

**WINDSOR PARK AT THE EAGLES HOMEOWNERS ASSOCIATION, INC.'S
RESOLUTION ADOPTING IMPLEMENTATION OF FINING PROCEDURES**

WHEREAS, the Windsor Park At The Eagles Homeowners Association, Inc.'s (the "Association") Governing Documents authorize the Association to adopt reasonable resolutions from time to time that are consistent with the rights and duties established by the Declaration of Covenants, Conditions and Restrictions for Windsor Park At The Eagles, originally recorded in Official Records Book 7527 at Page 596, et. seq., of the Public Records of Hillsborough County, Florida (hereinafter collectively referred to as the "Declaration"); and

WHEREAS, Article V, Section 5 of the Declaration provides the Association with authority to exercise any right or privilege given to it expressly by the Declaration, its Articles, Bylaws, or by law necessary to effectuate the exercise of any right or privileges granted therein; and

WHEREAS, the Windsor Park At The Eagles community was developed with the intent that its members abide by its Governing Documents, referenced herein; and

WHEREAS, Section 720.305, *Florida Statutes*, states, in part, that: "The association may levy reasonable fines of up to \$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. A fine may be levied 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. In any action to recover a fine, the prevailing party is entitled to reasonable attorney's fees and costs from the nonprevailing party as determined by the court."

NOW, THEREFORE, BE IT:

RESOLVED, that the Board of Directors adopt the following Fining Procedures which conform with Section 720.305, *Florida Statutes*, as amended from time to time:

FINING PROCEDURES

(A) The Board of Directors (hereinafter "Board") shall appoint a Covenants, Conditions and Restrictions Enforcement Committee (hereinafter "Committee") which shall be charged with determining whether there is probable cause to assert that a unit owner, or other persons, is violating, or has violated, any of the provisions of the Declaration of Covenants, Conditions and Restrictions, the Articles of Incorporation, the By-Laws, or the rules and regulations of the Association, regarding the use of units, Common Elements, or Association property. In the event that the Committee determines that such probable cause exists, it shall report same to the Board of Directors. A fine or suspension may not be imposed without at least 14 days' notice to the person sought to be fined or suspended and an opportunity for a hearing before the Committee composed of at least three 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 Board or its agent shall thereupon provide written notice to the person alleged to be in violation, and the owner of the unit which that person occupies, or of which that person is a guest, if that person is not the owner, of the specific nature of the alleged violation, including a statement setting forth the provisions of the documents allegedly violated and a short and plain statement of the matters asserted by the Association, and advising of an opportunity for a hearing before the Committee upon a written request delivered to a Committee member or designated agent within fourteen (14) days of the date of the notice of the violation or violations. The Committee notice shall state the date, time and place of the hearing to be held if the hearing is requested. The Committee notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which the violation continues shall be deemed a separate offense, subject to a separate fine, not to exceed One Hundred (\$100.00) Dollars for each offense provided the total amount of fines shall not exceed one thousand dollars (\$1,000.00) exclusive of interest, costs and attorney's fees. The amount of any fine shall be determined by the Committee in accordance with the maximum limits set forth herein. The Committee may consider the severity of a particular violation in determining the amount of a fine. The notice shall further specify, and it is hereby provided for an alternative procedure available only for first time violations and not for recurring violations, that in lieu of requesting a hearing, the alleged violator or unit owner may respond in writing to the notice, within fourteen (14) days of its date, acknowledging that the violation or violations occurred as alleged and promising that the violation or violations will henceforth cease and will not recur. Such acknowledgment and promise, and performance in accordance therewith shall terminate further enforcement activity by the Association with regard to the violation and no fines shall be levied. As used in this subsection, a "recurring violation" is more than one violation of the same provision or provisions of the documents.

(B) If a hearing is timely requested, the Committee shall hold the same on the date and time and at the place set forth in the notice, and shall hear and receive the response of the violator, and unit owner if other than the violator, including written and oral argument on all issues involved and shall hear any witnesses that the alleged violator, the unit owner, or the Board, or its agents, may produce. Any party at the hearing may be represented by counsel.

(C) Subsequent to the hearing, or if no hearing is timely requested and if no acknowledgment and promise are timely and properly made, the Committee shall determine whether there is sufficient evidence of a violation or violations as provided herein. If the Committee determines that there is sufficient evidence to support a finding that a violation or violations occurred, it shall send a written notification to the violator, and the unit owner if other than the violator, announcing its finding that a violation or violations occurred. Such notice shall be sent to the violator, and unit owner if other than the violator, confirming the decision of the Committee. No further notice or hearing shall be necessary to enable the Committee to levy fines for an uncorrected violation, or violations, or for recurring violations substantially similar to violations for which a hearing opportunity was previously provided.

(D) A fine pursuant to this section shall be assessed against the lot or unit which the violator occupied or was visiting at the time of the violation, whether or not the violator is an owner of that lot or unit, and shall be promptly paid to the Association by the owners of that lot or unit.

(E) Nothing herein shall be construed as a prohibition of or a limitation on the right of the Board of Directors to pursue other means to enforce the provisions of the various Association

documents including but not limited to legal action for damages or injunctive relief. In the event such other means are pursued, the Association shall not be required to comply with the procedures and provisions of this Resolution.

IN WITNESS WHEREOF, the Board of Directors of Windsor Park At The Eagles Homeowners Association, Inc. has adopted the foregoing resolutions upon motion made by PETER FUJIMOTO and seconded by AILIE CHUNG and passing with a vote of 7 in favor and 0 opposed, on this 16TH day of NOVEMBER, 2011, at a duly called and properly noticed meeting of the Board of Directors at which a quorum was present.

WITNESSES:

[Signature]
Signature of Witness #1

PIERRE FUJIMOTO
Printed Name of Witness #1

[Signature]
Signature of Witness #2

CHRISTOPHER M. WARD
Printed Name of Witness #2

WINDSOR PARK AT THE EAGLES HOMEOWNERS ASSOCIATION, INC.

By: *[Signature]*, President

Attest: *[Signature]*, Secretary

STATE OF FLORIDA)
COUNTY OF Pinellas)

BEFORE ME, the undersigned authority, personally appeared Diane Van Volkinburg and Arleen Andrews, to me known to be the President and Secretary, respectively, of **WINDSOR PARK AT THE EAGLES HOMEOWNERS ASSOCIATION, INC.** and they jointly and severally acknowledged before me that they freely and voluntarily executed the same as such officers, under authority vested in them by said corporation. They are personally known to me or have produced _____ and _____ as identification. If no type of identification is indicated, the above named persons are personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid, this 16 day of November, 2011.

SUSAN SORRELLS
Notary Public, State of Florida
My Comm. Expires April 12, 2013
No. DD859808

[Signature]
Notary Public, State of Florida at Large

Printed Name: Susan Sorrells

My commission expires: