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HIGHLAND GLEN OWNERS ASSOCIATION, INC.

**RESOLUTION ESTABLISHING AN ENFORCEMENT COMMITTEE AND PROCESS FOR IMPOSITION OF
FINES, SUSPENSIONS, AND COLLECTION OF DELINQUENT ASSESSMENTS AND FINES**

THIS RESOLUTION is made this 24th day of September, 2024 by the Board of Directors of HIGHLAND GLEN OWNERS ASSOCIATION, INC., a Florida Corporation not-for-profit (“Association”).

WHEREAS, the Association is a residential homeowners association governed by Chapter 720 of the Florida Statutes (the “HOA Act”) and is an entity with the right to enforce compliance with the HOA Act, the Declaration of Covenants, Conditions, and Restrictions for Highland Glen (“Declaration”), the Association’s Articles of Incorporation (“Articles”), the By-Laws (“By-Laws”), and the rules and regulations adopted by the Board. The Declaration, Articles, Bylaws, and Rules and Regulations are referred to herein as the “Governing Documents;” and

WHEREAS, Section 720.305 of the Florida Statutes mandates that each owner, tenant, and invitee comply with HOA Act, the governing documents of the community, and the rules of the association and further provides that actions at law or equity may be brought against any of the foregoing parties for failing to comply; and

WHEREAS, Section 720.305 of the Florida Statutes also provides that the Association may levy fines against, and may suspend the right of any member, tenant, guest, or invitee (hereinafter, an “Alleged Violator”) to use the common areas, common facilities, or other association property, for failing to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association; and

WHEREAS, Section 720.305 of the Florida Statutes also provides that if a member is more than ninety (90) days delinquent in paying any fee, fine, or other monetary obligation due to the Association, the Association may suspend the rights of the member, or the member’s tenant, guest, or invitee, to use common areas and facilities until the fee, fine, or other monetary obligation is paid in full; and

WHEREAS, according to Article VIII, Section 8.2 of the Declaration, the Board of Directors, by majority vote, shall set the annual assessments at a level to meet the Association’s obligations. The Board of Directors may, in its sole discretion, change the due date or frequency of payments; and

WHEREAS, according to Article VIII, Section 8.6 of the Declaration, the Board of Directors shall have the power to adopt, amend, and publish Rules and Regulations governing the establishment of administrative fees including late fees, interest percentage rate, collection costs (including reasonable attorney’s fees) applicable to delinquent assessments; and

WHEREAS, according to Article XIII, Section 13.4 of the Declaration, the Board shall have the authority, in its sole discretion, to impose a fine or fines for violations of any covenant, restriction, rule, or regulation; and

WHEREAS, the Board of Directors adopted a Resolution Establishing a Compliance Committee and Process for imposing Fines and Suspensions on March 16, 2021, recorded in Official Records Book 19682, Page(s) 625 et seq., of the public records of Duval County, Florida. The Board of Directors now wishes to rescind that prior resolution and replace it with the policies set forth herein; and

WHEREAS, the Board of Directors of the Association has recognized that while some members, tenants, guests, and invitees occasionally and apparently without intent violate the covenants, restrictions, and rules and regulations of the Association and quickly remedy same, there are certain other members, tenants, guests, and invitees exhibiting a continued disregard of the covenants, restrictions, and rules and regulations of the Association; and

WHEREAS, the Board of Directors of the Association recognizes the substantial extra management time and effort needed, volunteer time and effort needed, and the additional costs incurred for site inspections, providing multiple notices to, and holding hearings for those that exhibit a continued disregard of the Governing Documents; and

WHEREAS, the Board of Directors has established a committee of at least three (3) members (hereinafter referred to as "Covenant Enforcement Committee") who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director or employee, which Covenant Enforcement Committee has the authority to confirm or reject a fine or suspension levied by the Board of Directors, or a properly authorized delegate of the Board of Directors ("Fining Authority"), it being understood that the Covenant Enforcement Committee has the authority to (1) confirm, approve and impose fines levied by the Board of Directors, or a properly authorized delegate of the Board of Directors, it being understood that the Covenant Enforcement Committee may also reduce a levied fine pursuant to Section 720.305 of the Florida Statutes and (2) disapprove fines levied by the Board of Directors; and

WHEREAS, the Board of Directors desires to establish a uniform fining and suspension policy and procedure for immediate implementation by the Association, through its Board of Directors, the Fining Authority, and the Enforcement Committee, as well as any authorized agent, such as any management company, Community Association Manager ("CAM"), or legal counsel; and

WHEREAS, the Board of Directors, at its discretion, may adopt further forms and procedures to assist the Board of Directors, Fining Authority, or Enforcement Committee so that a relatively uniform process may be followed.

NOW, IT IS RESOLVED that the Board of Directors, hereby evidences the passage of this Resolution to provide notice to all members, tenants, guests, and invitees of the following assessment and fining policy, as well as the procedure for collection of fines and delinquent assessments:

COLLECTION OF ASSESSMENTS AND FINES POLICY

ASSESSMENTS

- Failure to pay the assessments when due deprives the Association of funds needed for maintenance, upkeep, landscaping, and servicing the common areas.

- Payments required under the Highland Glen Owners Association governing documents are due quarterly on the first day of January, April, July, and October. There is a 10-day grace period after the original due date to allow Owners to make their assessment payments without penalty.

A. Collecting Delinquent Assessments

- Any assessments not paid within ten (10) days after the due date is cause for a Late Payment letter sent to the Owner addressing the delinquent payment and the extended due date, which is thirty (30) days after the initial due date, by which the delinquent amount must be paid.
- In addition to the Assessments not paid within the ten (10) day grace period a Late Fee not to exceed the greater of \$25.00 or five (5) percent of the amount due added to the delinquent account in addition to interest at a rate of eighteen (18) percent per annum of the delinquent amount.
- If the account remains delinquent thirty (30) days after the initial due date, a Notice of Late Assessment (NOLA) letter is sent to the Owner. There is a one-time administrative fee of \$60.00 charged for the purpose of maintaining the delinquent account. In addition to the delinquent amount due, a Late Fee not to exceed the greater of \$25.00 or five (5) percent of the amount of each installment that is paid past the due date shall be added to include interest at eighteen (18) percent annum of the delinquent amount. These additional costs shall continue until the final payment is received.
- Any “attorney’s fees” refer to the additional costs incurred in the collection process of a delinquent account.

Any payments received to cure a delinquent assessment shall be first applied to any interest accrued from the nonpayment of the assessment to date, then to any Administrative Late Fee(s), then to attorney fees or administrative costs incurred in the collection process, and then to the outstanding assessment amount on the account.

B. Remedies

1. Suspend access to the Amenity Center facility.

- The Board has the authority to suspend, for a reasonable period, the right of an Owner, tenant, guest, or invitee’s access to the Amenity Center facility for the failure of the Owner to comply with any provisions of the Declaration, By-Laws, or reasonable Rules of the Association.
- If an Owner is more than Ninety (90) days delinquent in paying any fee, fine, or other monetary obligation due the Association, the Association may suspend the rights of the Owner, or the Owner’s tenant, guest, or invitee, to use the common areas and facilities until the fee, fine, or other monetary obligation is paid in full.
- All suspensions imposed under this section must be approved at a properly noticed board meeting.

- The Association shall provide written notice of such suspension by mail or hand delivery to the Owner and, if applicable, to any tenant, guest, or invitee of the Owner.

2. Establish a Payment Plan.

- The purpose of a Payment Plan is to bring the delinquent Owner current in a reasonable amount of time.
- A Payment Plan is meant to protect the interests of the Association by preventing the need for costly legal and administrative action to collect delinquent funds.
- Have a clearly understood consequence for failure to pay as agreed.
- Payment plans are a matter of private agreement between the HOA and the Owner.
- The Owner must submit a written request to meet with the Board to discuss a payment plan for delinquent assessments.
- The meeting must occur within 30 days of the postmark of the request.
- For a payment plan to be successful, all parties must reach an agreement as to the total delinquent amount that is owed.
- The amount that the Owner must pay in monthly payments.
- The number of payments to be made under the plan.
- The Payment Plan shall be in writing and signed by all parties.

3. File a Lien against the property.

The Owner's failure to make payments as agreed in the Payment Plan is cause for a Notice of Intent to Lien letter to be sent to the Owner. The Association shall offer the Owner an opportunity to appear before the Board to discuss the delinquent account.

4. Foreclose on the property.

Should the Owner continue to default on the payments as agreed in the Payment Plan, a Notice of Late Assessment (NOLA) shall be sent to the Owner clarifying the new total balance due if any payments under the payment plan were made before the default. Thirty (30) days after the NOLA has been sent to the Owner, a Notice of Intent to Lien is sent requiring the Owner to pay the full amount of the balance due within forty-five (45) days. If the Owner fails to pay the full amount within the time specified, a Claim of Lien can be recorded against the property to secure the money due to the Association. The Association can then file for foreclosure against the property thirty (30) days after the lien is recorded.

5. Rental Properties

If the home is tenant occupied and the Owner is delinquent in paying any Assessments due to the Association, the Association may demand that the tenant pay to the Association the subsequent rental payments and continue to make such payments until all the Assessment obligations of the Owner have been paid in full to the Association and the Association releases the tenant from any further obligation to pay the delinquent funds, or until the tenant discontinues tenancy.

FINES

1. Inspections & Courtesy Notice(s).

- a. ***Inspections.*** The Association, through its CAM or other authorized agent, will conduct inspections of the Highland Glen community to identify violations at such frequencies as may be determined by the Board. Members may also report alleged violations to the management company or CAM.
- b. ***Violation Notice.*** The Association, through its CAM or other authorized agent, shall provide a notice of each violation to the Alleged Violator (“Violation Notice”). Depending on the nature of the violation, this notice will advise the Alleged Violator of the time provided for correction before a fine will be imposed.
- c. ***Subsequent Informal Warnings & Notices.*** The Association, through its CAM or other authorized agent, may, but is not obligated to, send additional warning or courtesy notices at its discretion. The CAM may request that the Alleged Violator agree to correct the violation and sign a document indicating such agreement.

2. **Designation of Fining Representative.** The Board may, at a duly noticed meeting, delegate its authority to fine for violations of the Governing Documents to an individual (“Fining Representative”). Said individual shall be considered the Fining Representative and shall have the ability to (1) levy fines on behalf of the Board of Directors and (2) direct that a hearing notice be provided as set forth in Paragraph 3 below.

3. **Levying of Fine; Hearing Notice.** If a violation is not resolved after the Violation Notice or other informal notices which may be required or permitted by this Resolution, the Board, or the Fining Representative, shall decide whether to levy a fine or suspension against the Alleged Violator and shall thereafter direct the CAM or other authorized agent to send a notice to the Alleged Violator to appear at a scheduled hearing before the Committee (“Hearing Notice”). A fine may be imposed in the amount of \$100.00 per day, per violation, not to exceed \$1,000.00 in the aggregate for any continuing, unabated violation. The Hearing Notice must be mailed or delivered to the Alleged Violator at least fourteen (14) days before the hearing scheduled before the Committee, and take place within 90 days after issuance of such notice, and shall contain:

- a. A general statement of the nature of the violation(s).

- b. The specific provision(s) of the Governing Documents alleged to have been violated; provided, however, that if there are multiple bases in the Governing Documents for the violation, only one is required to be specified for each alleged violation.
- c. That a fine or suspension, or both, has or have been levied against the Alleged Violator, subject to confirmation by the Committee.
- d. The date, time, and location of the hearing before the Committee (“Hearing”) at which the Committee will consider whether to confirm or reject the fine or suspension, or both, levied by the Board, and at which the Alleged Violator may be heard by the Committee. Alternatively, the hearing may be held via telephone or other electronic means, and information to access the hearing via telephone or other electronic means will be included in the notice.

The Hearing Notice shall be sent via U.S. Mail or hand delivery to the address furnished by the Alleged Violator to the Association for the purposes of receiving correspondence from the Association. If no such address has been furnished, notice shall be deemed to be properly sent once placed in the mail and addressed to any location where the Alleged Violator may reasonably receive the notice given the information reasonably available to the party sending the notice, such as the address of record for the Owner as identified in the Duval County Property Appraiser’s records; provided, however, that an Alleged Violator shall have no right to object to the adequacy of notice if that party fails to furnish an address to the Association. Alternatively, the Association may send the Hearing Notice by electronic transmission to Members who have consented in writing to receive notices from the Association via electronic transmission.

- 4. **Committee Hearing Procedures.** At the Hearing, the Alleged Violator may provide testimony or other evidence as to why the fine or suspension should not be confirmed. The Committee may ask questions of the Alleged Violator as part of the hearing process, and it may consider any evidence presented by an Alleged Violator the Committee deems reliable. Members of the Board of Directors, the CAM, and any other individual with information regarding the violation may appear at the Hearing to testify or offer other evidence. The Committee may limit the presentation of testimony and other evidence, which is overly duplicative, redundant, immaterial, irrelevant, or unreliable, and may otherwise limit the duration of the Hearing to a reasonable time while allowing a reasonable opportunity for the Alleged Violator to present evidence and testimony.
 - a. ***Notification of Representation.*** An Alleged Violator desiring to be represented by legal counsel at the Hearing (which must be retained independently by the Alleged Violator at his or her expense) must provide at least seventy-two (72) hours’ written notice to the Association in advance of the Hearing. The purpose of this provision is to afford the Association the opportunity to have legal counsel present on its behalf. Failure to timely provide notice to the Association will result in exclusion of the Alleged Violator’s legal counsel from the Hearing.

- b. **Committee Decision.** After the presentation of all evidence, the Committee shall confirm or reject the fine or suspension, or both, by majority vote of a quorum of the Committee. If desired, the Committee may briefly adjourn to deliberate in private and then reconvene to vote to confirm or reject the fine or suspension, or both, in the presence of those attending the Hearing. If the Committee does not confirm the fine or suspension, as applicable, the fine or suspension shall not be imposed.
5. **Notice of Committee Decision.** The Association, through its CAM or other authorized agent, shall send notice to the Alleged Violator as appropriate regarding the decision of the Committee ("Decision Notice") within seven (7) days of the Hearing; provided, however, that the failure to timely provide notice does not affect the validity of any fine or suspension imposed. The Decision Notice shall: (a) include a statement that a fine or suspension, or both, has or have been confirmed; (b) specify the amount of the fine; (c) specify the duration of the suspension; (d) state that the violation(s) must be immediately corrected and how to correct the violation(s); and (e) state that the fine shall be paid at least thirty (30) days after the delivery of the Decision Notice. If the Alleged Violator cures the Violation before the hearing before the Committee, or within 30 days after receiving the Notice of Committee decision, the fine or suspension will not be imposed.
6. **Continuing Violations.** A fine may be imposed for each day that a violation continues from and after the date the Association mails the Hearing Notice, even if the violation is corrected prior to the Hearing. However, the Committee may consider the actions taken by the Alleged Violator to correct the violation prior to the Hearing as part of determining whether to confirm or reject the fine or suspension.
7. **Repeated Violations.** An Alleged Violator with respect to a violation of a substantially similar nature to a prior violation which recurs within twelve (12) months of the prior violation (regardless of whether the prior violation was corrected) shall not be entitled to any courtesy notices. Instead, the Board or Fining Representative may proceed to levy a fine or suspension, or both, and direct the CAM or other agent to send a Hearing Notice to the Alleged Violator.
8. **Applicability of Fines and Suspensions.** A Member is jointly and severally liable to a violating tenant, guest, or invitee for any fines imposed as a result of a violation of the Governing Documents by any tenant, guest, or invitee. If the Alleged Violator fails to correct the violation or pay a fine, the CAM may refer the matter to the Board for consideration of further remedies, including without limitation referring the matter to legal counsel for resolution. In addition, all suspensions of the right to use common areas, common facilities, and Association property shall apply to the Association Member and his, her, or its tenants, guests, and invitees, even if the delinquency or violation that resulted in the suspension arose from less than all of the multiple parcels owned by a Member.
9. **Suspension for Delinquency.** In the event that any member shall be more than ninety (90) days delinquent with respect to any monetary obligation due to the Association, the Association may: (i) suspend the voting rights of such member, and/or (ii) suspend the rights of the member to use common areas and facilities until such monetary obligation is paid in full. All such suspensions must be approved at a properly noticed meeting of the Association's

Board of Directors. Upon the approval of any such suspension, the Association must notify the property owner by written notice delivered by first-class United States mail.

- 10. **Interpretation.** Any reference to days in this resolution shall refer to calendar days.
- 11. **Strict Compliance Not Mandatory.** Strict compliance with this Resolution is not a condition precedent to levying a fine or suspension, nor shall the failure to strictly comply with this Resolution constitute grounds to invalidate a fine or suspension.
- 12. **Non-Exclusive Remedy.** This Resolution is intended to establish an optional, non-exclusive method of enforcing violations. The Association may pursue fines or suspensions, or both, in accordance with this Resolution, but may choose at any time to engage in any other enforcement action provided by law or equity in lieu of, or in addition to, the remedies set forth herein.

IN WITNESS WHEREOF, the duly authorized officers of the undersigned Association have executed and attest to this Resolution this 24th day of September, 2024.

HIGHLAND GLEN OWNERS ASSOCIATION, INC.

By: *Richard Johnson*
 Print: Richard Johnson
 Position: President

By: *Ashley Nosbaum*
 Print: Ashley Nosbaum
 Position: Secretary

STATE OF FLORIDA
COUNTY OF DUVAL

I hereby acknowledge that on this 24th day of September, 2024 before me personally appeared the above signed, as President and Secretary of HIGHLAND GLEN OWNERS ASSOCIATION, INC., respectively, who are personally known to me or who have produced _____ as identification, and who acknowledged before me that they executed the foregoing instrument and that they did take an oath.

WITNESS my hand and official seal in the County and the State last aforesaid this 24th day of September, 2024.

Nancy E. McKenzie
 Notary Public, State of Florida
 At Large

