

BOCA WEST MASTER ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE AGREEMENT TO PERFORM AND INDEMNITY
AGREEMENT

Property Address: _____

Village: _____

Telephone Number(s) _____

This request for approval is for: (Describe improvement/alteration): _____

(please enclose additional page(s) if more space is needed)

By submitting an Architectural Control Petition (“ACC Petition”) and by signing below, Applicant(s) certifies that he/she is an owner of the property identified above (the “LOT”) and that he/she has the authority to bind any other owners of the property. Applicant(s) hereby agrees to perform only those changes, improvements, additions, modifications, and/or alterations to the LOT, or any improvements thereon, which are approved (collectively “Approved Work”) by the Boca West Master Association, Inc. (the “Master Association”).

Applicant(s) hereby agrees and acknowledges that the Master Association has the right, at any time, to suspend the work on the LOT if, in the Master Association’s reasonable discretion, “Just Cause” exists for such suspension. “Just Cause” includes, but is not limited to: the Applicant’s failure to comply with conditions for approval imposed by the Master Association and/or the terms, conditions, restrictions and requirements set forth in the governing documents of the Master Association; Applicant’s or any of Applicant’s contractors’ or subcontractors’ performance of any work changing, improving, adding to, modifying, and/or altering the exterior appearance of Applicant’s Lot that were not set forth in the ACC Petition submitted by Applicant(s) and approved by the Master Association (collectively “Non-Conforming Work”). In such case, the Applicant(s) will be advised of the reason for the suspension, which shall include a description of the Non-Conforming Work. The Applicant(s) must resolve all such issues to the Master Association’s satisfaction and receive the Master Association’s written approval prior to the work commencing again. No work on the exterior of the Lot shall be made during any suspension period. In addition to suspension of the Approved Work as well as suspension of any Non-Conforming Work being performed upon an Applicant’s Lot, the Master Association shall be entitled to seek any additional remedies available pursuant to its governing documents and/or Florida law, including, but not limited to, filing suit in law or equity seeking damages and/or injunctive relief, fines, and/or suspension of use rights to certain common elements, which remedies shall be cumulative and not be exclusive of one another. Any attorneys’ fees or costs incurred by the Master Association arising from Applicant(s) failure to comply with the architectural guidelines and provisions of the Master Association’s governing documents, regardless of whether or not suit is filed, shall be reimbursed to the Master Association by the Applicant(s), and shall be collectible in the same manner as assessments, as set forth in the governing documents of the Master Association.

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Applicant further acknowledges and agrees that he/she shall protect, defend, indemnify and hold the Master Association harmless from and against any and all liability, costs, damages or expenses directly or indirectly caused by or arising from any acts of Applicant and/or any other owner(s) of the Lot or Applicant's contractors, subcontractors, or any of their agents, licensees, or invitees, and from any liabilities, costs, damages, or expenses arising, directly or indirectly, from any injury, accident or damage to any person or property, including common areas of the Master Association or other LOTS within Boca West, arising from or relating to the Approved Work as well as any Non-Conforming Work and occasioned wholly or in part by any act or omission of Applicant, by any contractor engaged by or on behalf of Applicant or by any other third-party providing goods or services in connection with the project covered hereby.

The Master Association's approval shall not be construed as any statement, position, or warranty of any kind that the proposed changes, improvements, additions, modifications, and/or alterations will be compliant with building codes, be structurally sound, have any particular impact on the Lot's value, or be suitable for intended use.

Applicant's Signature Date

Applicant's Signature Date

Print Name

Print Name