

SEVEN OAKS

Property Owners' Association

Violation Procedure

There are three categories of violations: those that are of a long-term nature, repetitive nature, and/or one-time occurrences.

Class A Violations are violations that evolve over time and require a lead-time to correct. Examples of Class A Violations are roof needs cleaning; mailbox needs painted; lawn condition, dirty driveways, exterior maintenance, painting, etc.

Day	Action
Day 1	Violation(s) recorded and homeowner notified they have 14 days to correct violation, face fine with possible suspension of rights, or request a hearing in writing stating why penalties should not be imposed.
Day 15	If violation(s) is not corrected and no hearing request received, board-imposed fines and possible suspension of rights letter mailed explaining fines, suspension and options Homeowner has two options: 1. Confirm compliance 2. Pay fine If request for hearing received, violation(s) sent to board appointed Violation Committee of 3 or more residents.
Day 15	Hearing: Violation Committee reviews and approves or revokes fine. If fine is not approved, suspension may not be imposed. Written decision of Violation Committee shall be submitted to homeowner with notice of 7 days to appeal.
Day 22	If an appeal is requested, Board must appoint an appeals committee of 3 or more residents. The committee will meet and file a written determination and serve copies to the Fining Committee and Homeowner.
Day 52	Fines must be paid or the matter will be sent to an attorney where further action and fees will ensue. The fine is \$1000.00 plus interest and attorney fees.

**Days reflect minimal day action will occur.*

Class B Violations include parking and garbage can violations. These violations are repetitive occurrences. The first infraction results in a warning letter being issued and sent to the property owner. Subsequent occurrences, even those occurring the next day, may result in automatic fines with the right to appeal within 14 days.

Occurrence	Action
Initial Occurrence	Violation Recorded and warning letter issued requiring immediate compliance
Second occurrence within 12 months of initial occurrence	Letter issued stating violation and \$50 fine issued
Additional occurrences within 12 months of initial violation	\$100.00 fine for each additional occurrence.
If fines are not paid or homeowner fails to comply	The matter will be sent to an attorney where further action and fees will ensue.

Class C Violations Failure to comply with the application process and approval for exterior modifications (AMR).

Issue	Action
Failure to apply	\$100.00 fine contingent an AMR is completed and approved. If AMR is not approved, a \$100.00 fine is issued and violation is moved to a Class A violation where additional fines and action may result.
Failure to comply	\$100.00 fine is issued and violation is moved to Class A violation until restored where additional fines and action may result.

Any fine or Fees not paid in 90 days will result in suspension of rights and voting.

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Enforcement Policy

BACKGROUND:

WHEREAS, the Board of Directors (the “**Board**”) of Seven Oaks Property Owners’ Association, Inc. (the “**Association**”) is charged with the responsibility of enforcing restrictions pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Seven Oaks (“**Declaration**”), the Amended and Restated Bylaws of Seven Oaks Property Owners’ Association, Inc., the Articles of Incorporation of Seven Oaks Property Owners’ Association, Inc., and the Association’s rules and regulations, as may be amended from time to time (collectively referred to as the Association’s “**Governing Documents**”);

WHEREAS, from time to time Owners and their guests, invitees and occupants may, either intentionally or unintentionally, violate the Association’s Governing Documents; and

WHEREAS, the Board deems it to be in the best interest of the Association to adopt a uniform and systematic procedure for dealing with violations of the Association’s Governing Documents in a timely manner to ensure consistent compliance with same throughout the community; and

WHEREAS, the Association’s Governing Documents, along with Section 720.305, Florida Statutes, provides the Association with the power to enforce the Association’s Governing Documents by levying reasonable fines against an Owner, or any Owner’s tenant, occupant, guest or invitee for any violation of any provision of the Governing Documents of the Association committed by such Owner, tenant, guest, or invitee;

WHEREAS, Section 720.305, Florida Statutes, provides that a fine may not be imposed by the Board without at least fourteen (14) days’ notice to the person sought to be fined and an opportunity for a hearing before a committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee (the “Violations Committee”);

WHEREAS, if the Violations Committee, by majority vote, does not approve a proposed fine, it may not be imposed and the role of the Violations Committee is limited to determining whether to confirm or reject the fine levied by the Board;

WHEREAS, if the Board levies a fine the Association must provide written notice of such fine by mail or hand delivery to the Owner and, if applicable, to any tenant, licensee, or invitee of the Owner; and

WHEREAS, the Association has a Violations Committee, consisting of at least three (3) members who are not officers, directors, or employees of the Association or the spouse, parent, child, brother, or sister of an officer, director, or employee of the Association;

NOW, THEREFORE, BE RESOLVED THAT, the following Guidelines, Policies, and Procedures shall be adopted and adhered to by the Association and the Violations Committee:

GUIDELINES FOR ENFORCEMENT

The following are procedures to be followed for the failure of an Owner (and the Owner’s tenant, guest or invitee, if applicable) to abide by the Association’s Governing Documents. The Board is not obligated to follow this process or procedure in every case, and it may alter the process or procedure on a case-by-case basis depending on the facts. The below is only a guideline. The Association may send as many or as few notices as it deems appropriate. Therefore, the following should only be used as a general guide:

I. Notices of Violation:

- A. **1st Notice of Violation:** The Association may send written notice to the Owner (and the Owner's tenant, guest or invitee, if applicable) advising that a condition or behavior constitutes a violation of the Association's Governing Documents and requesting that the Owner (and the Owner's tenant, guest or invitee, if applicable) confirm that the violation has been corrected within 14 days. The First Notice shall be sent by regular first class mail and may include the following:
1. Description of the nature of the violation;
 2. Photograph of the violation with date, if available and practicable;
 3. Request for correction of the violation within specified period of time.
- Owner may make a written request withing the 14 days for a hearing including a statement why penalties should not be imposed.
- B. **2nd Notice of Violation:** After inspection and failure to correct, the Association may send a Second Notice to the Owner (and the Owner's tenant, guest, or invitee, if applicable), requesting immediate compliance or other appropriate timeframe as determined by the Association.
- C. **Fine/Suspension Notice and Opportunity for Hearing:** If the violation has not been corrected, or in the case of a second violation, or a violation of a serious nature that the Board determines does not warrant an opportunity for the violator to correct it, the Board may elect to utilize the fining and/or suspension remedies detailed below and a Fine Notice or Suspension Notice may be issued. The Fine Notice and/or Suspension Notice will advise the party to be fined and/or suspended that they may request a hearing before the Violations Committee within fourteen (14) days of receipt of the Notice of Fine and/or Suspension Notice. The Notice of Fine and/or Suspension Notice will be sent by regular U.S. Mail to the address on record with the Association. Additionally, or in the alternative, the notice may serve as a Final Notice that the Association intends to refer the matter to legal counsel or take corrective action and charge the owner for the same, if appropriate.
- D. **Notice of Violations Committee's Decision:** Following the hearing before the Violations Committee, the Association shall send a Notice of Decision in writing to the Owner and/or, if applicable, the tenant, occupant, guest or invitee of the property stating if the fine and/or suspension has been imposed.

II. **Inspections and Responses:**

- A. All responses from the Owner (and the Owner's tenant, guest or invitee, if applicable) shall be in writing to the property manager.
- B. Any request for a hearing before the Violations Committee must be in writing and delivered to the property manager.
- C. The Owner (and the Owner's tenant, guest or invitee, if applicable) may request an extension in writing and the property manager shall have the discretion to provide reasonable time for correcting the violation, upon good cause shown by the Owner (and the Owner's tenant, guest or invitee, if applicable) in writing.
- D. It is the responsibility of an Owner to immediately notify the property manager, management company, and/or Association in writing of any address change. Accordingly, the Owner is obligated and responsible for providing accurate, current, and updated contact information to the property manager, management company, and/or Association.
- E. The Owner and/or tenant is responsible for notifying the Community Association Manager in writing that the violation(s) have been corrected and failure to do so implies the violation condition still exists.
- F. If applicable, the property manager shall inspect the property to determine if the violation(s) have been resolved.

III. **Association Remedies for Non Compliance:**

- A. **Fine and/or Suspension of Use Rights.** (Article VI, Section 4 and Article X, Section 3 of the Declaration)
1. Suspension or use rights and/or a fine may be levied for all violations not corrected within the time frame allotted.

2. A fine may be levied up to \$100 per day, per violation, not to begin until after at least fourteen (14) days' notice and an opportunity for hearing before the Violations Committee is provided, in accordance with Section 720.305. A fine may be levied and imposed on the basis of each day of a continuing violation, but no such fine shall exceed \$1,000 in the aggregate, per single notice and opportunity for hearing.
3. Pursuant to Section 720.305(2)(a), of the Florida Statutes, the Association may also suspend the right of an Owner, tenant, guest or invitee to use common areas and facilities for the failure of the Owner, tenant, guest or invitee to comply with any provision of the Governing Documents, including failure to pay assessments. The Association may not prohibit an Owner or tenant from having vehicular and pedestrian ingress to and egress from the property and the right to park.
4. The Notice of Fine and/or suspension must provide at least fourteen (14) days' notice to the person sought to be fined and an opportunity for a hearing before the Violations Committee.
5. If a fine or suspension is confirmed by the Violations Committee, the fine or suspension does not absolve the Owner and/or Owner's tenant, guest, occupant, or invitee from remedying the violation. Whether or not a fine and/or suspension is imposed, the Board may proceed, in its discretion, with any other remedy it deems appropriate.
6. **Due Date.** Imposed fines shall be due thirty (30) days following the date of the notice of fine.

B. Right to Abatement. (Article XI, Section 1 of the Declaration)

1. The Association may, after reasonable notice and opportunity to cure a violation, enter upon a Lot for the purpose of curing an outstanding violation.
2. The Association will send a Notice of Violation including notice that the Association may proceed with correction of the violation should the violation not be corrected within a minimum of seventy-two (72) hours of the notice. This Notice of Violation shall be sent via certified mail, return receipt requested or hand delivery, and regular US Mail, advising the Owner (and the Owner's tenant, guest or invitee, if applicable) that:
 - a. if they fail to comply by a date certain, the Association may proceed upon his/her Lot and remedy the violation;
 - b. All costs associated with remedying the violation shall be the responsibility of the Owner and, if applicable, tenant and shall be assessed against the Lot as an individual assessment. Any such charges may become a lien against the property subject to foreclosure. (See Article XI, Section 1 of the Declaration).
 - c. The Association may reduce or eliminate the time for notice if it believes the conditions create a hazard.

C. Legal Action for Injunction. (Article X of the Declaration).

1. The Association may refer the compliance matter to its counsel to pursue an
2. action for injunctive relief.
3. If the matter is referred to the Association's attorney, the attorney shall send a
4. violation letter to the Owner (and the Owner's tenant, guest or invitee, if applicable).
5. If, after the violation letter is sent, there remains a violation, the Board may, by
6. majority vote, direct the attorney to serve upon the Owner (and the Owner's tenant, guest or invitee, if applicable) a statutory demand for pre-suit mediation (allows twenty (20) days for compliance), in which case the Board will choose a Board member or members to attend the mediation with full settlement authority of the Association, or will otherwise provide the Association's attorney full settlement authority to attend the mediation.
7. In the event the Owner (and the Owner's tenant, guest or invitee, if applicable)
8. does not respond to the pre-suit mediation notice or mediation occurs and ends in an impasse, the Board may, by majority vote, direct the attorney to file a lawsuit.
9. Repeat violations, or as otherwise determined by the Board, may not be sent a
10. violation letter from the Association's attorney and may be sent a pre-suit mediation demand without other notice.

The above remedies may be imposed simultaneously, or in any sequence that the Board may determine in its discretion.

IV. **Violations Committee Hearing Guidelines:**

- A. **Purpose:** The purpose of fines imposed by the Association is to gain compliance by the Owner or (and the Owner's tenant, guest or invitee, if applicable) and to ensure that he or she is following the Association's Governing Documents.
- B. **Members and Officers:**
1. The committee shall elect a Chairperson and a Recording Secretary from among its members. Members of the Committee shall be appointed by the Board with a minimum of three (3) members. The Committee members will serve one-year terms. Committee members may be removed and/or replaced as determined by the Board. Owners who are more than ninety (90) days delinquent in the payment of any assessments, fines or other amounts owed to the Association or are not in compliance with the Association's Governing Documents are not eligible to participate on the Committee.
 2. The Chairperson of the Committee shall administer each meeting, assure that respect and proper decorum are observed at all times, and ensure that the policies and procedures for the Committee are followed in a fair and impartial manner.
 3. The Recording Secretary shall keep accurate minutes of the Committee Meeting and a summary of the decisions made with respect to each Owner or Lot. This information shall be provided to the property manager within twenty-four (24) hours after the meeting is adjourned and shall be maintained with the Association's Official Records.
 4. The Violations Committee shall consist of no less than three (3) persons, but in all events shall be an odd number, who are appointed by the Board and who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. Pursuant to Section 720.305 of the Florida Statutes, a hearing may not take place unless three (3) Violations Committee members are present.
- C. **Procedure:**
1. The Owner (and the Owner's tenant, guest or invitee, if applicable) sought to be fined shall be given the opportunity for a hearing before the Violations Committee to contest the fine that may be imposed. At the hearing, the Owner (and the Owner's tenant, guest or invitee, if applicable) shall have the right to be represented by legal counsel and have an opportunity to produce any statement and evidence on his or her behalf. The role of the Violations Committee is limited to determining whether to confirm or reject the fine imposed by the Board.
 2. The Violations Committee may independently inspect the subject property to determine compliance prior to the hearing.
 3. At the hearing there may be presented to the Violations Committee a description of the violation, the notices that were sent to the Owner (and the Owner's tenant, guest or invitee, if applicable), and a description of other attempts of gaining compliance, if any. The Owner (and the Owner's tenant, guest or invitee, if applicable) shall have the opportunity to be heard.
 4. An Owner or tenant will be given up to fifteen (15) minutes to discuss the pending violation matter with the Violations Committee. The Violations Committee shall have the authority to terminate a hearing if the Owner or tenant becomes verbally abusive or threatening toward the committee members, the Association's property manager, or if he or she does not display appropriate and professional behavior.
 5. By a majority vote of the Violations Committee when a quorum is present, the Violations Committee may:
 - a. Confirm the maximum fine of \$100 per day, as levied by the Board, not to exceed \$1,000 in the aggregate.
 - b. Reject the fine levied by the Board of Directors.
 - c. Give the Owner (and the Owner's tenant, guest or invitee, if applicable) additional time (not to exceed 60 days) to correct the violation(s) before confirming or rejecting the fine(s) levied by the Board of Directors.
 - d. Confirm or reject the proposed suspension of use of common areas and facilities.

V. **Appeal Process:**

- A. The Owner (and the Owner's tenant, guest or invitee, if applicable) shall have the right to appeal or challenge the imposition of a fine or other sanction to the Board.
- B. A written notice of appeal from the Owner (and the Owner's tenant, guest or invitee, if applicable) shall be received by the property manager within seven (7) days of the Violations Committee's decision. If a written notice of appeal is not received, the right to appeal by the Owner (or the Owner's tenant, guest or invitee, if applicable) is deemed waived.

- C. The Board will appoint an appeals committee within seven (7) days of the request for appeal. The appeals committee shall consist of three (3) non-interested members of the Association.
- D. The appeals committee will meet and file a written determination of the matter and serve copies on both the Violations Committee and the Owner (and the Owner's tenant, guest or invitee, if applicable).
- E. The appeals committee's findings will not be binding on either party; however, the Violations Committee may elect to review its decision in light of the findings of the appeals committee.

VI. **Attorneys' Fees and Costs:** The Owner (and the Owner's tenant, guest or invitee, if applicable) shall be responsible for all attorney's fees and costs incurred by the Association in pursuing the violation and collecting any fine imposed. The Association may use all means provided by the Association's Governing Documents and Florida Statutes to collect the fines and attorney's fees and costs.