

## Homeowner group OKs \$4,000 yard art fine

*LAKEWOOD RANCH: Board says owner is breaking the rules; she disagrees*

*LAKEWOOD RANCH* - Two metal poodles and several small seashells decorating Summerfield resident Joani Ellis' front yard are still costing her \$50 a day.

Facing nearly \$4,000 in fines, Ellis appealed the penalties to the Summerfield/Riverwalk Homeowner Association on Thursday night.

But the board did not budge on their stance that Ellis is breaking a neighborhood rule that allows only three lawn decorations.

Now, both parties will likely be going to court.

"It's a shame the board couldn't be more professional and save the residents money," Ellis said. "It's the homeowners that will end up paying for the association not abiding by state law."

Ellis believes the yard decoration rule is rigid and the board's enforcement is arbitrary. She refuses to honor the fines or remove the decorations.

Further, she has retained a lawyer to prove the board is breaking the law.

Attorney Dan Lobeck said she has "completely indisputable defenses."

Ellis' fines grew to \$1,600 in 2006 -- seven years after she placed the decorations on her lawn, she said.

The fines stopped, but three years later, the board again tried to collect the money. On Feb. 8, they resumed penalizing Ellis. The tally is still growing; association bylaws cap fines at \$20,000.

The initial fines and the second round of fees came after the five-year statute of limitations, Lobeck said.

Shirley Surowiec, association board president, said last month that the association could not withdraw the \$1,600 in fines because the debt had been turned over to a collection agency.

She also said Ellis could have avoided the dispute.

"All you have to do is call and say 'I repaired it' and that's the end," Surowiec said last month.

But Ellis says there are plenty of others in violation of the rule who are not being asked to correct it, giving her ground to argue a case of selective enforcement.

She has photographed and documented dozens of neighborhood homes with more than three lawn decorations, including the homes of current and past association officials.

Lobeck has specialized in litigation involving condominium and homeowners associations for 30 years.

"I've never seen a worse enforcement case than the one this association has against her," he said.

"She has completely indisputable defenses."

Ellis said she feels an association board member, who she declined to name, is acting on a "personal vendetta."

Surowiec has denied this is a case of vengeance and has said the citation stems from a complaint by a resident or a Town Hall employee.

"We are following the proper procedure to give her all her rights," she said. The association had a lawyer present Thursday as they decided to uphold the fines.