

THIS AMENDMENT is made this 28th day of August, 2019 by the New Construction Committee of Kelly Plantation Owners Association, Inc., a Florida not-for-profit corporation, (hereinafter: Association) to the Architectural Criteria & Design Guidelines of the Association (hereinafter Guidelines).

WITNESSETH:

WHEREAS, Association is governed by an elected Board of Directors, (hereinafter: Board) who have the authority and responsibility for the administration of the Association, as defined in Article III of the Association's By-Laws; and

WHEREAS, the New Construction Committee (hereinafter: Committee) is a body of professionals appointed by the Board for the purpose of review, administration, and enforcement of the Guidelines, as required by Article IX of the Association's *Amended and Restated Declaration of Covenants, Conditions, & Restrictions* (hereinafter: Declaration); and

WHEREAS, the Committee has the authority to perform periodic inspections of new construction within the Association, as well as to inspect exterior modifications, for compliance with established architectural standards and approved plans submitted by homeowners; and

WHEREAS, the Committee has the authority to set its Design Review Fees and such fees are subject to change from time to time as needed and determined appropriate by the Committee; and

WHEREAS, the Board approved a proposal for increase of such fees and deposits during its meeting on July 31, 2019, and has made recommendations for Administrative Fees and Compliance Deposits for Exterior Modifications of Existing Structures;

NOW, THEREFORE, pursuant to the powers of the Committee under the Declaration and Guidelines, the Committee hereby amend Article V to the following:

2. REVIEW FEES – All plans are subject to a design review fee of \$5,000. ~~Please contact the NCC Coordinator for the current review fee.~~ Additional fees may be charged should additional professionals or additional inspections be required to consult or verify field progress. Additional review fees will be collected if plans are revised after final acceptance. The review fees are subject to change without notice.

8. CONSTRUCTION DEPOSIT – A refundable construction deposit must be submitted by the Owner ~~or~~ and by the Builder prior to any construction activity. The Owner deposit is \$5,000, and may be subject to change from time to time and without notice. The Builder deposit is \$5,000 for new construction projects with plans prepared by an approved architect, and \$15,000 for new construction projects with plans prepared by an unapproved architect.

These funds will be utilized to repair any damage caused by construction personnel or equipment to adjacent property, amenities, or used to clean the construction site, if necessary. The deposit will be returned upon receipt of Certificate of Occupancy, and upon final inspection by the Committee or its administrator, less any funds withheld due to damage, or cleanup, or non-compliance required. ~~Please contact the NCC Coordinator for current construction deposit requirements.~~

These funds shall be used as assurance that all Owners and Builders will keep their Lot and any adjacent Lots and the construction site in a neat, clean and reasonable fashion, during and after construction, and to comply with all rules and regulations as set forth by the NCC. Owners and Builders are responsible for the actions of their contractors and sub-contractors, who, if found to be in violation of the NCC policies and procedures, shall forfeit the deposit, and subsequent Builder's deposits for new construction shall be doubled for each violation as determined by and at the discretion of the Committee, and may be prohibited from being allowed into Kelly Plantation.

9. CONSTRUCTION COMPLIANCE INSPECTIONS – Periodic Inspections ~~may~~ will be made by the NCC while construction is in progress to determine compliance with the approved architectural plans and



**New Construction Committee
Amendment to Architectural Criteria & Design Guidelines**

specifications. Such inspections are directed to ensure compliance with setbacks, architectural details of elevations, color selections and landscaping details of hardscapes, species and placement. If, during an inspection, a particular detail does not comply, a follow-up inspection will be scheduled, and an additional inspection fee shall apply, based on the service required. Such fee shall be applied against the deposit, unless paid by the Owner or Builder. The NCC is empowered to enforce its policies, as set forth in the Declaration and this Manual, by any action, including an action in a court of law, to ~~insure~~ ensure compliance.

IN WITNESS WHEREOF, the undersigned members of the Committee have approved and executed this Amendment to the Architectural Criteria & Design Guidelines by majority vote this 28th day of August, 2019.



Callie Barker



Julie Liebetreu



Jordan Hernandez
NCC Administrator



Dennis Chavez



W. Glenn Cooper
Liaison, Board of Directors



Ron Todd
President, Board of Directors