

TRIPLE CREEK HOMEOWNERS ASSOCIATION, INC.

A RESOLUTION OF THE BOARD OF DIRECTORS FOR THE ENFORCEMENT OF RESTRICTIONS AND IMPOSITION OF FINES

Whereas the Articles of Incorporation for Triple Creek Homeowners Association, Inc. ("Association") and the Declaration of Covenants, Conditions, and Restrictions ("Declaration") provide that the Association is the entity responsible for the oversight and operation of the Triple Creek Community, and for enforcement of the covenants, regulations and restrictions governing the Community; and

Whereas Section 720.305 of the Florida Statutes permits the imposition of fines and suspension of use rights for violations of the Declaration, Bylaws, and Rules and Regulations established and adopted by the Association from time to time (herein after "Governing Documents"); and

Whereas the Board of Directors ("the Board") wishes to adopt a policy regarding the procedures to be followed with regard to the imposition of fines and suspension of use rights; and

NOW, THEREFORE, the Board hereby resolves as follows:

1. Pursuant to Section 720.305(2) of the Florida Statutes, the Association by this action formally memorializes its decision to impose reasonable fines and/or use suspensions against a lot owner or tenant for violations of the Governing Documents, in accordance with the requirements and procedures set forth in the Homeowners Association Act as amended from time to time. No fine may exceed \$100.00 per violation. However, a fine may be levied for each day of a continuing violation and/or for each re-occurrence, with a single notice and opportunity for hearing. Any fine equaling or exceeding \$1000.00 for any single, continuing or re-occurring violation shall constitute a lien against the Lot and may be collected in the same manner as assessments. Such lien shall also secure any attorneys' fees incurred in connection with the collection of the fine including those incurred prior to the commencement of litigation and on appeal.
2. The Board or its appointed agent(s) are charged with determining whether there is probable cause that any of the provisions of the governing documents of the Association are being or have been violated, and shall be charged with determining the appropriate amount of the fine not to exceed the amounts stated in Paragraph 1.
3. In the event that a complaint is received by the Association, or a violation is otherwise determined to have occurred, the Association will send an initial notice of violation to the alleged violator(s) which will include the specific identification of the violation, the provision of the governing documents that has been violated, and a reasonable time period to cure the violation. Certain violations such as the disposal of trash or removal of objectionable items may require immediate cure upon receipt of the notice of violation, and repeat violations by the same alleged violator(s) will serve as the basis for imposition of a fine or suspension without further additional notice.
4. Should the alleged violator(s) fail to correct the violation(s) within the time permitted per the initial notice and/or if the violation(s) reoccurs after the cure period provided in the initial notice, the Association will notify the alleged violator(s) of the violation (with copy to the owner, if applicable), which notice shall include the following:
 - A. A short and plain statement of the violation(s) asserted by the Association;
 - B. A statement of the provisions of the governing documents which have been violated;

- C. A second opportunity for the violation(s) to be corrected within a reasonable time, but not less than fourteen (14) days absent an emergency situation or when the violation is such that immediate action is reasonable, warranted and appropriate;
- D. Notice of the Association's intent to impose a fine or suspension if the violations are not cured within the stated period, or if repeat violations are reported; and
- E. Notice that a hearing before an impartial committee will take place in accordance with Paragraph 6 herein no sooner than fourteen (14) days from the date of the notice.
- F. The hearing location or, if applicable, the access information if the hearing is held by telephone or other electronic means.

5. If the alleged violation is not cured within the stated cure period set forth in the notice described in Paragraph 4 or if the alleged violation re-occurs after the cure period, the Board of Directors shall appoint a Fining Review Committee a/k/a Compliance Committee ("Committee"), which shall consist entirely of at least three (3) owners other than officers, directors or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee, of the Association. The Committee may either confirm or reject the fine or suspension levied by the Board of Directors, by majority vote. The following hearing procedures apply:

- A. The hearing will be conducted as soon as reasonably possible, but in no event sooner than fourteen (14) days or later than ninety (90) days from the date of the second notice described in Paragraph 4.
- B. Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing shall be open to attendance by all unit owners. The Committee may hold the hearing by telephone or other electronic means. A parcel owner has the right to attend a hearing by telephone or other electronic means.
- C. In rendering a decision, official notice may be taken by the Committee at any time of any generally accepted matter within the governing documents or the workings of the Association.
- D. At the conclusion of the hearing, or within a reasonable period of time thereafter, the Committee shall render a decision on the matter and will prepare a written summary of the decision to the Board of Directors.

6. If the alleged violation is cured within the stated cure period or before the hearing, no fine or suspension shall be imposed.

7. Within seven (7) days after the hearing, the Committee shall provide written notice to the parcel owner and if applicable, any occupant, licensee, or invitee, stating the Committee's findings related to the violation(s) and indicate whether any fines or suspensions were approved or denied by the Committee. The notice shall indicate how the violator may cure the violation (if applicable), fulfill the suspension, or the date by which a fine must be paid. The date upon which the fine must be paid may not be less than thirty (30) days after delivery of the written notice. Any approved suspension will become effective immediately after notice is provided to the lot owner and, if applicable, to any occupant, licensee, or invitee of the lot owner.

8. If a violation is cured within fourteen (14) days of delivery of the written notice set forth in Paragraph 7, a fine or suspension may not be imposed.

9. To the extent permitted under Section 720.305, Florida Statutes, violator(s) will be responsible for interest, costs, and attorneys' fees incurred in the collection of any fine and/or incurred to enforce any suspension imposed pursuant to this Resolution.

10. For enforcement matters that are not subject to the limitations set forth in Section 720.305(2)(f)

and Section 720.305(2)(g), Florida Statutes, the Association reserves the right to recover attorneys' fees and costs incurred in connection therewith from the violator pursuant to Section 7.4 and Section 15.2 of the Declaration.

11. All notices required herein shall be provided to the owner and alleged violator (if applicable) by regular mail, or via email to those owners who have consented to receive official notices via electronic delivery, to the mailing or e-mail address designated in the Association's official records.

12. Nothing contained herein shall be deemed to require the Association to fine or suspend use rights in lieu of or as a condition precedent to any other legal recourse which may be available to the Association. The Board may, in its sole discretion, forego any and all of the enforcement mechanisms outlined herein in favor of escalating the matter to legal counsel.

13. This Resolution shall hereby supersede any and all previously adopted policies, procedures, and/or resolutions relating to the imposition of fines or suspension of use right by the Association.

IN WITNESS WHEREOF, the Board of Directors has adopted this resolution at a duly called, noticed and convened meeting held this 17 day of October, 2024, and shall become effective immediately.

TRIPLE CREEK HOMEOWNERS
ASSOCIATION, INC.

By: _____

(Signature)

Eric Lewandowski, President

(Printed Name and Title)