

Dues and Liens

Our dues are \$35 per home per year. The money is spent for Administration (copying & postage), Lake Management, Vulture Control and Xmas lights. Social events and the picnic are self-financing and do not come out of the Association's budget. The Spring and Fall Business Meetings are partially underwritten by the Association.

Now and then, a resident will come up with some reason for why he doesn't have to pay the dues. For example, he may mistakenly believe that since he pays dues to the Community Association, that somehow means he doesn't have to pay Lake dues. The Community Association and the Middle Lake Association are two entirely different legal entities.

The Florida Statutes and Hillsborough County regulations and case law strongly support the authority of a homeowner's association. The Hillsborough County Office of Neighborhood Relations has prepared a comprehensive [Homeowner's Association \(HOA\) Guide](#) concerning the rights of an Association and its members. And the Association's [Articles of Incorporation](#) also contain applicable provisions.

In those very rare instances where a resident may decide he doesn't have to pay his dues, the following letter is sent. If that doesn't get results, then a lien is put against his property. Liens are inexpensive (\$15) and very easy to file without legal assistance. They become part of the public record and must be satisfied before the property can be sold.

Here is the letter that is sent out:

Dear Mr. & Mrs. Scofflaw,

As per our recent phone conversation, the following is the pertinent information regarding your membership in the Middle Lake Association, Inc. It has been compiled from the Middle Lake Association's Articles of Incorporation and from the Hillsborough County Homeowner's Association (HOA) Guide.

I have printed and attached copies of our 20xx annual Report and our Articles Of Incorporation, both of which are on file with the Florida Division of Corporations.

The following is from page 1 and 2 of the County's Guide:

“What is a homeowner's association?”

This type of association includes lot owners who join together for the benefit of their subdivision or neighborhood. There are two types of associations: 1) voluntary, and: 2) mandatory. A voluntary association means owners do not have to be a member of the association and the association does not have the authority to force lot owners to do anything. A mandatory homeowners association means that owners automatically belong to the association by virtue of their property deed and must pay dues. These associations have the authority to enforce rules and regulations and may be able to place liens against an owner's property if the owner is not paying dues.

Homeowners associations are not-for-profit corporations registered with the State of Florida Department of State and managed by a duly elected Board of Directors. Their purpose is to maintain all common areas and to govern the community in accordance with the provision of the legal documents: covenants, conditions and restrictions (CC&R's), bylaws, and articles of incorporation.”

The following is from the Middle Lake Articles of Incorporation, Article III – Membership and Voting Rights:

“A. Eligibility. Every person, whether an individual, corporation or other entity, who is the record owner of an aforementioned Lot that is subject to assessment pursuant to the Declaration shall become a member of the Association upon the recording of the instrument of conveyance.”

Middle Lake Association is a mandatory homeowner's association as evidenced by the language, “shall become a member” as opposed to, “may become a member”.

Furthermore, “recording of the instrument of conveyance” is legalese for recording of the deed. This is explained further in the Hillsborough County HOA Guide, pages 8 and 9 under:

“I don’t remember joining a homeowner’s association; do you think I’m a member?” and “What happens to people who don’t pay their dues?”

Quite simply, you joined Middle Lake Association when you bought your home. No further gesture is required. Middle Lake Association’s yearly dues of \$35 are required to be paid by all members in a timely fashion. Our records indicate the following:

| Year | Due | Paid |
|--------|--------------|--------------|
| 20xx | \$35 | \$0 |
| etc. | | |
| 20xx | \$35 | \$0 |
| Totals | <u>\$280</u> | <u>\$280</u> |

Balance due: \$280

Remit to:
Middle Lake Association
xxxxxxxxxxxxxxxx
Sun City Center, FL 33573

Sincerely,

Guido
(Middle Lake Association Treasurer)