

The Lakes Unit 2 Phase 2 HOA

c/o Ameri-Tech Community Management, Inc.

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Dear Homeowner,

One of the benefits of living in a homeowners association such as Waterside is knowing that other properties within the community will be properly maintained. Well maintained properties provide enjoyment as well as help to ensure our property values. While most residents of Waterside take pride in their homes and care for their properties, there are some who need to become more aware of our rules regarding property maintenance. Many comments from residents to the Board have indicated that better compliance is needed.

To improve compliance, the Board of Directors voted in July 2017 to adopt a Bylaws Enforcement Committee (BEC). This action was taken in accordance with the association bylaws and the Florida statutes for homeowner associations. The enforcement process will become effective January 1, 2018 with a committee composed of homeowner volunteers (other than Board members). As the attachment 'Covenant Violation Procedures for Levying Fines' explains, the Board will now have the ability to fine homeowners and tenants for continued violations. A brief outline of the process is shown below:

- Homeowner is mailed a notice of violation with timeframe for corrective action;
- If the violation is not corrected, an "INTENT TO FINE" letter is sent and the matter goes to the BEC;
- Homeowner will be given at least 14 days to correct or appeal the violation;
- If the violation remains after this time, the BEC determines whether or not to recommend a fine to the Board;
- At a properly noticed meeting, the Board may then impose a fine up to \$100 day until the violation is corrected, not to exceed a \$1000 total.

The Board would like to emphasize that this new process will not affect the vast majority of homeowners who regularly maintain their properties in accordance with the association rules. Furthermore, this process is designed to encourage those homeowners not in compliance to correct the violation before a fine is imposed. The Board is confident that better enforcement will result in improving the overall appearance of our community. The Board and property manager will be looking forward to your feedback throughout the coming year on the effectiveness of this new process.

Thank you,
The Board of Directors

The Lakes, Unit 2, Phase 2

COVENANT VIOLATION PROCEDURES FOR LEVYING FINES.

I. INTRODUCTION

- A. The Association is a Deed Restricted Community. The Association is governed by specific rules and regulations contained in the governing documents of the Association and statutory law. The Board of Directors continues to practice strict enforcement of the Association's governing documents, rules and regulations. Living in a Deed Restricted Community is the choice homeowners make before buying a home. By purchasing a home in a Deed Restricted Community, homeowners are "contractually" agreeing to comply with the Association's governing documents.
- B. To maintain and enhance our community, it is critically important that all residents comply with the guidelines defined in our governing documents. The Board of Directors ask that each resident please review and become familiar with the copy of the covenants and restrictions that were provided to all homeowners at closing. If you do not have a copy, please go to the Association's webpage to review and/or print a copy of the Association's governing documents, rules and regulations, and other documents that may assist and guide you. **Watersideatthelakes.com**
- C. In compliance with 720.305(2)(b) Florida Statutes, a fine or suspension may not be imposed by the Board of Directors without a 14-day notice to the person sought to be fined or suspended.
- D. In accordance with Chapter 720, Florida Statutes, and the Governing Documents of the Association, the Management Agent of the Association as the designated agent acting on behalf of the Board of Directors, shall have the authority to issue the notices to owners and/or occupants of any fines and/or suspensions as allowed for pursuant to the Governing Documents and/or applicable statutory law.
- E. In addition, the Management Agent shall also be designated as the agent for the Board of Directors to attend the hearings to be held for determination of the fines and/or suspension before the Bylaws Enforcement Committee (BEC) created pursuant to Section 720.305, Florida Statutes.
- F. The Management Agent shall inform the Association's Board of Directors of any violation before enforcement action is taken. In addition, the Board of Directors should be consulted before acting if the Management Agent is uncertain whether a condition constitutes a violation.

- G. Failure to enforce any provision of the governing documents, including rules and regulations, shall not constitute a waiver of the enforcement thereafter.

II. HOW FINES ARE ASSESSED AND APPEAL PROCESS

A. Section 720.305(2) Florida Statutes, states: *“The association may levy reasonable fines. A fine may not exceed \$100 per violation against any member or any member’s tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel.”* Fines accumulating to \$1,000 or more are referred to the Association’s attorney for collection.

- A. Homeowners who are identified with a violation as defined in Section I above may be sent a courtesy letter informing them of the particular violation(s) and timeframe for corrective action.
- B. After the courtesy letter is sent and the corrective action is not taken in the timeframe specified in the courtesy letter, the Association may take punitive action by assessing a fine(s) for failure to comply.
- C. Only one courtesy letter will be sent for owner to take corrective action and/or coordinate correction action plan with the Management Agent. Afterwards if a violation is not corrected another letter entitled “INTENT TO FINE” will be sent to the homeowner and the matter will be referred to the BEC for their review and appropriate action.
- D. The homeowner shall be given at least 14 days notification that the issue will go before the BEC if the violation is not corrected. The 14-day notification requirement provides the opportunity for the owner to appeal the violation, either in writing or in person, when the BEC reviews the matter.
- E. The day prior to the BEC hearing the matter, the HOA Management Agent does a physical review of each property scheduled for a BEC hearing, and photographs of the current condition are taken so that the current physical condition is available for BEC review.
- F. All open violations at that point are presented and reviewed by the BEC, and any owner appeals are heard, and then the BEC makes a “Yes” or “No” determination as to whether a fine should be levied.

- G. Results of the BEC actions are delivered to the Board of Directors at a properly noticed Board of Directors meeting. Each violation must be listed on the agenda, and the Board of Directors must determine the fine amount up to \$100.00 a day. A majority vote of the Board of Directors must be obtained, and the meeting minutes must reflect this vote. A letter is then generated to all parties involved notifying them if a fine has been assessed or not.