Ellis Akins

441 Cougar St.

Cocoa, FL 32927

ellisakins@gmail.com

(813) 767-3759

5/11/2025

Community Management Professionals – an Associa Company

Panther Ridge HOA

4901 Vineland Rd, Suite 455

Orlando, FL 32811

Subject**:** Recent ARC Changes – Board Overreach and Legal Concerns

Dear Board of Directors,

This is my interpretation of recent changes of the Panther Ridge ARC Guidelines (Version 4), which were adopted by the BOD. Two specific provisions - B.2.f (regarding basketball hoops) and W.1.a (regarding parking on grass) - are included in the ARC rules without a homeowner vote. I believe these changes represent a serious overreach and may conflict with both our governing documents and Florida law.

What Changed:

- Section B.2.f: Requires that portable basketball hoops not be visible from the street when not in use.
- Section W.1.a: Prohibits parking on any grass, which now includes the grassy strip between the sidewalk and the road.

These were adopted solely by the Board as ARC guidelines and will be enforced as mandatory property use rules. The Board has cited Section 3.7 of the Declaration as justification for the W.1.a. parking on grass restriction. That section does permit the Association to maintain parking areas within the Common Area and to adopt rules for their use. However, Section 10.25 of the

Declaration already defines parking rules for individual homeowners, stating clearly that “No person, firm or corporation shall park or cause to be parked any vehicle on any portion of the Property other than in driveways.”

The Board appears to be attempting to rewrite or expand these existing restrictions through the ARC guidelines rather than following the legal amendment process outlined in the Declaration. This raises a key legal issue under Florida Statute §720.3035, which states:

“An association may not enforce any architectural, construction, improvement, or aesthetic guidelines unless such authority is specifically stated in the declaration of covenants.”

In other words, the ARC can clarify aesthetic or architectural matters — it cannot create new use-of-property rules or override existing deed restrictions without a proper vote of the homeowners. By enforcing W.1.a as a use restriction — rather than simply enforcing Section 10 as written — the Board is acting beyond the scope of its authority.

Similarly, the new basketball hoop rule in B.2.f is not a clarification of an existing restriction — it imposes a new use limitation not found in our governing documents, which contain no prohibition on basketball equipment or its storage location. Requiring hoops to be fully hidden from view when not in use places an unreasonable burden on homeowners - particularly families with children. Moving a portable hoop in and out of storage, potentially on a daily basis, requires significant physical effort and available garage space, which is further complicated by Bylaw 10.15, which limits the use of garages for storage. This rule disproportionately impacts households with children and creates an unnecessary enforcement issue around a common, harmless recreational item.

The ARC is intended to enforce architectural consistency, not to regulate property use in ways that contradict or exceed what is written in our deed restrictions. When the Board uses ARC guidelines to enforce new behavioral restrictions, it bypasses the homeowner voting process required to amend the Declaration. That undermines transparency, homeowner rights, and the democratic function of our association.

I formally request that the Board clarify, in writing, the exact section of the Declaration that authorizes these specific changes. If the board cannot provide clear authority - beyond an overly broad interpretation of Section 3.7 – the new ARC V4 W.1.a guideline be removed or submitted for a full community vote as an amendment.

I also formally request an explanation of how ARC V4 B.2.f does not constitute a new use restriction, which would likewise require a homeowner vote to be enforceable.

Sincerely,

Ellis Akins