

**Islesworth @ Martin Downs Homeowners Association, Inc.**  
P. O. Box 2446, Palm City, Florida 34991

July 28, 2003

To: Lakefront Property Owners

Regarding: Prohibition of Fences and Hedges on Property Lines of Lakefront Lots.

Dear Fellow Residents of Islesworth,

This letter is in response to lakefront owners requesting fences and hedges. I called our legal counsel for the following information:

- 1.) Pursuant to Article IX, Section 11 of the Declaration of Covenants, Conditions and Restrictions of Islesworth, no structure (including fences) of any kind may be placed in any portion of any drainage areas or the surface water/storm water management system (lakes). There is a twenty foot lake bank maintenance easement. Any fence may affect lot runoff into the lake and are prohibited by Article IX, Section 11.
- 2.) Article VIII authorizes the Board or the ARC to decide that fences on lakefront lots are not in harmony with the aesthetic nature of the community and prohibit the same.
- 3.) Article IX, Section 21 of the Declaration, the Board of Directors of the Association has the authority to adopt formal design guidelines. The Association has done so and one of those design guidelines prohibits fences.
- 4.) With regard to the ARC's authority to prohibit the use of hedges as fences on lakefront lots, Article VII which vests the ARC with the discretion to make "aesthetic" determinations, vests the ARC with the authority to determine that the planting of hedges on lakefront lot lines will interfere with other lakefront lot owner's view, and will not be permitted.

As President of the Board, I have personally talked to lakefront owners who said that when they purchased their lakefront lot they paid in excess of a \$6000 premium for their lakefront lot. They were also told by Pulte that lakefront owners were prohibited from fencing or placing hedges along property lines that would obstruct their view of the lake.

As a resident of Islesworth, I would hate to see neighbors filing civil actions against one another over fencing and planting of hedges along lakefront property lines.

Yours truly,

Scott Duckson, President of the Board, Islesworth @ Martin Downs, H.O.A.