

Provence Bay HOA, Inc.
c/o Elliott Merrill Community Management
835 20th Place, Vero Beach FL 32960
Phone (772) 569-9853 | Fax (772) 569-4300
www.ElliottMerrill.com

Greetings Prospective Buyer:

Our office is responsible for managing the association above. Upon closing, we are also responsible for the collection of maintenance assessments, which are due on the 1st day of each quarter (January, April, July and October). Once you close, our office will send you a **statement with payment options**.

Your management team is Mike Gallagher – Manager; Paola Alvarado - Administrative Assistant; Stacey Gugliemetti – Accounts Receivable. Please contact us with any questions or concerns.

The attached application for occupancy must be completed by the purchaser(s). **A copy of the signed sales contract must accompany this application.**

There is a \$200.00 non-refundable fee required with the application made payable to the Provence Bay Homeowners Association, Inc. also a non-refundable check for \$25.00 made out to Elliott Merrill Community Mgmt.

Please complete the **Application for Purchase, the Consent to Receive Electronic Correspondence, and the Voter's Certificate** included in this package and return to our office. We would appreciate you keeping us informed when you change your address or phone number. This is especially important for our seasonal residents, so that correspondence may reach you in a timely manner.

We look forward to meeting you!

Sincerely,
Paola Alvarado, Adm. Asst.
Elliott Merrill Community Management

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APPLICATION FOR PURCHASE

DATE: _____ CLOSING DATE: _____

PROPERTY ADDRESS: _____

APPLICANT NAME(S): _____ PHONE #: _____

EMAIL ADDRESS: _____

CO-APPLICANT NAME(S): _____ PHONE #: _____

EMAIL ADDRESS: _____

IN ADDITION TO APPLICANT(S), LIST OTHERS WHO WILL RESIDE IN UNIT

NAME _____ RELATIONSHIP _____

NAME _____ RELATIONSHIP _____

NAME _____ RELATIONSHIP _____

EXPECTED OCCUPANCY: Please Circle One: FULL TIME SEASONAL RENTAL

RENTAL OR SEASONAL ONLY: Please list your second mailing address for POA notices & assessment invoices:

CONTACT IN CASE OF EMERGENCY:

NAME: _____ PHONE #: _____

PETS: WILL PETS RESIDE IN UNIT? NO _____ YES _____ IF YES, LIST # _____ (Limit 3)

BREED AND WEIGHT _____

BREED AND WEIGHT _____

BREED AND WEIGHT _____

*******Please include picture and current vet records *******

VEHICLE(S) INFORMATION: I UNDERSTAND CARS MUST BE PARKED IN THE GARAGE OR DRIVEWAY NOT ON STREET OR SIDEWALKS _____ (Initials)

1st Vehicle Make _____ **Model** _____ **Year** _____
Color _____ **License Plate State & Number** _____

2nd Vehicle Make _____ **Model** _____ **Year** _____
Color _____ **License Plate State & Number** _____

3rd Vehicle Make _____ **Model** _____ **Year** _____
Color _____ **License Plate State & Number** _____

ACKNOWLEDGEMENT

I/We hereby agree on behalf of all persons who may use the unit, which I seek to purchase or lease that I/we have read, understand and will abide by all Restrictions in the By-Laws, Rules and Regulations and Association Declaration of Covenants, Conditions, and Restrictions For Provence Bay thereof, recorded in Official Records Book 2120 PG 619 Public Records of Indian River County, Florida, and any amendments hereto.

I/We understand that failure to follow the Rules and Regulations will subject us to violation notices, fines, etc. I/We understand that the acceptance for purchase or lease is conditioned upon the truth and accuracy of this application and upon the approval of the Board. I give my full authorization to verify the above information.

Owner acknowledges that the Declaration restricts leases to a minimum of a six (6) month lease term and only one lease in any 12 month period is allowed. Further, Owner acknowledges and agrees that leasing of a Lot is restricted to only one lease of a single Lot and no Owner or group of Owners who are Affiliates shall, on their own or through an agent, lease more than one Lot at the same time.

APPLICANT SIGNATURE _____ *DATE* _____

CO-APPLICANT SIGNATURE _____ *DATE* _____

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CONSENT TO RECEIVE ELECTRONIC COMMUNICATIONS

Note: The completion and return of this form will authorize **Provence Bay HOA, Inc. (the “Association”)** and its community management company, **Elliott Merrill Community Management (the “Manager”)** to use the E-mail address designated below for the delivery of Association-related communications and documents.

Examples of communications and documents sent via email include but not be limited to:

- Notice of upcoming meetings (Board, Members, Budget, and Assessment)
- Association meeting minutes
- Association notices of maintenance issues affecting entire community
- Association notice of outside issues that have an impact on our community (e.g. nearby road closures, local construction impact, relevant governmental issues)
- ACC notifications (e.g. roof cleaning, painting, power washing...)
- Association election reminders
- Request for owner input on various subjects
- Reserve Funding Study
- Committee minutes

I/We, _____ permit Provence Bay HOA to
 Owner(s) Name-Please Print

use electronic transmission to send required and permitted notices and communications to me using the e-mail address provided below. I agree to promptly inform the Association whenever my e-mail address changes and understand that I cannot receive electronic transmission of notices, unless I provide a valid e-mail address.

PLEASE PRINT CLEARLY

Email Address(s): _____

Provence Bay Address: _____

Signature: _____

Date: _____

Signature: _____

Date: _____

Provence Bay Homeowners Association, Inc.

VOTING CERTIFICATE

TO: The Provence Bay Board of Directors

THIS IS TO CERTIFY that the undersigned, constituting all of the record owners of

Address _____ in the Provence Bay HOA.

Have designate _____

(ONLY 1 Owner can be the voting representative, choose which Owner)

as their representative to cast all votes and to express all approvals that such owners may be entitled to cast or express at all meetings of the membership of the Association and for all other purposes provided by the Declaration, Articles and Bylaws of the Association.

The following examples illustrate the proper use of this Certificate:

1. Unit owned by Bill and Mary Rose, husband and wife. Voting Certificate **required** designating either Bill or Mary as the voting representative. NOT A THIRD PERSON.
2. Unit owned by John Doe and his brother, Jim Doe. Voting Certificate **required** designating either John or Jim as the Voting Representative. NOT A THIRD PERSON.
3. Unit owned by Overseas, Inc., a corporation. Voting Certificate **required** designating person entitled to vote signed by the President or Vice President of Corporation and attested by Secretary or Assistant Secretary of Corporation.
4. Unit owned by John Jones. No Voting Certificate required.

This Certificate is made pursuant to the Declaration and the Bylaws and shall revoke all prior Certificates and be valid until revoked by a subsequent Certificate.

DATED the _____ day of _____, 20_____.

UNIT OWNER NAME

UNIT OWNER SIGNATURE

UNIT OWNER NAME

UNIT OWNER SIGNATURE

Provence Bay Homeowner's Association - Basic Rules & Regulations

Listed below are a few helpful hints and some important basic Rules and Regulations listed in the Associations governing documents to help guide you in keeping Provence Bay a community where all residents can enjoy a pleasant living environment.

TRASH

Trash days are Monday and Tuesday of each week. ALL waste is to be confined within the waste receptacles. You must call Waste Management to set up an account and also for a special pick up of items that will not fit into the waste receptacle.

PARKING

Homeowners and residents living in Provence Bay must park their vehicles within their garage and/or paved driveway per association By-laws. Overflow GUEST parking is limited to only one side of the road, with the flow of traffic, in designated areas, between posted street signs, so that emergency vehicles can gain access as needed. Parking is not permitted on any portion of the grass or sidewalks or in a tow-away-zone at any time. Overnight guest parking passes can be obtained by calling Elliott Merrill Community Management at (772) 569-9853 twenty-four (24) hours in advance of your guests' arrival. The Guest Pass must be placed on the front dashboard of your guest's vehicle. All overnight guest's vehicles must be moved by 7 a.m. the following morning to avoid further enforcement and violations as follows: On the first violation a friendly written warning will be issued. If a second violation occurs the vehicle will be towed at the owner's expense. NOTE: NO warnings will be issued for a vehicle parked in a TOW-AWAY-ZONE.

POOL

The pool is for the enjoyment of the homeowners and residents of Provence Bay from sunrise to sunset. We ask that all guests and children under 16 years of age be accompanied by the homeowner and/or resident at all times. No glass, food or alcohol is permitted while in the gated pool area. Homeowners and residents are required to clean up after themselves i.e., put umbrellas down after use...tying them down securely, and must remove all personal items from the pool area before leaving for the day.

HURRICANE SEASON

Each homeowner or resident who intends to be absent from their unit during Hurricane Season, which begins June 1st and runs through November 30th each year, shall prepare for departure by adhering to the following safety measures:

1. Remove all furniture, potted plants, and other movable objects from patios, deck and yard.
2. Designate a responsible person or firm to care for the unit when a hurricane advisory is posted. Only association approved storm shutters are permitted and can be utilized between 72 hours before the storm and must be removed within 72 hours after the storm.

LANDSCAPING

Homeowners and residents are not permitted to perform any landscaping, plant or cut down, or trim any trees, shrubs or flowers or place any ornamental material upon the Common Area without express written permission from the Board of Directors.

PETS

All pets shall be registered with the Association at all times. No more than three (3) pets are permitted per household. Dogs shall be kept on a leash whenever outside their dwelling and anyone walking their pet(s) is required to pick up and clean up their pets' waste and dispose of it in an appropriate manner. Pets which roam free, or, in the sole discretion of the Board, which make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to other residents, shall be removed upon the request of the Board.

GARAGE/GARAGE SALES

Assembly or disassembly of motor vehicles are prohibited except within the confines of the resident’s garage. Residents are required to remove any oil or other fluid discharge from vehicles on driveways.

Any yard sale, garage sale, moving sale, rummage sale, or similar activity is prohibited including signage for the same, except on such dates as the Board may designate for such activities to be conducted on a community wide basis.

LAKES

All homeowners and residents are prohibited from disturbing or removing any vegetation within the lake bank areas without the prior written approval of SJRWMD. Swimming, boating, fishing and use of personal flotation devices in ponds, streams, or other bodies of water are strictly prohibited within the Community. The Declarant, Association and the SJRWMD shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of the rivers, lakes, ponds, streams, or other bodies of water within or adjacent to the Community.

RULE ENFORCEMENT

Exhibit “E”, Article III, Section 3.23 of the Association’s Bylaws provide for monetary fines when there is a violation of the governing documents, and existing Rules and Regulations of the Association. The process for notification of violations are as follows:

- a. **NOTICE** – Notice of the violation must be delivered personally to the Homeowners or mailed via First Class and/or Certified Mail. The notice shall contain the provision violated, together with a factual description of the alleged offense.
- b. **OPPORTUNITY TO DEFEND** – The offending Homeowner shall have an opportunity to appear before the Board or submit a written response to the Notice of Violation and offer evidence in defense of the alleged violation within 14 days of receipt of violation. The appearance before the Board shall be at its next scheduled meeting, or at a special meeting called for such purpose.
- c. **DEFAULT** – Failure to respond to the Notice of Violation shall constitute a default.
- d. **HEARING AND DECISION** – Upon appearance by the Homeowner before the Board and presentation of evidence of defense, or in the event of the Homeowner’s default, the Board shall, by majority vote of a quorum of the Board, decide whether a violation has occurred. The Board’s decision is final.

** I acknowledge I have received, read and agree to the Rules & Regulations of the Provence Bay HOA.

Signature: _____

Date: _____

July 12, 2021
Parking Provence Bay

Provence Bay Community,

The Board has approved to re-instate day street parking and overnight guest parking with a pass in designated areas only. Parking Signs have been posted and areas marked where parking will be permitted. A map is attached and one posted by the mailboxes to show exact permitted parking areas and prohibited parking day or night (Tow Away Zones). This will be effective immediately.

Parking will be limited to **ONE** side of the street to accommodate emergency vehicles. This should be adhered to both **DAY** and **Night**. Vehicles should be parked with the flow of traffic – not parked in the wrong direction. The pool area will be used for overnight parking with a PASS and vehicles should be moved by 7:00 AM the next morning. There is no parking on grass or sidewalks at any time. **Florida law states that it is not legal to park in such a way that a sidewalk is blocked.**

Overnight guest parking will be allowed with a pass in these designated areas. Overnight will be from 11:00 PM to 7:00 AM

1. Call Elliott Merrill at 772-569-9853 or email Paola, Administrative Assistant, at Paolaa@elliottmerrill.com. Elliott Merrill will need your name, address, phone number and your guest's vehicle information (make, model, color, tag # & State).
Please give at least 24-hour notice.
2. Parking passes will be issued from 9:00 AM until 4:30 PM - Monday thru Friday.

If the above stated parking guidelines are not adhered to the following violations will occur:

Violations:

1. First Violation-Written Warning
2. Second Violation-the vehicle will be towed at the owner's expense

Any vehicle in a TOW AWAY ZONE will automatically be towed without warning.

It is your responsibility to utilize your garage and driveway for maximum parking for you and your guests. The guest pass is intended for times when family or friends come to visit and there is not enough room to accommodate at your residence. Please remember that when you purchased or leased you signed and acknowledged to abide by the parking rules of Provence Bay HOA.

Parking Rules from our Bylaws Exhibit C Section 2(a):

Parking of any vehicles on streets or thoroughfares, and parking of commercial vehicles or equipment, mobile homes, campers and similar recreational vehicles in places other than enclosed garages, except temporarily during loading and unloading is prohibited.

**** I acknowledge I have received, read and agree to the Parking Rules of the Provence Bay HOA. ****

Signature: _____

Date: _____