

LAKE SAWYER SOUTH COMMUNITY ASSOCIATION, INC.
COVENANT ENFORCEMENT RESOLUTION AND POLICY

WHEREAS, the Lake Sawyer South Community Association, Inc. ("Association") is governed by that certain Declaration of Covenants, Conditions and Restrictions for Lake Sawyer South ("Declaration") and Chapter 720, Florida Statutes; and

WHEREAS, Article XVII, Section 10 of the Declaration provides that the Association may enforce the provisions thereof by any proceeding at law or equity against any person violating or attempting to violate any provision thereof; and

WHEREAS, the Board of Directors has the option of determining which procedure for enforcement of the Declaration is most effective and beneficial to the Association; and

WHEREAS, the Board of Directors adopted a Covenants Enforcement Policy in April of 2017 (the "Policy"); and

WHEREAS, the Board of Directors now seeks to alter the Policy for enforcing covenant enforcement violations; and

NOW THEREFORE, the Board of Directors hereby adopts the following Resolution:

BE IT RESOLVED THAT, the Policy shall no longer be followed by, or be binding upon, the Association.

BE IT RESOLVED THAT, that the Association shall follow the updated "Summary of Enforcement of Procedures" which is attached hereto and incorporated herein by reference as **Exhibit "A"**.

BE IT FURTHER RESOLVED THAT, the Association reserves all rights and remedies available to it under its governing documents or Florida law and nothing herein shall be deemed to be a waiver of any such rights.

ADOPTED this 1st day of June, 2018

The undersigned hereby certifies that at its duly posted and noticed Board meeting held on MARCH 27, 2018 at 6 a.m./p.m. at Windemere Prep, the foregoing resolutions were approved by a vote of the Board of Directors of Lake Sawyer South Community Association, Inc.

Sign: T. J. Nyland

Print: T. J. NYLAND

As the President of Lake Sawyer South Community Association, Inc.

Sign: [Signature]

Print: JOHN T. AMPELL

As the Secretary of Lake Sawyer South Community Association, Inc.

Exhibit "A"

Summary of Enforcement Procedures

INSPECTION AND VERIFICATION

The Association, through its Board of Directors ("Board") and Community Association Manager ("CAM") will perform routine inspections of the community to determine violations of the Declaration of Covenants, Conditions, Easements and Restrictions for Lake Sawyer South Community, Association, Inc. (the "Declaration") and any Rules promulgated under the same (sometimes collectively referred to hereinafter as the "Governing Documents").

In addition to the aforesaid routine inspections, the Association, through its Board, the CAM and/or any other authorized agent of the Association shall inspect and verify any reports of violations of the Governing Documents coming from any members, i.e. Owners. Inspections, routine or verification of a report, can be done from the road, sidewalk, common ground, or from a neighbor's property if invited by that owner.

NOTIFICATION OF VIOLATION

1. **First Notice.** In the event of a violation of the Association's Governing Documents, the Association shall provide a courtesy notice ("First Notice") providing thirty (30) days to bring the property into compliance or provide acceptable action plan to CAM to resolve the violation. The property manager has discretion to suspend the process if a realistic resolution to a violation is deemed forthcoming.

2. **Final Notice.** In the event that the property does not come into compliance within the time period specified in the First Notice the Association shall issue a Final Notice ("Final Notice") of which the Homeowner **MUST immediately** contact the Association in writing upon receipt of the Final Notice. A phone call will not protect the Owner from further action. Failure to immediately contact Association Management in writing immediately will result in the matter being turned over to the Association's legal counsel. The Final Notice shall be sent by certified return receipt mail.

All of the above notices shall contain the following:

- A description of the violation(s)
- The provision(s) of the Governing Documents that is/are being violated, and
- The curative act or actions that must be performed to cure the violation(s).

The notice shall be mailed to the property address and the current mailing address of the Owner as maintained in the Association's records, if different from the property address.

If after the Final Notice has been sent and the Association has not received written correspondence from the Owner seeking an extension and said extension has not been granted, the Association shall forward the matter to its legal counsel. The Association's legal counsel shall then initiate enforcement actions which could include pre-suit mediation and, if necessary, a lawsuit seeking injunctive relief, as defined more clearly below. The Association's legal

counsel shall be permitted to seek reimbursement of its attorney's fees from the homeowner, or other parties, in violation of the Association's governing documents.

While the Board of Directors contemplates that the above procedure will be followed for most violations of the Association's covenants and rules, the Board recognizes that certain violations, either based on the egregiousness of the violation or the threat the violation poses to the safety and welfare of the Association, may require the Association to deviate from the procedure above and forward the matter directly to the Association's attorney for legal action or provide less than two (2) notices before sending such violation to the Association's legal counsel. Any such deviations shall not constitute a waiver of the Association's enforcement rights or selective enforcement of this policy.

STATUTORY OFFER FOR PARTICIPATION IN PRE-SUIT MEDIATION

If a violation persists despite any of the foregoing steps being taken by the Association and the Owner has not otherwise made arrangements with the Board to cure the violation(s), the Board may elect to take legal action against the Owner to compel compliance with the Governing Documents and Florida Statutes.

In that case, the Association shall send a correspondence offering to participate in pre-suit mediation to the Owner pursuant to Fla. Stat. § 720.311 prior to the initiation of filing a lawsuit. The Owner must respond to the Statutory Offer For Participation In Pre-Suit Mediation within twenty (20) days of it being sent as set forth therein. If the Owner elects to participate in pre-suit mediation, such mediation must occur within ninety (90) days of the correspondence being sent unless the Association and Owner agree to a later date. The Association shall not be required to issue the Statutory Offer For Participation In Pre-Suit Mediation if the violation is, pursuant to the Board of Director's reasonable discretion, one that threatens the safety of the community.

DECLARATORY ACTION AND INJUNCTION AGAINST OWNER

If no response is received to the offer for pre-suit mediation, the Owner declines to participate in pre-suit mediation, or the pre-suit mediation ends in an impasse, the Association may elect to initiate a legal action against the Owner for, among other things, a declaration of its rights under Florida law and the Governing Documents and for an injunction against the Owner to require compliance with the Florida law and Governing Documents.