

**HIDDEN LAKE HOMEOWNER'S
ASSOCIATION
VIOLATION
RESOLUTION
PROCEDURE**

1.0 PURPOSE OF THIS DOCUMENT

1.1 The purpose of this document is to provide a detailed procedure for evaluation of violations to the Hidden Lake Homeowner's Association documents and to assign an appropriate fine to homeowners violating the Association's Deed Restrictions and By-Laws recorded in the office of Clerk of Pinellas County, Florida (hereinafter "Governing Documents"). The Board of Directors shall have discretion to deviate from these procedures, when necessary or appropriate, but not the discretion to deviate from Florida Law governing the imposition of fines. Any inadvertent failure to comply with these procedures, which is not also a failure to comply with Florida Law governing the imposition of fines shall not invalidate the fine.

2.0 GOVERNING DOCUMENTS

2.1 The Governing Documents of the Hidden Lake Homeowner's Association are the latest version of Deed Restrictions and By-Laws recorded in the office of Clerk of Pinellas County, Florida.

3.0 LEVYING OF FINES

3.1 The Violation Resolution Committee is responsible for recommending appropriate fines for violation of the Governing Documents to the Board of Directors. In each case the fine shall be in accordance with the requirements established in Florida Statutes Section 720.305. The Board of Directors shall consider the recommendation of the Violation Resolution Committee and may adopt its recommendation or impose a lesser fine, in compliance with Section 720.305 of the Florida Statutes.

4.0 VIOLATION RESOLUTION COMMITTEE COMPOSITION

4.1 The Violation Resolution Committee shall consist 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. These requirements shall be consistent with those specified in Section 720.305(2)b of the Florida Statutes.

5.0 PROCEDURE FOR VIOLATION RESOLUTION

5.1 The Board of Directors shall forward any report of a suspected violation to the Violation Resolution Committee, for processing in accordance with Section 720.305 of the Florida Statutes.

5.2 The Violation Resolution Committee shall determine whether there is cause to believe that a violation of the Governing Documents has occurred based on the information presented in the report of a suspect violation. A majority vote of the Violation Resolution Committee shall be required to issue a finding of cause to believe that a violation of the Governing Documents has occurred.

- 5.3 Should the Violation Resolution Committee find that there is not cause to believe that a violation of the Governing Documents has occurred, the Committee shall report its findings to the Board of Directors with a recommendation that no further action be taken. The Board of Directors may advise the person reporting the alleged violation of the decision of the Violation Resolution Committee or it may terminate the matter with no further action taken.
- 5.4 Should the Violation Resolution Committee determine that there is cause to believe that a violation of the Governing Documents has occurred, it shall provide notice by regular mail to the person suspecting of violating the Governing Documents providing the recipient with a minimum of fourteen (14) days' notice requiring the recipient to remove or correct the violation and providing the recipient with an opportunity for a hearing before the Violation Resolution Committee.
- 5.5 If the persons suspected of violating the Governing Documents fails to timely remove or request the violation of the Governing Documents or fails to timely request a hearing before the Violation Resolution Committee, the Committee shall send a letter to the person suspected of violating the Governing Documents, identifying the failure to remove or correct the violation with a statement that if the violation is not resolved within a time appropriate with the nature of the violation, that a fine may be imposed.
- 5.6 If there is no response to the person identified in the notice described in Section 5.5 above and that person fails to remove or correct the violation, the Violation Resolution Committee, shall consider the matter and recommend a fine, if appropriate, consistent with Section 72.305 of the Florida Statutes. Upon receipt of the recommendation by the Committee, the Board of Directors shall either approve, as official corporate action, the recommended fine or adjust it lower.
- 5.7 The Board of Directors shall issue a letter to the person found to have violated the Governing Documents via certified mail, return receipt requested setting forth the fine, any additional time to remove or correct the violation, if appropriate. Additionally, the notice from the Board of Directors shall further indicate that the failure of the recipient to respond or failure to remove or correct the violation within the time specified in the notice may result in the matter being forwarded to Association counsel for legal action. In the event that legal action is taken against an owner, guest, tenant or invitee, that person may be held responsible for the additional costs and attorneys' fees incurred by the Association.
- 5.8 If the person identified in the certified letter described in Section 5.7 above, fails to respond to the Board of Directors, in a timely manner, the Board of Directors may forward the issue to Association counsel, with a request that if the violation is continuing or is likely to be repeated, that pre-suit mediation be initiated. If the violation has been corrected, but the fine remains unpaid, Association counsel, shall be instructed to use all lawful means to collect the unpaid fine, plus additional attorney's fees and costs incurred in the collection or in enforcement

process. The Association attorney shall provide the person who has been found to have violated the Governing Documents with a reasonable time to respond to the attorney's letter and an opportunity to resolve the fine by payment.

- 5.9 If the homeowner fails to timely respond to the letter from the attorney, the Board of Directors shall decide whether it wants to proceed with the filing of a suit, while incurring responsibility for legal costs related thereto. The decision of the Board of Directors shall be made after consultation with legal counsel.