

Six Mile Creek HOA

Advanced Property Management
1978 U.S. HWY 1 Suite 106
Rockledge, FL 32955

Dear Six Mile Creek Residents,

The SMC Board, with your collaboration and input, has been working on your behalf to ensure our neighborhood improves in value, is financially secure and has policies that support current relevance and sustainability. The attached consent voting form has several amendments you have asked for to keep Six Mile Creek up to date with applicable policies. We need your votes for them to go into effect.

Here is a short summary of the amendments for you to vote on:

1. **Home Rentals/Leasing** – This policy addresses not having homes for rent for Air B&B type daily rentals. Instead, the amendment proposes a minimum lease term of 12 months.
2. **Storage of Vehicles or Equipment and Garage Doors** – This policy removes the ½ ton capacity limitation as well as expands allowance of fire and rescue vehicles. In addition, it adds allowance for installing garage screens in addition to garage doors.
3. **Roofs** – The amendment adds the requirement for roofs to meet or exceed the state of Florida code for hurricane strength. It also makes allowances for expanded roofing material types including, fiberglass shingle and standing seam architectural metal or similar.
4. **Fences Walls and Hedges** – This amendment adds other more sustainable building materials for fencing including vinyl or composite.
5. **Architectural Control Committee-** This amendment relates to the number of committee members to be a minimum of three and a maximum of five.
6. **Temporary Structures and Outbuildings** – This amendment removes language around temporary structures specifically garages and further describes how temporary structures are to be securely anchored, inside the confines of the yard and not to exceed 8 X10 feet.

The above are only summaries, please read the amendments to ensure your understanding. We need **186** votes to make the proposed changes. Each amendment is a separate voting, which means some amendments may be passed while others may not. Lastly, there is not a time restriction on achieving the necessary votes. This helps with securing the votes versus a onetime restricted vote.

NOTE: Completed forms can be returned in the following ways:

1. Drop off in the ARC Mailboxes near the entrances.
2. Mail to Advance Property Management Offices
 - a. Advanced Property Management, 1978 US-1 STE 106 Rockledge, FL 32955

We appreciate your support for these amendments as we continue to work on your behalf.

Sincerely,
SMC- HOA Board of Directors

- *A very real way to help keep assessments down is to sign up for electronic notification. The state of Florida requires owners “opt in” to receive email notifications which would save on production and mailing cost as well as advance SMC ability to communicate and keep the residents informed. Please complete the form on the back of this letter and return with your amendment vote. Thank you*

Six Mile Creek HOA

Advanced Property Management
1978 U.S. HWY 1 Suite 106
Rockledge, FL 32955

Approval and Consent to Receive Electronic Notice of Association Matters

Pursuant to Florida State Statue 720.306

I am (we are) the owner(s) of a Lot located at: _____
_____ (address of Lot) I am (we are) the (owner(s) of our home as listed on
the Brevard County Property Appraisers records. I (we) hereby approve and consent to the following (check all
boxes which apply):

Receiving notice of all Association meetings, notices for moneys owed to the Association, notices of covenant violations, and other notices that the Association, at its discretion, may choose to send electronically. By choosing this box I understand the Association will send these notices electronically to _____ (my email) Instead of via U.S. Mail to our home. I further understand that it is my responsibility to inform the Association of email address changes necessary for continued delivery of notices to me for my home. As an exception, notices or other correspondence that require Certified or First-Class US Postage will be sent in the method required per the Association's governing documents or Florida Law. The Association will not sell or provide your email to other parties.

Date this _____ day of _____, 20_____.

Sign- Owner 1

Print- Owner 1

Sign- Owner 2

Print- Owner 2

WRITTEN CONSENT FORM

As pursuant to and in compliance with Section 617.0701(4) Florida Statutes

Six Mile Creek Subdivision Homeowner Association Inc.

c/o Advanced Property Management 1978 US Highway 1 Suite 106, Rockledge FL 32955

In accordance with the Declaration of Covenants and Restrictions recorded in Official Records Book 3837, Page 3903, governing documents for the Association, and Florida Statutes, you are herein requested to cast your vote via this Written Consent Form. Please vote for the options of your choice by indicating below. If you do not return this Form, it shall be considered a vote against any action. **To amend the Declaration of Covenants there must be simple majority (186 votes) in favor.**

You must place your mark next to either YES or NO for each of the proposed amendments. **In the event nothing is marked it will count as a NO vote. In the event both are marked it will count as a NO vote.** Voting members must initial and date each voting page and complete the signature section of the written consent form. Struck through text (~~to be removed~~) is being removed; **underline bold** is being added to the original article section. Both original and proposed are presented for comparison.

SEVENTH AMENDMENT OF THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, LICENSE AND EASEMENTS FOR SIX MILE CREEK SUBDIVISION

Proposed Amendment 1

Original Document Article II Section 2.1

2.1 Residential Use: The Lot shall be used only for residential purposes. No structure shall be erected or permitted to remain on any Lot other than one residential dwelling. No Garage shall be used or converted to living quarters. No building or other improvements situated on any Lot shall be rented or leased separately from the rental or lease of the entire Lot.

Proposed Changed to Document Article II Section 2.1

2.1 Residential Use: The Lot shall be used only for **single-family** residential purposes. No structure shall be erected or permitted to remain on any Lot other than one residential dwelling. No Garage shall be used or converted to living quarters. No building or other improvements situated on any Lot shall be rented or leased separately from the rental or lease of the entire Lot.

(a) Leasing: All Lease Agreements shall require the residential dwelling to be used solely as a private single-family residence. Commercial activity of any kind is strictly prohibited. No Lease Agreement may be for a term of less than twelve (12) months. Renting by the day or month is strictly prohibited. The Lessee, as part of the Lease Agreement, shall agree to abide by and adhere to the terms and conditions of this Declaration together with all Rules and Regulations and all policies adopted by the Association. A copy of the executed lease shall be provided to the Association prior to occupancy by the lessee. All lessees eighteen years or older must be listed on the lease. No "Time Sharing Plan" as that term is defined in Section 721.05 Florida Statutes, or any similar plan of fragmented or interval ownership of any Lot shall be permitted. Each OWNER shall be required to provide a copy of the current Rules and Regulations and governing documents to each tenant prior to the commencement of any lease.

VOTE: Article II 2. 1 Amendment

YES _____ NO _____

Initial _____/Date _____

Turn page over to continue

Proposed Amendment 2

Original Document Article II Section 2.5

2.5 Storage of Vehicles or Equipment and Garage Doors: No motor vehicle or non-motorized vehicle, recreational vehicle (Class A,B or C), trailer, travel trailer, boat, marine craft, hovercraft, aircraft, tow truck, machinery or equipment of any kind may be parked or stored on any part of any Lot, easement or right-of-way unless granted written approval by the Board of Directors of the Association or such vehicle or object is completely concealed from public view inside the garage or approved enclosure. Passenger automobiles, passenger vans, motorcycles; or pick-up trucks that are in operating condition, have current license plates, are in daily use as motor vehicles on the streets and highways of the State of Florida, and which do not exceed one-half (1/2) ton capacity are excepted herefrom provided they shall not park in the public right-of-way within the boundaries of Six Mile Creek between the hours of midnight and 7:00 a.m. and they do not bear any commercial signage (with the exception of any law) insignias, nor openly display materials, equipment, supplies, tools or the like.

(a) This restriction shall not apply to any vehicle, machinery, or equipment temporarily parked and in use for the construction, repair or maintenance of a house or houses in the immediate vicinity.

(b) Any vehicle parked or stored in violation of these restrictions or in violation of any rules and regulations adopted by the Association concerning the same may be towed away or otherwise removed by or at the request of the Association and at the sole expense of the Owner of such vehicle in violation of these restrictions or such rules and regulations. In the event of such towing or other removal, the Association and its employees or agents shall not be liable or responsible to the Owner of such vehicle for trespass, conversion or damage incurred as an incident to or for the cost of such removal. The towing or removal of such vehicle shall not be viewed as a criminal act or have any civil liability.

(c) All garage Doors shall be maintained in operable condition and remain closed, except when ingress, egress or garage are in use.

Proposed Change to Document Article III Section 2.5

2.5 Storage of Vehicles or Equipment and Garage Doors: No motor vehicle or non-motorized vehicle, recreational vehicle (Class A,B or C), trailer, travel trailer, boat, marine craft, hovercraft, aircraft, tow truck, machinery or equipment of any kind may be parked or stored on any part of any Lot, easement or right-of-way unless granted written approval by the Board of Directors of the Association or such vehicle or object is completely concealed from public view inside the garage or approved enclosure. Passenger automobiles, passenger vans, motorcycles; or pick-up trucks that are in operating condition, have current license plates, are in daily use as motor vehicles on the streets and highways of the State of Florida, ~~and which do not exceed one-half (1/2) ton capacity~~ are excepted herefrom provided they shall not park in the public right-of-way within the boundaries of Six Mile Creek between the hours of midnight and 7:00 a.m. and they do not bear any commercial signage (with the exception of any law enforcement and Brevard County Fire and Rescue emergency service vehicles) insignias, nor openly display materials, equipment, supplies, tools or the like.

(a) This restriction shall not apply to any vehicle, machinery, or equipment temporarily parked and in use for the construction, repair or maintenance of a house or houses in the immediate vicinity.

(b) Any vehicle parked or stored in violation of these restrictions or in violation of any rules and regulations adopted by the Association concerning the same may be towed away or otherwise removed by or at the request of the Association and at the sole expense of the Owner of such vehicle in violation of these restrictions or such rules and regulations. In the event of such towing or other removal, the Association and its employees or agents shall not be liable or responsible to the Owner of such vehicle for trespass,

Initial _____/Date _____

Turn page over to continue

conversion or damage incurred as an incident to or for the cost of such removal. The towing or removal of such vehicle shall not be viewed as a criminal act or have any civil liability.

(c) All garage Doors shall be maintained in operable condition and remain closed, except when ingress, egress or garage are in use. Professionally installed garage screens that do not interfere with the operational function of the garage door are allowed with ARC approval. Garage screens may not be used in lieu of a garage door.

VOTE: Article II Section 2.5 Amendment YES _____ NO _____

Proposed Amendment 3

Original Docs Article III 3.6

(c) **Roofs:** The roofs of the main body of all buildings and other structures, including the principal residence shall be pitched. No flat roofs shall be permitted without the written approval of the ARC, The ARC may, in its discretion, approve flat roofs on parts of the main body of a building if architecturally compatible with the remainder of the roof structure, the particular building on which it is to be constructed and all adjacent residence and other structures. All roofing material shall be a minimum of Two Hundred Twenty (220) pounds and the roof maybe constructed of either clay, tile, cement tile, slate, asbestos shingle or asphalt construction, or other materials approved by the ARC. All roof colors must be approved by the ARC.

Proposed Change to Article III 3.6

(c) **Roofs.** The roofs of the main body of all buildings and other structures, including the principal residence shall be pitched. No flat roofs shall be permitted without the written approval of the ARC, The ARC may, in its discretion, approve flat roofs on parts of the main body of a building if architecturally compatible with the remainder of the roof structure, the particular building on which it is to be constructed and all adjacent residence and other structures. All roofing material shall meet or exceed present State of Florida Building Code requirements for Hurricane strength , shall be a minimum of Two Hundred Twenty (220) pounds and the roof may be constructed of either clay, tile, cement tile, slate, asbestos shingle, asphalt fiberglass shingle, standing seam architectural metal or similar materials approved by the ARC. All roof colors must be approved by the ARC.

VOTE: Article III 3.6 Amendment YES _____ NO _____

Proposed Amendment 4

Original Document Article III 3.7 (ii)

3.7 Fences, Walls, and Hedges. There shall be no fences, walls or hedges permitted on a Lot within the Development unless they comply with the requirements below and the size, material, location, and color and are approved in writing by the ARC by the ARC. Fences, walls, or hedges are not permitted on Lots 1 through 18, and Lots 35 through 42, Block B of Phase 1; Lots 1 through 29, Block B of Phase 11; Lots 1 through 14, Block I of Phase III; and Lots 1 through 45, Block G of Phase IV.

(a) Types. The following types of fencing and walls are permitted.

(i) "Split rail" and "log rail" fences are subject to approval by the ARC. All wood fences shall remain unpainted to ensure a uniformed weathering color.

(ii) "Stockade" and "shadow box" pattern with dog eared pickets of rough cypress or pine slats with pressure treated 4"x 4" posts and split rail and log rail fences with pressure treated 4"x4" post and 2"x4"

Initial _____/Date _____

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rails not to exceed six feet in height to avoid appearance of broken elevation. All wood fences shall remain unpainted to ensure uniform weathering color unless approved by the ARC.

Proposed Change to Document Article 3.7 (ii)

3.7 Fences, Walls, and Hedges. There shall be no fences, walls or hedges permitted on a Lot within the Development unless they comply with the requirements below and the size, material, location, and color and are approved in writing by the ARC by the ARC. Fences, walls, or hedges are not permitted on Lots 1 through 18, and Lots 35 through 42, Block B of Phase 1; Lots 1 through 29, Block B of Phase 11; Lots 1 through 14, Block I of Phase III; and Lots 1 through 45, Block G of Phase IV.

(a) Types. The following types of fencing and walls are permitted.

(i) "Split rail" and "log rail" fences are subject to approval by the ARC. All wood fences remain unpainted to ensure a uniform weathering color.

(ii) "Stockade" and "shadow box" pattern with dog eared pickets of rough cypress or pine slats with pressure treated 4"x 4" posts and split rail and log rail fences with pressure treated 4"x4" post and 2"x4" rails not to exceed six feet in height to avoid appearance of broken elevation.

(iii) Wood, vinyl or composite fences are allowed with ARC approval and shall meet the same considerations, standards, and code enforcement as all other fence styles and materials. All fences must be maintained both physically and cosmetically to the same standards set forth in Article II Section 2.6 Maintenance.

VOTE: Article III Section 3.7 (ii) Amendment YES _____ NO _____

Proposed Amendment 5

ARTICLE IV – ARCHICECTURAL CONTROL

Original Document Article IV Section 4.1

4.1 The Architectural Review Committee ("ARC"). The ARC shall consist of three (3) persons appointed by the Board of directors of the Association.

Proposed Change to Document Article IV 4.1

4.1 The Architectural Review Committee ("ARC"). **The ARC shall consist of a minimum of three (3) maximum of five (5) persons appointed by the BOD of the Association.**

VOTE: Article IV Section 4.1 Amendment YES _____ NO _____

Initial _____/Date _____

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Proposed Amendment 6

Article III – Temporary Structures and Outbuildings:

Original Document Article III 3.17

3.17 Temporary Structure and Outbuildings: No structure of a temporary or permanent character, whether trailer, tent, shack, greenhouse, garden house, tree house, tool shed, bathhouse, garage (other than the garage required by Section 3.6(b) hereof) barn or other outbuildings shall be maintained or used on any Lot at any time for any purpose, provided, however, that playhouses shall be permitted hereunder, provided plans for the same are approved in advance in writing by the ARC.

Proposed Change to Document Article III 3.17

3.17 Temporary Structure and Outbuildings: No structure of a temporary or permanent character, whether trailer, tent, shack, greenhouse, garden house, tree house, tool shed, bathhouse, ~~garage (other than the garage required by Section 3.6(b) hereof) barn or other outbuildings~~ shall be maintained or used on any Lot at any time for any purpose unless approved by the ARC, set securely anchored and within the confines a privacy fenced in lot (no open rails) provided, however, that playhouses shall be permitted hereunder, provided plans for the same are approved in advance in writing by the ARC. No garage (other than the garage required by Section 3.6(b) hereof) barn or other outbuildings that exceed 8x10 ft will be allowed.

VOTE: Article III Section 3.17 Amendment YES _____ NO _____

Owner's Signature _____ **/Date**

Printed Name: _____

Owner's Property Address: _____

Please note any approved changes to SMCHOA Governing Documents will need final approval from the VECA.

Initial _____ /Date _____

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