

The Sanctuary at Oak Creek Homeowner's Association, Inc.

Enforcement Policy

WHEREAS, Florida Statute Chapter 720 and THE SANCTUARY AT OAK CREEK HOMEOWNER'S ASSOCIATION, INC. (the "Association") under the Declaration of Covenants, Condition, Restrictions, and Easements for The Sanctuary at Oak Creek (the "Declaration") allow for the Association to enforce utilizing fines, abatement, or pre-suit litigation;

WHEREAS, the Board interprets a single violation as a violation type that exists on any given day under the Declaration and its Rules and Regulations.

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board of Directors instructs its agents to follow the procedures described in this policy, and enforce any identified violations listed on the enclosed schedules upon discovery unless otherwise indicated by this Board of Directors;

BE IT FURTHER RESOLVED THAT the following shall be the Association's Fine Policy for Violations:

- 1) **FINES** – All violation types that shall be handled through the fining process will be outlined under Exhibit A of this Enforcement Policy, and follow these procedures:

- a. **General Rules:**

- i. Each violation shall remain in the Association's records for a period of twelve (12) months from the date of resolution, after which time such record shall be removed, unless otherwise specified herein. Notwithstanding the foregoing, any violation that has proceeded to the Fine Committee hearing stage or has been referred to the Association's legal counsel for collections or enforcement shall remain in the Owner's record until such collection or enforcement action is fully resolved. Furthermore, violations that are continuous in nature (including, without limitation, unapproved alterations, maintenance deficiencies, and rental violations) shall remain in the Owner's record until such violation has been fully resolved for a minimum of twelve (12) consecutive months, after which time such record shall remain for an additional twelve (12) months provided no recurrence of the same violation type occurs. In the event an Owner commits a violation of the same type or nature as a violation previously recorded within the preceding twelve (12) months, the Association shall proceed directly to the Fine Hearing Notice Stage without providing an additional Courtesy Notice to such Owner.
- ii. The Fine Committee shall convene regularly on a monthly basis, or as needed to address pending violations. All Fine Hearing Notices shall specify the date, time, and location of the hearing, including any virtual meeting link and login credentials if the hearing is to be conducted by means of remote communication. The Fine Committee shall consist of three (3) Owners serving as primary members, with a potential minimum of one (1) additional Owner(s) designated as alternate members who may serve in the absence of any primary member. No member of the Fine Committee shall be an officer, director, or employee of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee, in accordance with Florida Statutes.

- iii. **Summary of Stages:**

1. **Initial Stage ("Courtesy Notice")** – The Association shall mail a written notice of the violation to the Owner's designated address on file. Per the Declaration, notice shall be deemed delivered on the date

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it is deposited in the mailbox. The notice will indicate a fourteen (14) days cure period for the violation, and specify the provision in violation

2. **Fine Hearing Notice Stage ("Levying a Fine")** – If the violation remains uncured, the Association shall mail via certified mail a notice at least fourteen (14) days prior to the hearing, but not more than ninety (90) days from the violation date. This notice shall include the date, time, and location information for the hearing. Additionally, all notices at the fine hearing stage must cite the provision being violated in the governing documents. The fine hearing notice shall indicate fines are a \$100 a day, and capped at \$1,000 per violation.
 3. **Fine Hearing Stage ("Hearing Takes Place")** – The Fine Committee shall convene at the noticed time. The Owner may present evidence of compliance or dispute the violation, and the Association may present supporting evidence. The Fine Committee shall determine whether the violation exists and provides its written findings to the Association Manager immediately thereafter.
 4. **Fine Imposition Stage ("Informing the Owner of the Results")** – If the Committee confirms the violation, the Association shall mail via certified mail written notice of the determination to the Owner within seven (7) days after the hearing. This notice shall specify the fine amount, provide thirty (30) days for payment, and instruct the Owner on how to cure the violation within thirty (30) days to avoid additional enforcement actions.
- iv. If after completion of all stages, the fine remains unpaid, the Association may pursue collection actions against the Owner. Additionally, if the violation remains uncured, the Association may, at its discretion, engage legal counsel to commence appropriate legal proceedings against the Owner as provided in the Declaration.
 - v. More detailed information regarding each enforcement stage is set forth below.
- b. **Initial Stage** - The Board of Directors shall instruct its authorized representatives, including but not limited to the Association Manager, to provide notice of any violations of the Governing Documents by sending one (1) Courtesy Notice to any Owner in violation, pursuant to the following procedures:
 - i. Patrol and Document Violation with appropriate evidence.
 - ii. Send a courtesy notice containing a Cure Window according to the Cure Schedule indicated in Exhibit A of this policy to the owner. The courtesy notice must inform the owner that they must Cure the violation within the Cure Window, or they will face a levying of a fine. This notice shall include basic information that can inform the owner what is needed to cure the violation, including the specific provision being violated in the governing documents.
 - iii. Patrol and Document Violation with appropriate evidence.

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- c. **Fine Hearing Notice Stage** - If the Owner fails to cure the violation within the Courtesy Notice cure window, the Board shall approve violations to be heard by the Fine Committee and then the Association shall send written notice to the Owner via mail to the Owner's designated address (or via Electronic Transmission if the Owner has consented to receive notices electronically). This notice shall be sent by certified mail, and provide at least fourteen (14) days prior to the hearing and shall include:
 - i. **Required Notice Contents:**
 - 1. Identification of the specific violation and the provisions of the Governing Documents being violated
 - 2. Statement of the Owner's right to a hearing
 - 3. The amount of the proposed fine
 - 4. The date, time, and location of the scheduled hearing
 - a. The hearing must be conducted within ninety (90) days of the notice issuance
 - b. For virtual hearings, complete access information must be included
 - 5. The name of the Association
 - 6. The address of the property in violation
 - 7. Clear instructions on how to cure the violation and the requirement of the owner to inform the manager of the correction prior to the start of the fine hearing
 - 8. Additionally, all notices at the fine hearing stage must cite the provision being violated in the governing documents.
 - 9. Delivery via mail to the Owner's designated address (or via consented Electronic Transmission) at least fourteen (14) days prior to the hearing
 - 10. Should be sent via certified mail
 - 11. The fine hearing notice shall indicate fines are a \$100 a day, and capped at \$1,000 per violation.
- d. **Fine Hearing Stage** – The Fine Committee shall consist of at least three (3) Owners who are not officers, directors, or employees of the Association, nor related to such persons. The hearing shall proceed as follows:
 - i. The Owner shall be provided at least five (5) minutes, or such time as the Fine Committee deems appropriate, to present evidence of compliance or to dispute the alleged violation.

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1. **Tip:** Owners are encouraged to provide substantive evidence such as photographs, timestamped documentation, receipts, or other written documentation rather than relying solely on verbal testimony.
- ii. Following the Owner's presentation, the Association shall present its evidence of the violation.
 1. **Tip:** The Association should prepare a comprehensive evidence packet for the Committee's review containing all relevant documentation.
- iii. Upon conclusion of the presentations, the Fine Committee may deliberate in private and shall vote to either confirm or reject the proposed fine. The Fine Committee shall document its findings in writing, which shall constitute the minutes of the meeting.
 1. The Fine Committee shall limit its deliberations to determining whether compliance with the existing provisions of the Governing Documents has been achieved, and shall not entertain discussions about the merits or fairness of such provisions.
 2. The Fine Committee's authority is limited to determining whether a violation exists. The Fine Committee shall not have authority to modify the amount of the fine, waive the fine, grant extensions, approve payment plans, or reduce amounts owed.
- iv. If the violation has been cured by the time of the hearing, no fine may be imposed and the matter shall be considered resolved.
- v. **TO CLARIFY: Fines will be imposed at the rate of \$100 per day, up to the applicable aggregate cap shown in Schedule A, for each day the violation exists from the date the Fine Hearing Notice is mailed through the date of the hearing, provided the violation has not been cured by the time of the hearing.**
- e. **Fine Imposition Stage** - Within seven (7) days following the hearing, the Association shall provide written notice via certified mail of the Fine Committee's determination to the Owner by mail to the Owner's designated address (or via consented Electronic Transmission). This notice shall:
 - i. Contain the Required Imposition Notice Contents as follows:
 1. State the Fine Committee's findings
 2. Specify the amount of the fine imposed, which shall be due within thirty (30) days of the notice
 3. Clearly identify the violation type, applicable Governing Document provisions, and steps required to cure the violation
 4. Include the property address
 5. Reference the date, time, and location of the hearing that occurred

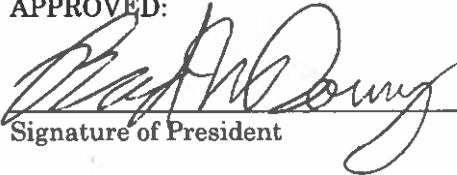
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- 2) **IMPOSED FINE SETTLEMENT:** After a fine is imposed by the Fine Committee, the Board may review any violation and determine whether settlement or waiver of a fine is appropriate. What may be utilized in determining a settlement, includes but is not limited to an owner agreeing to cure a violation after the hearing in a timely manner prior to any fine payment deadlines and/or agreeing to terms that include not committing violations going forward. The Board may consider preparing a settlement schedule to consistently apply settlements, and preparation of a settlement form for the owner's execution.
- 3) **LITIGATION ENFORCEMENT:** Violations subject to pre-suit litigation and litigation measures are identified in Exhibit B to this Enforcement Policy. All litigation proceedings shall comply with Chapter 720, Florida Statutes, and the Declaration. This includes the Association submitting a 20 day Pre-Suit Mediation Demand to the owner prior to filing litigation.
- 4) **ABATEMENT ENFORCEMENT:** Violations described in Exhibit C are subject to abatement shall be handled in accordance with the Declaration, which grants the Association the right to cure violations at the Owner's expense. For all abatement matters the following shall apply:
 - a. The Association shall document the violation and determine if abatement is appropriate pursuant to the Declaration, and shall provide notice in accordance with the Declaration, including how to cure the violation specifying the violation, and a reasonable timeframe for the Owner to cure, not to be less than seven (7) days.
 - b. If the violation remains uncured after the specified timeframe then the Association may, at its discretion, remedy the violation and all costs, including but not limited to attorneys' fees, shall be charged to the Owner as an Individual or Specific Assessment.
 - c. After abatement a notice informing the owner that the Board plans to levy a Specific Assessment to recover the cost of abatement at an upcoming Board meeting in which assessments related to abatements shall be listed on the agenda generally (no names or identifying information shall be in the agenda that is posted).
 - d. Upon a Specific Assessment being levied by the Board for an abatement, a final notice shall be sent to the owner informing them where and that they have thirty (30) days to pay their Specific Assessment.
 - e. For all abatements on an Owner Lot the Association shall instruct its vendor to attempt to knock on the door of the Owner to inform them of the work about to begin, and unless the owner objects, work shall proceed. If an owner objects to abatement on their property, the Association may instead utilize a Court action to address the matter, at the owner's expense.
 - f. Vendors shall take before and after time stamped pictures, and provide those pictures and an itemized invoice of work performed on the property to prove the work done. All invoices shall specify the address of the property worked upon.
 - g. All other procedures described in the Association's signed Abatement Resolution shall also be complied with; however, the schedule shall be followed as to when to utilize abatement authority.
- 5) **RECURRING VIOLATIONS** – If an Owner cures a violation but the same type of violation recurs within twelve (12) months thereafter, the Board of Directors authorizes its President, in his or her discretion, pursue alternative enforcement measures as authorized under the Declaration without providing additional courtesy notices.

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- 6) **SEVERE VIOLATIONS** – For violations of such severity that standard enforcement procedures may be inadequate, the Board of Directors may, in its discretion, authorize alternative enforcement measures, including but not limited to immediate legal action, as permitted by the Declaration and Florida law.
- 7) **ENFORCEMENT REVIEW** – The Association authorizes its President, or such other Board member designated in writing, to conduct periodic reviews with legal counsel to evaluate violation logs, enforcement effectiveness, and associated policies. These reviews may occur quarterly or as deemed necessary. The President may instruct legal counsel regarding enforcement matters as needed. Any significant policy modifications resulting from these reviews shall be presented to the Board for consideration and approval at a duly noticed Board meeting.
- 8) **CUMULATIVE REMEDIES** – The enforcement remedies established in this Policy are cumulative and non-exclusive. Notwithstanding anything herein to the contrary and as provided in the Declaration, the Association may pursue as many claims and remedies simultaneously without waiving its right to pursue any or all other remedies. The Association may, at its discretion, utilize any single enforcement remedy or multiple enforcement remedies concurrently, including fines, suspension of rights, abatement, litigation, individual assessments, or any other enforcement mechanism authorized by the Declaration or Florida law. The pursuit of one remedy shall not constitute a waiver or election of remedies with respect to any other available enforcement action.

APPROVED:


Signature of President


Date

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EXHIBIT "A"

The Sanctuary at Oak Creek Homeowner's Association, Inc. Covenant Violation Fining and Cure Schedule

<u>Violation Types:</u>	<u>Daily Fine Cap:</u>	<u>Aggregate Fine Cap:</u>	<u>Reasonable Courtesy Notice Cure Window:</u>
Pet Waste or Off Leash	\$100	\$1,000	Within 14 days
Other Pet Violations	\$100	\$1,000	Within 14 days
Trashcan in View (Outside of 24 hours Before or After Pick-Up)	\$100	\$1,000	Within 14 days
Holiday Decorations Left Out	\$100	\$1,000	Within 14 days
Sports Equipment Violations	\$100	\$1,000	Within 14 days
Other Exterior Maintenance	\$100	\$1,000	Within 14 days
Roof Cleaning & Maintenance	\$100	\$1,000	Within 14 days
Pressure Washing Driveway	\$100	\$1,000	Within 14 days
Unapproved Alterations	\$100	\$1,000	Within 14 days
Nuisance/Commercial Activity that is considered prohibited	\$100	\$1,000	Within 14 days
Rental Violations	\$100	\$1,000	Within 14 days
Lawn Violations	\$100	\$1,000	Within 14 days
Landscaping Violations	\$100	\$1,000	Within 14 days
Tree Trimming Violations	\$100	\$1,000	Within 14 days
Prohibited Sign Violations	\$100	\$1,000	Within 14 days
Other Violations of any Rules or Covenants of the Association that are not addressed in the Abatement Schedule	\$100	\$1,000	Within 14 days

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EXHIBIT "B"

The Sanctuary at Oak Creek Homeowner's Association, Inc. Litigation Schedule

Violation Types:

- Rental Violations Not Resolved by Fines
- Nuisance & Commercial Activity Violations Not Resolved by Fines
- Any Violation Deemed Severe by the Board and Required Immediate Legal Action
- Continuing Violations of Any Type Not Resolved at the Fine Stage and any Violation in which Abatement Attempts Were Prevented (if applicable)

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EXHIBIT "C"

The Sanctuary at Oak Creek Homeowner's Association, Inc. Abatement Schedule

(Unless otherwise stated below, 10 Days Notice will be mailed prior to any Association abatement action to cure of the violation)

Violation Types:

- Any Violation that is not resolved through a completed fine process and can be abated.
- Damage to Common Area Caused by an Owner