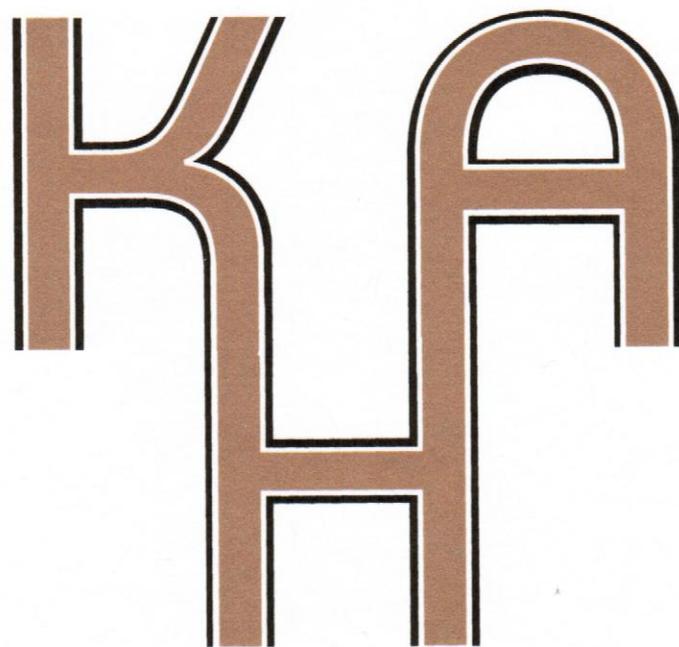


KENDALLTOWN

**HOMEOWNERS
ASSOCIATION, INC.**



RULES & REGULATIONS

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Kendalltown Homeowners Association, Inc.

This booklet, revised 2010, contains the Rules and Regulations of your community. All rules and regulations stated here are binding and enforceable either by the Association and/or by Miami-Dade County. We have also included useful information to assist in understanding how Kendalltown Homeowners Association serves you and what cooperation we require from you to keep your community a great one.

Kendalltown homeowners automatically become KHA members when they purchased their town home. The Association is like a small municipal government. The Board of Directors serve many of the same functions as a city commission. It is elected by the members of the Association. Kendalltown has a manager, just as a city has a city manager. Your maintenance fees are similar to city taxes, and the "Bluebook" is the city charter of KHA.

At your closing you should have been given a copy of the "Bluebook" by the previous owner. If not, you may purchase one at the Association office. When you purchased your town home, you signed a document by which you committed yourself to abide by all of the deed restrictions found in the "Bluebook," as well as Rules and Regulations listed within these pages. The "Bluebook" contains the Articles of Incorporation, The Declaration of Covenants, conditions and restrictions, the Bylaws, and the Amendments.

KHA periodically paints the outside of your town home. It also maintains the common areas and amenities, including the swimming pool and spa, tennis courts, clubhouse, fitness center, street and security lighting, and the lake. It sets and enforces adherence to Rules and Regulations as well as those of the "Bluebook."

The Association office is located in the clubhouse at 10333 SW 76 Street. Contact information is listed in the following section. Office hours are 10:00 a.m. to 6:00 p.m., Monday through Friday. The clubhouse is open 10:00 a.m. to 10:00 p.m. seven days a week except holidays. Please call, fax, e-mail, or come by any time you feel we can be of assistance to you.

Contact Information

Clubhouse

Recreation Center 305-279-4331
Tennis Courts 305-279-4330
Fax 305-279-9673
E-mail Kendalltwn@aol.com

County Services

Police/Fire Station 5
7707 SW 117 Avenue
Emergency Only 911
Non-Emergency 305-476-5423 (305-4-POLICE)

Building & Neighborhood Compliance
11805 SW 26th Street, #230
786-315-2700

Solid Waste 305-594-1500
Recycling 311

Utilities

AT&T (Telephone/Internet)
P O Box 105503
Atlanta, GA 30348
Repair Service 611
New Service 888-757-6500
Internet Services 888-321-2375

Comcast (Cable TV)
7404 SW 117th Avenue
305-232-8132

Florida Power & Light (Electricity)
P O Box 025576 - Miami, FL 33102
(24 hours) 305-442-8770

Miami-Dade Water & Sewer
P O Box 026055
305-665-7477
24 hr Emergency 305-274-9272

Library

Kendall Branch
9101 SW 97 Avenue
305-279-0520

Post Office

Sunset Branch
7501 SW 117 Avenue
305-270-2091

Schools

Florida International University
305-348-2000

Glades Middle School
9451 SW 64 Street
305-271-3342

Miami Killian High
10655 SW 97 Avenue
305-271-3311

MDC Kendall Campus
11011 SW 104 Street
305-237-2000

Sunset Park Elementary
10235 SW 84 Street
305-279-3222

Terra Environmental Institute
11005 SW 84th Street
305-412-5800

University of Miami
305-284-2211

Maintenance Assessment

Your monthly maintenance assessment pays for operating the Association; maintenance, repair, and improvement of common areas; off-duty police officers who patrol Kendalltown; painting of the outside of your town homes; and the management of the Association.

Please pay your maintenance assessment in the amount specified in billing. Payments are made in one of the following ways:

- * ACH (Automated Clearing House) payments established with your bank for automatic monthly deductions from any US bank account. This may be arranged by requesting an ACH form from the Association office, completing the form, and presenting it to your bank.
- * Check or money order payable to "Kendalltown Homeowners Association, Inc." Mail it in the envelope provided.
- * Same as above, hand carry it to the Association office in the clubhouse.

Maintenance assessment payments are due on the first of each month. If the payment is not received by the last day of the month, a \$25.00 late charge will be added to your assessment. Any homeowner, resident, tenant, or guest of a town home that is 90 days or more delinquent in all assessments may not vote or use the facilities until your account is current.

Delinquency of your account will result in a lien being placed on your town home. The Association will foreclose on your town home if the lien is not paid. The delinquent unit owner is responsible for all legal expenses incurred by the Association in connection with a lien and/or foreclosure action.

The accounting firm handling maintenance assessments for the Association may be contacted as follows:

Joseph R. Padron, CPA
Padron & Montero
Telephone 305-253-4400
Fax 305-253-0832
Website: padroncpa.com

Community Rules and Regulations

In addition to the obligations and duties set forth in the "Bluebook," each homeowner, resident, tenant, and guest shall be governed by the following regulations:

1. **Soliciting** -- Soliciting is not allowed in Kendalltown. Please report any solicitors to the Association office. They will be asked to leave the community.
2. **Property Appearance** – All homeowners and tenants are required to maintain their driveways, courtyards, gardens, and lawns on their property neat, clean, and free of weeds and debris. Should a property become unsightly, the Association will mail a notice to the homeowner/tenant. Should the property continue to be unsightly after the notice has been received, the Association will contract with a landscape maintenance service to clean up the property and assess the homeowner for the cost of the service.

No garments, rugs, or any materials may be hung out of windows, in patios, or on the patio walls. Window covering must be standard – no foil, plaster, or paper.

Garbage containers should not be visible from the street except on garbage pick-up day.

3. **Common Area Grass** – Common area grass is for foot traffic only. Motorized vehicles are not permitted to be parked or driven on the grass.
4. **Dogs** – If you own a dog, do not allow it outside your property unless it is on a leash. It is a violation of the Miami-Dade County leash law to allow a dog to wander around unleashed. Animal control will be called to pick up any dogs seen loose on the common area. If your dog defecates on any property within Kendalltown, you must clean up the waste. Doggie stations are located throughout the property.
5. **Signs** – No signs of any kind may be displayed to the public view on any lot. However, a sign not more than one square foot, advertising the property for sale/lease is permissible. No signs of any kind may be displayed on the common area by a homeowner.

6. **Hoops** – Portable basketball hoops are prohibited.
7. **Parking** – Driveways are the residents' main parking space. Each homeowner is entitled to two parking spaces for non-commercial automobiles. Homeowners who have two parking spaces on their own property are not entitled to any spaces on common areas. Homeowners who have only one parking space on their property are entitled to one additional space on the common area.

Extra Parking – Extra parking spaces in the common area are intended for use by guests, or for limited use by homeowners who have more than two cars. On the occasion when there are too many cars for the available parking spaces, homeowners with more than two cars must park the extra vehicles at the clubhouse parking lot.

Improper Parking – Vehicles not parked in designated parking spaces block emergency vehicles, and/or block your neighbors' access to and egress from their homes or driveways. When such blocking occurs, the offending vehicles will be towed at the owners' expense.

8. **Prohibited Vehicles** – Boats, jet skis, trailers, campers, and vehicles not licensed or not roadworthy are prohibited from parking in the common area or residential driveway. Residents' commercial vehicles are not allowed to park in Kendalltown in accordance with Miami-Dade County laws.

A truck or other vehicles of more than four wheels may not be parked in Kendalltown unless it is being used by one or more tradespeople in the performance of a service for a homeowner or for the Association. In such cases, these trucks may only be parked in Kendalltown during normal business hours.

9. **Prohibited Vehicle Activity** – Vehicle service, maintenance, repairs, body work, and interior work are all prohibited within the community. Vehicles of residents violating this policy will be towed away and the resident from whose town home the prohibited activity originated will be reported to the county zoning and environmental authorities.
10. All water craft must maintain "No Wake" speed (3 MPH) while in the Kendalltown lake.

Commercial Truck Law

When the law of an over-riding entity is more strict than a neighborhood's rules and regulations, laws of the farther reaching entity prevails. Therefore, in this case, the county law overrides Kendalltown rules and regulations.

KHA cannot enforce county laws. Homeowners with complaints regarding commercial vehicle parking must contact county authorities.

County categories

Category One: A taxicab, limousine, or any other passenger-carrying vehicle up to but not more than 20 feet in length and no more than 8 feet from the ground, marked in any way to associate it with a commercial enterprise or government entity. Also a standard passenger bearing any of these markings.

Category Two: A vehicle similar to Category One but with visible working supplies and equipment OR mountings intended to support such supplies and equipment. Also trailers – enclosed or unenclosed – made to carry such items.

Category Three: Any work vehicle longer than 20 feet or higher than 8 feet.

These county definitions are more strict than KHA's former rules and restrictions. In such a case, the overriding (County) rules apply.

County allowances for residential areas like Kendalltown are as follows:

- * No more than two Category One vehicles may be parked at any residence.
- * No more than one Category Two vehicle may be parked at any residence, and it must be hidden behind a wall or enclosure at least 10 feet high and not visible by passers-by.
- * If a Category Two vehicle is so stored, only one Category One vehicle may be parked on the same premises.
- * For multi-family dwellings such as Kendalltown, these rules apply as vehicles per unit.
- * Parking of Category Three vehicles is completely forbidden in a multi-family residential area like Kendalltown.
- * A Category Two or a Category Three vehicle may only be parked on a temporary basis if loading and/or unloaded is required, and only long enough for the loading and/or unloading to be done, or while providing a commercial service such as delivery or repairs.

- * The foregoing temporary convenience stop may be only for one hour or less in any 24-hour period.

Since these are county laws, not Association rules, the Association cannot and may not enforce them. County-issued instructions state that you should contact your local Police Department to report a violation and initiate enforcement of the above laws.

Police-Issued Penalties:

- * A civil fine of \$500 per incident.
- * In addition to the fine, the vehicle may also be towed or immobilized at the vehicle owner's additional expense.
- * If towed and stored by the County, should the vehicle sit for 35 or more days in storage, it may be disposed of.

Reference: Sec 33(c)124.1, also Ord #99(c)16, Ord #05(c)75
Office of Neighborhood Compliance 786 315 2700

Architectural Guidelines

The "Bluebook" requires the Board of Directors to appoint an Architectural Approval Committee (A.A.C.). A.A.C. is similar to the Zoning Department in a municipal government. The basic purpose of the committee is to protect all of us from architectural changes in the community that would have a negative effect on your and your neighbors' lifestyles or property values.

Architectural Guidelines

1. Any changes or improvements made to the exterior of any town home must be approved by the A.A.C. Application forms for architectural changes are available at the Association office and must be submitted to the A.A.C. with the following information:
 - a) **A plan or drawing** which contains dimensions, locations, and sufficient detail to provide the A.A.C. with a *clear* understanding of all proposed changes. Architectural renderings are not usually required, but are helpful when the project is large or complex. You are not required to attend the A.A.C. meeting when they consider your application.
 - b) **Approval is required from adjoining neighbors** and/or any others that would be affected by your proposed changes.
 - c) **Samples** showing color, texture, etc. of brick, tile, paint stain, or any other materials planned for use in your project must be submitted to the committee with the application.
2. Keep Kendalltown's colors in mind. Be sure any colors you may use do not clash with the Kendalltown colors.
3. Applications should be submitted to the Association office. The manager will review the application and contact you if there are any obvious questions about your project prior to submission to the A.A.C.
4. After A.A.C. approves your project, it is your responsibility to secure all building permits required by Miami-Dade County and you must submit permits to the manager at the Association office before any construction commences.
5. Starting construction before you have received your approval letter from the A.A.C. is a violation of the Deed Restrictions with which you agreed to comply when you bought your town home. You are subject to a \$100.00 fine per day of the violation plus possible legal action for each violation.

In addition, the Association is empowered by the "Bluebook" to remove any unapproved project, return the town home to its original appearance, and charge all costs for this work to the town home owner.

6. To determine that the project has been built per the approved specifications, when construction is completed, the manager must be notified of its completion. The manager must also be given a copy of Miami-Dade County's final approval, and if necessary, the project must be available for inspection by a representative of the Association.
7. Your contractor is responsible for clean up and removal of all debris. The building and/or wood must be painted immediately in the Kendalltown colors. Paint is available upon request from the office.
8. **Hurricane Shutters**
Hurricane shutters should be closed after issuance of a local hurricane warning.

Unless otherwise advised, hurricane shutters must be opened or removed within a week after the passing of a storm.

Shutters may only be closed for security purposes under a combination of any or all of the following conditions:

- the shutters are permanently affixed
- they are Kendalltown bronze in color
- the town home is vacant
- the homeowner(s) is out of town
- the Association office is notified when the shutters will be closed and for how long

Other forms of hurricane protection such as panels or plywood will only be permitted to be installed in the event of an impending storm – when a local hurricane warning is issued. They must be removed within a week after the storm has passed.

Should storm damage or other circumstances dictate that windows remain boarded up, please keep the Association office informed of the situation.

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Violations

Violation of this policy, as with all A.C.C. violations, will result in notification, warning, fines, and/or legal action by Association attorneys.

Garbage and Trash Removal

Garbage pickup is Monday and Thursday mornings. Kendalltown requires that garbage containers, recycling bins, and yard trash only be placed at curbside after 6:00 p.m. the evening before your scheduled pick-up day. Containers must be removed from curbside by 10:00 p.m. on pickup days.

Garbage and recycling containers must be the standard and supplied by the county.

Garbage Pickup – Questions regarding garbage and trash pickup may be addressed to Solid Waste Management at 305 594 1500. Garbage pickup is Monday and Thursday mornings.

Disposal of your household trash in the clubhouse dumpster is prohibited. The dumpster is for the clubhouse only.

Recycling – Recycling is picked up every other Thursday. Questions on recycling may be answered by calling 311 or by e-mailing miamidade.gov.

Bulk Trash – To schedule bulk trash pickup of up to 50 cubic yards annually for major tree pruning, etc. call 305-594-1500. Miami-Dade's trash collection station is located on the west side of SW 107th Avenue at approximately 80th Street.

Large Household Items – Replaced or broken appliances or fixtures may not be left at the curb. They must be hauled away from inside your town home by an appliance vendor or hauling company.

As a courtesy, KHA will haul away furniture, bedding, and other large items (other than appliances) by *advance* request. Contact the Association office at least three days prior to disposal date and arrange for pick-up by our maintenance crew. These items may then be placed in front of your unit Monday through Thursday before noon. Do not dispose of any such items on weekends or holidays.

Construction debris must not be left at the scene. It is the duty and obligation of your contractor to haul away all construction debris. Any violation of these rules will result in charges and possible legal action to you.

Leasing Policy

When a homeowner leases their town home to a tenant, the right to use the recreational facilities is transferred from the owner to the tenant. The homeowner must be current with monthly maintenance assessments. Tenants are required to bring a copy of the lease to the Association office, register, and obtain photo ID cards before they can use the amenities. The homeowner must keep the Association informed of his/her new address and telephone number so that the homeowner can receive all official correspondence and any emergency messages that might be required.

The Association does not require screening of tenants. However, the homeowner is responsible for the actions of his/her tenant in the community and for proper maintenance of the town home. If the town home is not properly maintained, the Association is empowered, after proper notification to the owner, to carry out repairs necessary to restore the exterior of the town home to its proper appearance. The repair costs are added to the maintenance assessment and are subject to lien and foreclosure procedures.

Registration of Guests

All residents who would like their house guest to use the recreational facilities must obtain a guest pass at the Association office. Only guests who are residing in the town home will be issued a guest pass.

Clubhouse Rules and Regulations

Clubhouse hours are 10:00 a.m. to 10:00 p.m. daily except holidays.

1. Children under 16 are not permitted upstairs unless they are supervised by a responsible adult. Children under 16 are not allowed to use the Fitness Center or Saunas. Shirts and shoes are required upstairs.
2. Valid ID cards must be presented to check out equipment, use the Fitness Center, Saunas, Billiard Room, Game Room, Tennis Courts, Swimming Pool, Spa and Playground.
3. Smoking is prohibited anywhere inside the clubhouse, pool, and tennis area.
4. Bicycles must be parked in the bike rack in the parking lot. Bicycles, roller skates, or skateboards, are not allowed inside the clubhouse, on the pool deck, in the tennis complex, or on the ramped driveway in front of the clubhouse.
5. Homeowners and tenants are responsible for any damage to Kendalltown property caused by themselves, their children, or their guests.
6. The clubhouse is available for private parties on a rental basis to homeowners or tenants in good standing. Inquire at the Association office for rental fees, conditions, and availability.
7. The Association requires all homeowners, tenants, their families, and their guests to abide by rules of behavior, consideration, and etiquette while using the recreation facilities. KHA reserves the right to suspend the recreation privileges of anyone who violates these rules and regulations.

Facility Rental Policy

1. Only Kendalltown residents in good standing may rent space for an event, and that resident is required to be continually present at that event.
2. A police officer must be present at any event for persons between 12 and 19 years of age.
3. Reservations must be made and the deposit paid two weeks in advance of the event date.
4. Prices quoted for event rentals are conditioned upon the room being vacated before 10 p.m. An additional fee will be charged per hour or any portion of an hour thereof. Under no condition will any event last past 1:00 a.m.
5. The Kendalltown event application form must be completed, deposit paid, and the event approved by management two weeks prior to the event.
6. Management reserves the right to cancel or to refuse booking of any event because of failure to comply with the signed contract and/or failure to comply with the rules listed herein.
7. Any deposit or rental check for an event must be written on the account of a Kendalltown resident, and must be printed with a Kendalltown address.
8. Two checks must be issued with a Kendalltown address on the checks. One is for the rental fee, which includes a cleaning fee and one is for the security deposit, which is refundable if the building is left clear of food, debris, and if there are no damages.
9. A minimum of two weeks notice is required for cancellation in order to refund the rental fee and security deposit.
10. Resident is liable for all damages and contents to the party room or to any room occupied by his or her guests.
11. No smoking is allowed inside the building. If the smoke alarm is activated during the event, the resident is responsible for all fines, damage, or other costs.

Fitness Center Rules

Fitness Center hours are 10:00 a.m. to 9:45 p.m. daily except holidays. In the case of holidays, Fitness Center hours will correspond to clubhouse hours.

1. No guests, other than registered house guests, are permitted to use the facility.
2. No children under 16 years of age are permitted.
3. Your valid Kendalltown photo ID card is required for admission. You must sign in at the Association office.
4. Proper gym attire is required, including sneakers. No street shoes, sandals, or bare feet allowed.
5. No food is permitted. Only beverages in unbreakable containers are allowed.
6. No equipment may leave the facility.
7. Do not realign or tamper with any equipment without approval of the Association manager.
8. Please be courteous to others. Courtesy includes, but is not limited to, the following:
 - * Return all equipment and weights to the proper place.
 - * Wipe off equipment when finished. Wipes are provided.
 - * Limit your time to 20 minutes if someone is waiting to use the equipment you are on.
 - * Refrain from noise, bodily odor, or bodily functions in the presence of others that may be deemed offensive.
 - * Unacceptable behavior or malicious damage to the facility or equipment will result in revocation of your Fitness Center privileges.
9. Instructions for equipment use are available upon request.

Swimming Pool Rules

1. Your valid Kendalltown ID card is necessary for admission to the pool area. Pools and spa are for the exclusive use of residents with valid ID cards. ID cards are invalid during any period in which a homeowner is delinquent for 90 days or more in the payment of any annual maintenance fee or special assessment.
2. Guests must register in the Association office and carry their guest passes when they use the pool area. Guests must be accompanied by a resident. Only four guests, including children, are allowed per residence. Approval from the Association office, at least a day in advance, is necessary to bring more than four guests. Ten is the limit of guests allowed.
3. Pool attendants must be obeyed. They have the authority to enforce the rules and recommend that violators be suspended. Pool attendants are not life guards. All persons using the pool area do so at their own risk.
4. No running, pushing, or horseplay in the pool area. Ball playing and other games are not permitted unless they are part of a supervised activity. Use of bicycles, skates, and skate boards are not permitted.
5. Proper swim wear is required. Cut-offs, tennis shorts, and other shorts are not permitted.
6. Children under the age of 7 must be accompanied by an adult 18 years or older.
7. People using suntan oils and lotions must shower before entering the pool or spa. Children, after playing in the sand, must also shower before entering the pool.
8. Animals are not permitted in the pool area.
9. Food or beverages are not allowed in the pool or within six feet of the water's edge. No glass containers of any kind.
10. Please use trash receptacle. Place all packaging and trash in appropriate receptacles. Clean up after yourself!

11. Do not tamper with pool equipment or hold on ropes designating swim lanes.
12. The baby pool is for small children only. Only babies in swim diapers are permitted in either pool or spa. Children under 7 must be accompanied by an adult when using the spa.
13. No smoking is permitted in or around the pool area.
14. No private or outside instructors allowed, with the exception of parental instruction or instruction by an immediate family member.
15. Pool parties are only allowed on a rental basis for children under the age of 10, are limited to a total of 20 children, and require prior authorization from the Association manager and payment of fee. During the summer, parties are not permitted on weekends and holidays.

Tennis Rules

1. **Hours**- Tennis courts are open Monday through Thursday from 8:00 a.m. to 9:30 p.m. Friday, Saturday, Sunday & Holiday hours are 9:00 a.m. to 6:00 p.m. This closing time can be extended during the summer months.
2. **ID Cards** - Kendalltown ID cards must be shown. It is the duty of the Tennis Pro and staff to ascertain that those using the courts are either homeowners or their families, social members, or properly authorized guests.
3. **Guests** – Guests must only play with, and at, the invitation of a homeowner or social member. Social members are limited to a maximum of two guests per day. The same guests may only be invited once a week.
4. **Smoking** – Smoking is not permitted in the tennis court area at any time.
5. **Pets** – Pets are not allowed on the courts or anywhere in the tennis facility.
6. **Court Rules** – Players must wear proper tennis attire at all times (no swimsuits, cut-offs, or jeans). Members must respect the rights of others and use courtesy and proper etiquette at all times.
7. **Coaching** – The only authorized coach is the Kendalltown Tennis Pro. No outside or private instructors are allowed, with the exception of parents tutoring their children.
8. **Teaching Court** – Court #1 is designated as the teaching court and is reserved for use by the Pro and staff for tennis lessons. The court is available to members for regular play when it is not needed or being used for lessons.
9. **Reservations** – Court reservations will be accepted at all times except Saturday and Sunday mornings.
10. **Team Tennis** – Homeowners and social members in good standing may participate on Kendalltown teams at no additional charge. Other outside members who play on the teams must pay a seasonal fee which entitles

them to play at home and away matches, but does not entitle them to make any additional use of the Kendallitown courts.

11. **Court Usage** – Courts may only be used to play conventional tennis, and may not be used for any other activity or sport or variation of the game of tennis, no matter how innovative, i.e., using equipment other than tennis rackets and tennis balls, games involving more than two players on either side of the court, etc.
12. **Court Availability** – All players must report to the Pro Shop to present valid ID cards and to obtain a court assignment. Players may use any of the courts on a first come, first serve basis. When all courts are in use and players are waiting for a court, play is limited to one hour for singles and 1 ½ hours for doubles. A waiting player who is next in turn to use a particular court may politely inform those using the court that their time has expired.
13. **Limitation** – On high attendance days at the courts, no more than three tennis balls are permitted to be used on each court.
14. **Children:**
Children who are of an age to play according to the rules of tennis, as well as abide by the rules of the Association, have the same status as adults at the courts.

Children who are waiting for their parents in the tennis facility must remain in an area where they will not disturb the players. An unattended child will not be allowed to remain at the facility if the tennis staff feels they are disturbing others.