

Windsor Park at the Eagles Homeowners Association, Inc.

Fining Procedure

By motion Abbie Patterson. Seconded by Don Mihokovich to adopt the following Fining Procedure. Motion carried unopposed.

Policy: Fining & Enforcement Process Rule

Fining Procedure

1. The Board of Directors shall appoint a Fining Committee of at least three 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;
2. The Board of Directors, Committee Members, or the assigned Property Manager shall be charged with determining whether there is probable cause to assert that a Lot owner, or other person, is violating or has violated, any of the provisions of the Declaration of Covenants, the Articles of Incorporation, the By-Laws, Architectural Guidelines Review Manual or the Rules and Regulations of the Association, regarding the use of Lots, or Common Areas;
3. A "warning" or first letter to the owner responsible for a violation is sent detailing exactly what violation occurred, how much a fine may cost per day, document reference where the restriction or rule is to be found and a time frame to cure the violation;
4. After a "warning" or first letter is issued and compliance is not established the Board of Directors or the assigned Property Manager shall determine in accordance with the issue which of the following options shall follow the issued warning: fining process; 10-day letter to correct the violation at the Owner's expense; or whether the matter should be turned over to the Association's attorney to resolve;
5. For the fining process the Board of Directors approves in accordance with Florida Statutes a fine at a duly-noticed meeting and minutes must document process;
6. A written appeal notice shall be mailed to the person responsible for the violation, to provide an opportunity to appeal the fine approved by the Board. The notice shall be mailed at least fourteen (14) days prior to the hearing, and shall state the date, time and place of the hearing. If the unit owner cannot attend at that time and notifies the association, it should make reasonable accommodations for the owner to be heard. The letter shall also include confirmation of the fine, the amount and the authority of the Board to fine;
7. Hearings are held bi-monthly, at the Management Office between 5:30pm and 6:00pm on a first-come first-serve basis;
8. Owners are provided a single opportunity for a hearing. If the person responsible for the violation is to be represented by counsel, the owner must confirm attendance within 10 days of the scheduled hearing;
9. If the owner does request a hearing, the fining committee should allow the owner to state their objection. The fining committee will then vote to confirm or reject the fine. In the event an owner does not request a hearing, the fining committee will merely affirm the fine;
10. A final letter shall be sent to the owner detailing and confirming the status of the fine and if imposed the restriction or rule that was violated and the deadline to pay (the fine may not be due sooner than five days after being imposed).
11. Fines in homeowner associations are capped at \$100 per day, per violation and the total fines for a continuing violation may not exceed \$1,000. Fines of \$1,000 or greater

may be secured by a lien on the owner's property. Homeowner associations may also suspend use of common elements and voting rights if a fine is unpaid for more than 90 days. A small claims court lawsuit may also be filed to obtain delinquent fines.

Mark Van Volkinburg

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Diane Van Volkinburg

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