



## Homeowner's Association, Inc.

October 1, 2016

RE: Compliance with Declaration of Covenants, Conditions and Restrictions of Timber Pond III

Dear Timber Pond III Owner:

As the owner of a Lot in Timber Pond III, you are a member of the Association, and you are subject to the Declaration of Covenants, Conditions and Restrictions. This letter is being sent to you, and to all other Members of the Association, making it clear that all Lot Owners, tenants and occupants of a Timber Pond III dwelling must abide by all of the terms and conditions of the Declaration of Covenants, Conditions and Restrictions of Timber Pond III ("Declaration"). The Declaration is recorded in the Public Records of Hillsborough County at Official Records Book 6131, Page 794.

It is not uncommon for communities to go through periods in their history when its enforcement of the Declaration becomes lax. Timber Pond III is no exception. There have been cases when Members of the Association have violated the Declaration and no enforcement action has been taken against them. Due to the passage of time the Association may be barred from taking enforcement action against these violations.

Other Association Members, seeing a violation that has existed for quite some time, and concluding that the Association has abandoned enforcement activity against that type of violation, choose to commit the same violation themselves. These Members take the position that the Association cannot take enforcement action against them, when enforcement action has not been taken against others.

When this kind of situation arises, the law allows the Association to get a "fresh start." The Association may notify all of its Members that beginning immediately, the Association will begin to strictly enforce its Declaration against all violations that occur after a particular date. Then, Members will not be able to presume that a violation occurring in the community in the past, allows them to commit the same violation.

For example, Timber Pond III requires each Lot to be maintained in accordance with the provisions of the Declaration. Not every Lot has been maintained pursuant to these standards. This is simply an example of a provision that will be enforced prospectively, and should not be construed as the entire representation of provisions that will be enforced going forward.

**This letter is a formal notice to all owners, tenants and occupants that the Board of Directors, from the date of this letter forward, will strictly enforce all of the terms and conditions of the Declaration. You shall not conclude that the existence of a past violation in the community allows you to commit the same or a substantially similar violation of the Declaration.**

**Please disclose this notice to all occupants and tenants, if any, of your Timber Pond III Lot.**

We will be recording in the public record of Hillsborough County a Board resolution stating that this notice has been sent.

Your Board of Directors is working hard to make Timber Pond III a beautiful community to live in. Your cooperation will help in that effort.



Dr. Felipe A. Cuesta

President

Timber Pond III Homeowner's Association