8. Owners and renters are responsible for their guests and are expected to apprise them of the rules and regulations for the use of the facilities. Unless reserved for a private party, the number of guests allowed at the clubhouse is limited to fifteen (15) per address.
9. Shoes and shirts are required in the clubhouse and card room. Bathing suits are not permitted anywhere in clubhouse except lavatories.

10. When owners, renters, or their guests have caused damage to common areas/Association owned property, the owner and/or renter will be held responsible for the cost of repairing the damage as well as any legal and other costs that may be incurred by the Association in ensuring the repair of damage.
11. No pets or animals of any kind, including emotional support animals, may be brought upon, or into the clubhouse or its facilities, except for registered service animals.
12. Car washing and repairs are not permitted on Mizner Pointe of Boca clubhouse property or parking lot.
13. Cars may be parked overnight in the clubhouse parking lot when necessary, but only with a special permit obtained from the property manager/security and that permit placed visibly on the dashboard of the parked vehicle.
14. Overnight parking of commercial trucks, commercial vehicles, trailers, or boats is not permitted in the clubhouse parking lot.
15. Roller blading, roller skating, scooters, biking, skateboarding, children's riding vehicles, etc. are strictly prohibited inside the clubhouse and in the clubhouse area including, clubhouse entrance, clubhouse ramp, clubhouse parking lot, play area, pool area, and tennis courts.
16. Clubhouse can be used in accordance with the rules and regulations when no functions are scheduled. Please check with Management for availability. Please see the regulations related to food and beverages in the card room, clubhouse, and fitness room, etc. (all other facilities).
17. No unusually loud music and/or noise is permitted in or on any clubhouse property, including its parking lot and pool area (except inside of the clubhouse only when the clubhouse is reserved and rented for a private party, during which time management or security will oversee).
18. Children under eighteen (18) years of age must be directly supervised by an adult [someone eighteen (18) years or older] while in the clubhouse, pool, poolside, spa, fitness room, and card room.

19. No parties (this includes birthday parties, graduation parties, etc.) are permitted in the children's playground by the clubhouse, or in the tennis courts' enclosure.
20. No guest(s) or invitee(s) of an Association member can be in the clubhouse, pool, pool area, gym, playground, or tennis courts without being accompanied by the Association member at all times.
21. Training sessions, conducted by residents only, for educational, fitness or similar purposes(s) that hinder the use of clubhouse facilities by other members of the Association are prohibited without prior approval of the property manager through appropriate clubhouse reservation procedure. Said approval must be sought in advance of the planned session date(s). Said training session cannot be business-related.

*All persons using Mizner Pointe of Boca clubhouse facilities will do so at their own risk, including, but not limited to the pool, poolside, fitness room, card room, spa, tennis court, playground, parking lot, etc. Loitering in and around clubhouse, parking area, pool area, play area, or tennis courts after hours is prohibited.

Please call the Gatehouse if any issues arise. (561-218-2800)

POOL RULES

Please note: The pool facilities are for the exclusive use of homeowners and residents. Please be mindful of yourself and your guests and report any incidents to our security guards.

1. Swimming is permitted in the pool from dawn (sunrise) to dusk (sunset).
2. No guest(s) or invitee(s) of an Association member can be in the pool, spa, or pool area without being accompanied by the Association member at all times.
3. Children who are not potty-trained must wear *swim diapers* at all times when in the pool.
4. An adult [someone eighteen (18) years or older] must directly supervise all children less than eighteen (18) years of age.

5. We ask that people use earbuds or otherwise music levels must be kept to a minimum.
6. No ball, frisbee, or such, playing is allowed in the pool or the entire pool area.
7. No jumping or diving into the pool is allowed.
8. Food and beverages of any kind are not allowed within twelve (12) feet of the pool's edge.
9. No glass of any kind is allowed anywhere within the fenced pool area.
10. A maximum of six (6) guests allowed per address. This will be strictly enforced by security personnel.
11. Running on the pool deck is not allowed.
12. No parties are allowed anywhere in the pool area (this includes birthday parties, graduation parties, etc.) unless requested and prior written approval is obtained from management in accordance with any prevailing requisites and conditions that might be defined and communicated by management for such use.
13. No pets or animals of any kind may be brought upon or into the clubhouse or its facilities, except for service animals.
14. No smoking, vaping, or e-cigarettes allowed anywhere in the pool area.

SPA RULES

1. The spa is open from dawn (sunrise) to dusk (sunset).
2. Children under five (5) years of age are not permitted in the spa.
3. An adult [someone eighteen (18) years or older] must directly supervise all children under the age of eighteen (18) years.

4. Suggested stay is not to exceed ten (10) minutes to avoid dehydration or elevated blood pressure.
5. Do not immerse your head underwater (to avoid heat exhaustion).
6. No “horseplay” or other inappropriate behavior is permitted in the spa.
7. No food or drinks are permitted in the spa.
8. If someone else is waiting to use the Spa, it must be vacated by the occupants within twenty (20) minutes from the time that someone else is waiting in order to extend courtesy to and let others use the spa.

FITNESS ROOM RULES

Please note: Do not abuse the equipment. All equipment needs to be used in a safe and responsible manner.

1. The fitness room is open from 5 AM until 12 Midnight.
2. No one under eighteen (18) years of age is allowed in the fitness room without adult supervision.
3. All fitness room users must bring a towel and use it to wipe off equipment.
4. Proper attire must be worn at all times. This includes closed shoes (sneakers), shorts/pants, and a shirt. Bare chests are not permitted.
5. Personal radios or music players are prohibited in the fitness room, unless used with earbuds.
6. Time limit on treadmills and ellipticals is thirty (30) minutes when other users are present. Courtesy must be extended to all others who are waiting.
7. No guest(s) or invitee(s) of an Association member can be in the fitness room without being accompanied by the Association member at all times.

TENNIS COURTS RULES

1. Courts will be open from 8:00 AM to 10:00 PM. Lights must be turned off by players upon completion of play when nobody is waiting to use the courts.
2. Only Mizner Pointe residents and their authorized guests are permitted to use the courts.
3. No guest(s) or invitee(s) of an Association member can be on the tennis courts without being accompanied by the Association member at all times.
4. The use of courts is limited to one (1) hour unless no one is waiting. Courtesy and consideration for other players must be maintained at all times.
5. These courts may not be used for any purpose other than a game of tennis or tennis lessons.
6. Proper tennis attire along with proper closed shoes is required.
7. No walking onto the courts until those playing have ended their play within the one (1) hour time limit for play when someone is waiting.
8. Parties (birthday parties, graduation parties, etc.), pets, food, bikes, roller blades, scooters, beverages, loud music, or unnecessary noise are not permitted on the courts.
9. Children under eighteen (18) years of age must be supervised by an adult [someone eighteen (18) years or older].
10. No lessons can be given to anyone who is not a resident of Mizner Pointe. No lessons are allowed Monday thru Friday between the hours of 5:00 PM and 7:00 PM.
11. When using multiple balls on the court, the balls should be contained on that court and not interfere with play on the other court.
12. Sign-in log, available at the guardhouse, may be used for weekends, holidays, and play on weekdays after 5:00 PM.

*The use of these courts by owners, or renters and their guests, is at their own risk.

Please report any issues to our security personnel.

HOME AND PROPERTY MAINTENANCE

Each owner shall be responsible for maintaining his/her unit, in a neat and clean condition at all times. Such maintenance shall include, but not be limited to, cleaning (driveways, roofs, doors, windows, removing dead bushes, etc.), painting, repairs, and general care.

In the event the exterior of said Lot and Unit is damaged in such fashion, so as to create a health or safety hazard to adjoining Lots and Units, or deteriorates in such a way as to create a nuisance or to be unsightly, and not keeping with the standards of the community, as determined by the Architectural Committee in its sole discretion, and such damage is not repaired within thirty (30) days from the occurrence or written notification from the HOA, then in such an event, the Association shall have the right to make reasonable repairs to the exterior of such Lot and Dwelling Unit.

If any owner fails or refuses to care for, maintain or make repairs to that Owner's unit, the HOA shall have the right and power to care for, maintain, and make repairs and maintenance. The Owner of such Unit shall be responsible for all fees and expenses plus a 10% handling fee, including reasonable attorney's fees, if any are incurred by the HOA in connection therewith.

The HOA shall have a lien on the Unit to secure payment of all such amounts, which shall be perfected, and enforced in the same manner as a delinquent assessment.

RENTAL/RESALE SCREENING PROCESS

The HOA has adopted a rental/resale screening process, which requires screening of potential tenants by the property manager and the Board/member of the Board. An Owner can only rent the owner's **entire** unit. Any rental lease cannot be for a period less than twelve (12) months. No vacation rentals (Airbnb or any such) are allowed. **Effective April 28, 2022, and thereafter, new purchasers cannot lease their home until after one year of ownership, calculated from the closing date of the purchase.**

Each owner shall have the right to lease his/her Unit, provided that such lease is in writing, and provides that the tenant shall be bound by, and obligated to the governing documents and Rules & Regulations at Mizner Pointe, and that the failure to comply with these documents, shall be a default under the lease.

Any Owner desiring to sell or rent his/her Unit shall have the “Application To Purchase Or Lease” completed by those that the owner wishes to sell or rent the unit to and deliver it to our property management company along with payment(s) as outlined in that application form. A copy of the fully-executed lease/sales contract must be submitted at least thirty (30) days prior to the date such a sale, lease, or rental agreement is to become effective.

Any Owner who shall lease or rent a Unit, shall be responsible for assuring compliance with all governing documents. Failure of an Owner to accomplish compliance within ten (10) days after receipt of written demand to do so from the Board shall entitle the Association to take any, and all such action, including, but not limited to, the institution of proceedings on behalf of such Owner against his/her Lessee. The Association will conduct an in-person interview with all prospective lessee(s) and or buyer(s), prior to occupying the premises.

Any expense incurred by the Association, including attorney’s fees and cost of suit, shall be repaid to it by such Owner. Failure by such Owner to make such repayment within thirty (30) days after receipt of written demand, the Board may resort to any and all remedies of the Association, including, but not limited to, placing and enforcing a lien on such Unit.

ARCHITECTURAL COMMITTEE (AC)

MISSION

The mission of the Architectural Committee is to ensure and protect the community’s appearance and property values.

PURPOSE

The purpose of these policies and guidelines is to establish community and landscape themes, and standards that will ensure a quality community, protect, and enhance property values.

INTRODUCTION

Mizner Pointe has been planned as an attractive, up-scale place to live in Boca Raton, Florida. Homeowners are concerned with their property values, and our natural environment. The establishment of an architectural review process is essential to maintain high community standards and establish reasonable procedures and guidelines to attain these standards.

ARCHITECTURAL COMMITTEE

The Declaration of Covenants establishes an Architectural Committee (AC), that is appointed by and reports directly to the Board of Directors. The AC is authorized to promulgate written architectural standards, regulations, procedures, and guidelines governing the construction, location, height, size, dimension, material design improvements, structures, landscaping, etc.

GENERAL GUIDELINES

Construction of any structure, improvement on any lot, or any exterior changes to the property, requires specific prior approval by the AC, and will be approved or disapproved based on compliance with the Declarations, the Guidelines, and/or the aesthetic discretion of the Committee. Any and all approvals given by or obtained from the AC must be in writing. The AC has sole discretion in approving or disapproving specific proposals as governed by our By-Laws and Rules and Regulations.

PROJECT REQUESTS

No improvements, alterations, repairs, excavations, or other work, which in any way alters the exterior appearance of any property within Mizner Pointe, shall begin or be made or done ***without prior written approval*** of the AC having been obtained. Each request must be submitted in writing to the AC for approval prior to beginning any work. An AC Request Form is available at our Property Manager's Office. Any work undertaken prior to the written approval being obtained from the AC is subject to reversal at the owner's expense with the owner also liable for reasonable attorney's fees and expenses, if any are incurred, by the HOA in connection therewith.

Request Forms should be completed with a detailed explanation of the proposed project, including the property plat with present and proposed structures,

relevant surrounding features, landscaping plans, irrigation plan (if applicable), sketches with dimensions, and color samples. The AC will consider any possible influence on surrounding properties and will concentrate on maintaining the architectural style. The AC considers requests within 30 days of submission.

****Requests must comply with provisions of the Declaration, these Guidelines, and the applicable requirements of Federal, State, County, and local law.**

ARCHITECTURAL GUIDELINES

INTRODUCTION

The following guidelines are provided for assistance in planning projects, making any material changes to the exterior of your home, and submitting requests. The Architectural Committee (AC) reserves the right to approve or disapprove projects that vary from the Guidelines or are aesthetically inconsistent with the overall community standards.

These Guidelines are not all inclusive. All changes to the exterior of a home require prior approval by the AC. The location of a project will be carefully considered regarding the surrounding properties and the visual impact it has upon the community. The AC may require landscaping of sufficient height and density to minimize the view of the structure.

Approvals do not indicate a review of, or comment upon, the structural soundness, safety, or compliance with any government's standards and regulations. The property owner is responsible for obtaining any necessary building permits, variances, exceptions, inspections, or other approvals before starting any work. Approved projects must be completed within one (1) month from the date of approval from the AC. The date of approval is that which is noted in the AC's letter/written communication of approval. The AC may consider a written request for extension of the time limit.

Approved applications are only valid for one year. Security checks are deposited.

WHAT IS AN AC APPLICATION?

An AC Application is a document that authorizes you to do specific activity, whether you do the work yourself or hire a contractor. It also ensures that the work you do, as well as the work others do, will be safe and aesthetically pleasing.

WHAT HAPPENS IF I WORK WITHOUT AN AC APPLICATION?

Working without an approved AC Application may result in a Stop Work Order being issued on your project. A Stop Work Order is a document specifying that the project has no AC Application on file, no written approval has been granted by the AC, and no work is to be done until approval on an AC Application is issued by the AC. You may also be visited by a member of the AC or by the Property Manager. You will be asked to stop working until you submit an AC Application and get a written approval from the AC. The AC will determine if it merits approval or not.

Costs involved with and incurred by the Association in pursuing compliance will be added to the resident's account according to the provisions in our documents and guidelines and billed as a special individual assessment. These costs include, but are not limited to, costs in providing non-compliance notices, addressing the outcome(s) resulting from non-compliance, and attorney and legal costs.

WHAT IF MY PROJECT WAS COMPLETED WITHOUT AN AC APPLICATION?

Your project is considered to be out of compliance with our documents and guidelines, without an approved AC Application on file. You will need to submit an AC Application for the already-completed project to the AC, and receive written approval from the AC, in order to be in compliance. If any part of the project does not meet the requirements of our documents, you will be responsible for making the necessary corrections before you can receive an approval from the AC or the AC may reject the application with consequences resulting from that set forth earlier in this document.

GUIDELINES

ANTENNAE

Antennae will be mounted on a single pole and will be ten feet or less in height. It will be moderate and unobtrusive in size.

AWNINGS

Installation of any awning requires prior approval from the AC. In general, exterior awnings will be prohibited, unless they are clearly compatible with the

architectural design and qualities of the home and screened from the view of adjoining neighbors. No awnings are allowed anywhere on the *front* exterior of the house. At the sole discretion of the AC, if approved, awnings must meet the following criteria:

1. They must be of plain design, without decorative features.
2. The colors must be solid and the same as the house body color or the trim color.
3. They should be consistent with the visual scale of the house to which they are attached.
4. Structure supports should be painted to match the trim or dominant color of the house.

BASKETBALL GOALS

For basketball goals mounted on poles that are dug in the ground, the pole must be set in concrete and should be located at least fifteen (15) feet from the street. Backboards or goals may not be attached to the house. The goal must be placed so that play occurs on the owner's property. No more than one basketball goal permitted on any lot. This includes portable backboards as well. Portable basketball goals must have the sand or such weight filled **inside** the base of the unit per its design – for aesthetic appeal, no sandbags or such weight is allowed to be placed outside on top of the base of the pole/unit. All basketball goal units must be aesthetically maintained at all times.

CLOTHESLINES

Clotheslines or similar apparatus for the exterior drying of clothes are prohibited.

CONSTRUCTION PROJECTS

The following guidelines apply to all construction projects:

APPLICATION

A written application signed by the property owner containing a description of the planned project must be provided to the Architectural Committee. The

application must be submitted on a Request for Architectural Approval Form and contain the following information, as applicable:

1. Drawing or Diagram
2. Height
3. Roof Design & Material
4. Exterior Finish & Color
5. Location on Lot
6. Irrigation Analysis (if applicable)

DURATION

Construction projects must be completed within thirty (30) days of their start day unless this is not feasible due to the magnitude of the job - in which case a reasonable extension period will be granted upon request.

PERMITS AND BUILDING CODES

It is the property owner's responsibility to ensure that exterior improvements comply with local zoning ordinances and building codes and to acquire all appropriate permits.

EMERGENCY GENERATORS

Generators are permitted for use by homeowners, A maximum of 20 gallons of fuel can be stored in an approved DOT container. *Do not store your gas fuel in the garage.*

EXTERIOR AIR CONDITIONERS

Individual air-conditioning units extending from windows are prohibited.

EXTERIOR DECORATIVE OBJECTS

Though we encourage individual choices, prior approval of the AC must be sought and obtained by the owner for exterior decorative objects to preserve the aesthetics of the community. These include, without limitation, bird houses, bird baths, driftwood, weathervanes, artificial plants/flowers/shrubs/trees,

sculptures, fountains, free standing poles, mailboxes, house identification numbers, and any items attached to approved structures.

EXTERIOR LIGHTING

Lighting, which is a part of the original structure, may not be altered or added to without the prior approval of the AC. Proposed replacements or additions must be compatible in style and scale with the applicant's house and applications must include their location, number, style and wattage. Recommended fixtures include low voltage, ground-mounted styles that may be concealed by plantings. Colored bulbs designed to repel insects may be installed only in lighting fixtures at the rear of the house. Proposed lighting shall not be approved if it will otherwise result in adverse visual impact to any other property.

EXTERIOR COLORS

All exterior painting, including trims, doors, and garage doors require prior architectural review by and written approval of the AC. Color combinations used must be from our defined color schemes which must be obtained from the property manager. The base color cannot be the same as, or anything similar to, the base color of a neighboring home. Front doors and garage doors are recommended to be painted in a lighter trim color and must have prior written approval granted by the AC.

The decision whether to approve each application will be based on a judgment as to whether the proposed change would be noticeably inconsistent or visually incompatible with the new scheme of color palettes and tonal ranges.

FENCES

AC's prior approval is required for installing fences. Fencing may be installed on the perimeter property lines as allowed by surveyors within Palm Beach County to enclose the rear yard of single homes. Other locations will be considered for some corner, or irregular shaped lots. The style, color, height and material ~~will~~ must be consistent with other fences installed at Mizner Pointe.

Placement of any kind of covering/filling, be it vertical wall-type material or any other, on fences is strictly prohibited.

FIREWORKS

Fireworks are prohibited on Mizner Pointe of Boca Association Property at any time.

FLAGPOLES

Permanent, free-standing flagpoles must be approved by the AC. The height, color, location, and design must be consistent with the overall theme of the community. The AC will approve American flags and poles attached at an incline to the exterior wall of the home.

GARAGE SALES

Garage Sales are not permitted.

HEDGES

Hedges require review and prior approval from the AC before planting. Hedges are not allowed on lake-front properties.

HOSES AND HOSE REELS

Hose Reels are permitted provided they are placed in or attached to an inconspicuous location.

LAKEFRONT PROPERTIES

The Declaration of Covenants, Article XV has provisions regarding specific restrictions. In addition, any structure, permanent, semi-permanent, or temporary that obstructs the lake view, or results in adverse visual impact to your surrounding neighbors, is not permitted.

LANDSCAPING AND GARDENS

Significant landscaping, including vegetable, flower or rock gardens, or lawn ornaments is considered an exterior modification and must receive prior approval. Approval is required for all trees, regardless of size or location and for other plantings intended to form a hedge or natural screen that will attain a height

of more than two feet. The owner must replace any permanent landscaping that dies or needs replacement (such as trees, shrubs, hedges, large barren or dead grass patches, etc.) on his/her property.

MAILBOXES AND NEWSPAPER TUBES

The addition of tubes or other containers for delivery of newspapers or magazines is prohibited. No mailboxes can be replaced or altered in any way without prior written approval obtained from the AC. The HOA standardizes mailboxes throughout the community for aesthetic appeal.

PATIOS

Patios may be constructed of materials compatible with the existing structure. Visual impact on surrounding properties will be taken under consideration prior to approval.

PAVERS

Brick Pavers shall be maintained in their natural condition. They may be pressure cleaned and clear sealant may be used without AC Approval. Painting or staining of pavers will not be allowed. The use/application of color sealant or “special stains” **requires** prior written approval from the AC.

RECREATIONAL AND PLAYGROUND EQUIPMENT

Recreational and playground equipment will be considered by the AC based on location, style, material, and color. Generally, such equipment should be placed in rear yards. The equipment should be compatible with lot size. The design and any visual screening are additional considerations in evaluations, whether or not there will be an adverse visual impact.

REPAIRS, GENERAL

Repairs that do not change the exterior appearance do not require architectural approval. Any change to the current exterior of your home requires prior approval.

ROOF REPAIR AND REPLACEMENT

Prior written approval from AC is required for roof replacement. No approval is necessary for roof repair, as long as the repair matches the color and material of your current roof.

SATELLITE DISHES

Direct TV or other satellite dishes may not be greater than 18 inches in diameter and must be placed where they are not readily visible from the street unless this placement would not permit reception of an acceptable quality signal.

SHUTTERS

Shutters may be permitted based on location, materials, style and color. Hurricane shutters must be removed within one (1) week after the hurricane has passed.

SIGNS

Advertising signs, leaflets, petitions, or other written material shall not be distributed on the premises without the Association's approval. Only signs advertising a property for sale or rental may be displayed. Such signs must meet applicable County regulations with respect to size, content, and removal, and must be in compliance with our By-Laws. Signs may only be placed in the front yard of the subject property. No sign is allowed to be placed on Common grounds, including the entrance to the Community.

SOLAR PANELS

Solar Panels may be installed and shall be flush mounted. Panels will be boxed-in and finished to blend with the color of the roof. Piping and electrical connections will be located directly under and within the perimeter of the panel.

SPORTING EQUIPMENT

All sporting equipment is to be placed fifteen (15) feet from the street on the owner's property. No equipment can be placed in the street.

STORAGE SHEDS

Because sheds not specifically designed or located for consistency with each neighborhood's architectural style can detract from an otherwise visually harmonious residential environment, the installation of prefabricated or free-standing sheds are prohibited.

SWIMMING POOLS, SPAS, AND HOT TUBS

Pools, spas, and hot tubs will be located to minimize the visual effect on surrounding properties. Landscaping and fencing will be submitted with the request. The lot size, topography, location of equipment, and the design, color, material, method of installation will be carefully considered. Above Ground Pools are not permitted, with the exception of "kiddy pools."

TEMPORARY STRUCTURES

No temporary or permanent utility, building, tent, structure or improvement shall be constructed or maintained without the prior approval of the Architectural Committee.

ENFORCEMENT OF RULES AND GUIDELINES

The board of directors of the homeowners' Association has the statutory authority ("Florida Statute Section 720.305") to enforce the governing documents and the rules of the Association when a violation occurs. It is absolutely essential that the covenants and the rules be uniformly enforced and applied against all of the members of the Association.

In accordance with Florida Statute: (1) The Association may impose reasonable fines against any member, tenant, guest, or invitee, violating the rules; and (2) The fine may be imposed for each occurrence or, if it is a *continuing* (meaning, that which continues on without any break in time) violation, the fine may be imposed for each day of that continuing violation.

Fines shall be collectible as assessments and the Board may assert liens for failure to pay any fines or assessments.

The following is the procedure in processing alleged violations:

1. The person will be notified in writing of the alleged violation via a “Notice of Violation” which explains the alleged violation and also conveys other details. Any fine and/or suspension indicated in the Notice of Violation will be levied after fourteen (14) days of the date of the Notice of Violation. The person will have thirty (30) days, from the day the fine was levied, to pay the fine and avoid any late payment fee or charge unless the person requests a hearing per the following paragraph 2.
2. Anyone who receives a Notice of Violation has the opportunity to request a hearing with the Compliance Committee if the person wishes to contest the violation and/or fine as communicated in the Notice of Violation. The request for a hearing must be submitted in writing to the property manager within fourteen (14) days of the date of the Notice of Violation and a receipt of submission obtained/kept.
3. If a hearing is requested per prior paragraph 2, the following procedure [(i) through (vi)] applies:
 - (i) In consultation with the alleged violator, a date for the hearing will be set by management and the alleged violator asked to attend the scheduled hearing and be heard.
 - (ii) The Committee will then determine if the problem is in fact a violation and whether a fine or other action permitted by state statute, or governing documents, should be imposed.
 - (iii) If the alleged violator fails to appear for the hearing, then the Committee will proceed to make a determination based on the evidence before it.
 - (iv) Following a hearing, the person will be notified in writing about the final resolution from the Committee.
 - (v) If the Committee finds it to be a violation, then, if what the final resolution from the Committee calls for is not done by the person, the matter may be forwarded to the Association’s legal counsel. If so, a

letter from the Association's legal counsel will be sent to the homeowner.

- (vi) Finally, the Association may be forced to seek injunctive relief and/or reimbursement for all legal fees and expenses against the homeowner(s) and/or person(s) for the committed violation(s).
4. If a member is more than ninety (90) days delinquent in paying any fee, fine, or other monetary obligation due (owed) to the Association, the Association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full. This includes deactivation of the homeowner's vehicle(s) barcode decal for entry via the resident gate, in which case entry to the community will only be via the guest gate.
 5. If a member is more than ninety (90) days delinquent in paying any fee, fine, or other monetary obligation due (owed) to the Association, the Association may also forward the matter to the Association's legal counsel and will be forced to seek injunctive relief and/or reimbursement for all legal fees and expenses against the homeowner(s) and/or person(s) for the committed violation(s).
 6. The Association may suspend, following procedure for the same, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration or the bylaws or rules and regulations of the Association. This includes deactivation of the homeowner's vehicle(s) barcode decal for entry via the resident gate, in which case entry to the community will only be via the guest gate.