

LAKE SAWYER SOUTH COVENANTS ENFORCEMENT POLICY

(Updated: April 2017)

The following is intended to outline the timeline and procedures for enforcement of the Covenants, Codes, and Rules of the Association as approved by the Board of Directors and is in accordance with Florida Statute 720.305 and the Association's governing documents. The property manager has discretion to agree to reasonable timelines for properties to come into compliance if contacted by owners. Any agreed to terms shall be in writing. The property manager has discretion to suspend the process if a realistic resolution to a violation is deemed forthcoming. Violations should not be issued in such large numbers so that the timeline designated below is compromised. To curb cost, multiple violations on a single property should be included in one letter if possible.

1. NOTIFICATION PROCEDURES

- a. **Violation Notice:** Sent by property manager via regular mail notifying owner that the property is in violation and allowing **15 days** to correct the violation.
- b. **Final Notice:** Sent by property manager via certified mail. The letter will state that a fine will be applied if the property is not in compliance or a written plan to comply is agreed to by the property manager within the next **15 days**. The amount of the fine to be levied will be included in this letter.
- c. **Demand Notice:** Sent via certified mail from an attorney stating that the owner has been fined per previous correspondence and that further legal action may be taken if the property is not brought into compliance within the next **15 days**.
- d. **Hearing Notice:** Sent via certified mail from property manager giving a minimum of **15 days** notice prior to the Appeals Committee hearing.
- e. **Repeated short-term offenses:** Owners violating rules governing trash cans, debris, campers, boats, etc. will be sent a **Warning Letter** by the property manager via certified mail. The owner will also be placed on a warning list for 90 days. If there is a repeat violation while the owner is on the warning list, an immediate \$100 fine will be levied and a Hearing Notice will be sent.

Note: If tenant occupied, all correspondence will be sent to "Resident" at the actual property address and to the owner's address on file.

2. FINING GUIDELINES

- a. Fines will be determined by the Board and shall be reasonable and consistent.
- b. Three Levels of fines are:
 - Level 1 = \$100 (mailbox, mow, weeds, fences, mulch, etc.)
 - Level 2 = \$250 (sod, pressure wash, major landscape, etc.)
 - Level 3 = \$500 (campers, trailers, boats, house paint, etc.)

Note: The examples of violations are not comprehensive. Level 3 fines for campers, trailers and boats apply to long-term storage. Short-term offenses should be handled using the repeat offender procedure.

- c. If a Violation Notice containing more than one violation reaches the fining stage, each violation will be subject to a fine and will be imposed consecutively. (For example, if pressure washing (\$250) and mailbox paint (\$100) are still uncorrected, the fine will be \$350. Mow, mulch, and mailbox paint (all \$100) would incur a \$300 fine if uncorrected.)
- d. If a fine is levied and the owner is still in violation, the process will begin again with the Final Notice (letter #2). If the process results in another fine being levied for the same violation, the fine amount will double. (Level 1 = \$200, Level 2 = \$500, etc.)
- e. For **Repeated Short-Term Offenses**, a fine of \$100 will be applied if there is a violation while on owner is on the 90-day warning list. If the Appeals Committee confirms the fine, the owner will be placed on a **Repeat Offender** list for the remainder of the year. If the same violation occurs while designated a Repeat Offender the Board of Directors will determine an appropriate fine to encourage compliance. This amount will not exceed \$100/day or \$1000 per occurrence.

3. APPEALS COMMITTEE GUIDELINES

- a. **Scope:** The role of the committee is limited to determining whether to confirm or reject the fine levied by the Board (FL 720.305). The objective is to bring the property into compliance. If the committee feels that the owner has come into compliance at the time of the hearing, they are encouraged to reject the fine.
Failure of an owner or designated representative to appear at the hearing shall not be a determining factor or bias the committee against an owner when deciding to confirm or reject a fine. However, owners are strongly encouraged to attend the hearing, as this is their only opportunity to appeal a fine.
- b. **Scheduling Hearings:** Dates of hearings are at the sole discretion of the committee, but should be as close to 15 days (but not less) from the Hearing Notice as feasible. Hearings will be open to members of the Association but not required to be noticed.
- c. **Alternative Proposals:** There may be extreme circumstances where an owner is unable to come into compliance within the enforcement timeline and has failed to communicate with the Association. In such limited cases, if an owner or designated representative submits a written appeal for review at the hearing stating what actions are being taken to remedy the violation and the Committee feels the plan is reasonable, fines should be rejected with conditions. The Committee will put the conditions in writing and have the owner sign or provide written acknowledgement. Failure of the owner to meet all of the conditions will result in immediate application of the fine.

4. ACCOUNTING

- a. **Fines:** If the Appeals Committee confirms a fine, the amount will be immediately applied to the owner's account. If the committee accepts an alternative proposal and the owner fails to meet all of the conditions, the fine will be immediately applied to the owner's account.
- b. **Costs to the Association:** In accordance with the Associations Declaration of Covenants (Article VIII, Section 5), the Association may levy a special assessment against an individual owner to cover all costs incurred during this enforcement process. The Board will vote on all special assessments at each monthly Board meeting. The amount shall be limited to the real demonstrated costs incurred. "Special Assessments for Enforcement" will be a monthly agenda item. Owners who wish to dispute any assessment must do so in person at the monthly Board meeting.
- c. **Payment:** Fines and special assessments must be paid in full within forty-five (45) days. The property manager will notify owners if they have been fined and/or specially assessed and provide payment information.