

Date: April 20, 2018

From: Fred Weinkauff, President, Citrus Springs Master Homeowners Association

To: All Citrus Springs Property Owners

Subject: Village Granting an Exception

Village F, through its Board of Directors approved an owner to park a motor home on the driveway at the owner's home. The Motor home was not being temporarily parked for cleaning and/or loading/unloading.

The Master Association has the right to enforce all provisions of the Master Declaration as in Article 7.1. Importantly the declaration for Village F allows it the limited ability to grant exceptions to its restrictions as follows in Article 10.4.16.7, Hardship.

Critically, the right of the Village F Board of Directors to grant exceptions are limited to the restrictions of its Declarations. It cannot grant an exception to the Master Declarations' covenants. The declaration for Village F is subordinate to the Master Declaration. The Village F Board cannot, without the approval of the Master issue a hardship exception to a covenant that is found in both the Master Declaration and a Village's Declaration.

When the Master Association has not granted an exception to the above restriction, the restriction is still in place and the Master Association can enforce the restriction. The owner that received the hardship exception was not aware that s/he was still not permitted to park the motor home on their driveway. It is very problematic for a sub association to grant an exception to its restrictions, if the same or similar restriction is found in the Master Declaration. In all practical terms, the owner is still bound by the restriction contained in the Master Declaration.

The Master Association can enforce and/or fine the owner for the violation. Therefore, a sub-association should not grant exceptions to their restrictions if the restriction is also found in the Master Declaration. The sub-association must make it clear to the owner that an exception must also be requested and granted by the Master Association in order for the exception to be effective.