

I. Enforcement of Rules and Regulations/Violation Notices/Fines

A. Each Homeowner and the Homeowner's tenants, guests, and invitees (including vendors and contractors) must follow the Rules and Regulations, the Architectural Guidelines, and the Governing Documents of the Association.

B. It is the responsibility of the Homeowner(s) and/or their agent(s) to inform their tenants, guests, and invitees of these Rules and Regulations.

C. All violations reported by residents, must be reported to the Association, in writing. The association may delegate a managing agent to receive such reports from other owners. If the violation is a matter that can be visually seen, a picture must be included with violation

D. Violation notice and hearing:

1. After receiving notification in writing of a violation, the Association, or its designated managing agent, will send a First Notice of Violation to the Homeowner. A First Notice of Violation will be sent as a reminder of the Rules and Regulations and will provide information concerning the violation. A copy of the First Notice of Violation will be sent by USPS mail to The Meadows residence and the Homeowner's last known mailing address, if applicable. You will have 14 days from the date of the First Notice of Violation to comply. The First Notice of Violation may provide more time for you to you comply, but such time to comply will not be less than 14 days. If applicable, the First Notice of Violation may include a Statutory Offer to Participate in Pre-Suit Mediation, pursuant to *Florida Statutes* 720.311.

2. If the violation is not cured within the 14-day cure period provided in the First Notice, then the Board may notice a meeting at which it will vote to send a Second Notice of Violation/Hearing Notice, and may vote to impose a fine. The Second Notice of Violation/Hearing Notice will be sent by USPS certified mail to The Meadows residence and the Homeowner's last known mailing address, if applicable. The Second Notice of Violation/Hearing Notice will inform you of the amount of the fine to be levied after opportunity for a hearing. The Second Notice of Violation/Hearing Notice will provide a Hearing date, time and location at least fourteen (14) days from the date of the letter.

a. The board may pass the costs for certified mail to the Homeowners' account.

3. The BOD shall appoint a Special Review Committee ("SRC") from time to time. The SRC shall be composed of at least three (3) members of the Association. No SRC member shall be an officer, director, or employee of the Association or the spouse, parent, child, brother or sister of an officer, director, or employee of the Association.

4. At the Hearing, SRC will review the information related to the violation and the imposed fine and will either confirm or reject the fine. At the Hearing, you will be able to explain why you are in non-compliance and present evidence in your defense. The SRC must

follow the procedures as outlined in the Special Review Committee Procedures. Presence at the Hearing does not ensure rejection of the fine imposed.

5. After the Hearing, the Homeowner will be notified of the SRC's decision by certified mail, return receipt requested, within five (5) days.

6. When a visible violation is cured, a photo must be submitted to the Association showing compliance.

7. If a violation is cured, it will remain a notice for 12 months and then fall off. If the violation occurs again in 12 months from First Notice, the violation will be considered a continuing violation and fines may be incurred from the First Notice of Violation. Fines for repeat violations within any 12-month period shall be no less than:

First Violation - \$50.00/day

Second Violation - \$75.00/day

Third Violation - \$100.00/day

Notwithstanding the foregoing, fines for first and second violations may be levied up to \$100.00/day each.

E. Fines may be incurred due to non-compliance of these Rules and Regulations, the Architectural Guidelines, or the Governing Documents.

1. Fines may not exceed \$100 per violation, **per day**.

2. Fines may be levied against the Homeowner for each day of a continuing violation.

3. A fine cannot be imposed without notice and an opportunity for a hearing.

4. Homeowners incur fines, not tenants. However, fines may be imposed on any Homeowner for the behavior of any Homeowner's tenant, guest, or invitee.

5. Continued non-compliance may result in legal action by the Association, at the Homeowner's expense.

6. The maximum allowable fine shall not be more than \$1,000.00 for each violation.

7. A fine less than \$1,000.00 may not become a lien against a Homeowner.

8. If the violation is cured and the Homeowner later repeats the violation, the repeat violation may be treated as a new violation by the Association and any fines levied against the Homeowner for the repeat violations will be treated as separate fines for purposes of calculating the maximum allowable fine amount.

9. Pursuant to *Florida Statute* 720.305(4), the Association may suspend the voting rights of any Homeowner who is ninety (90) days or more delinquent in the payment of any fine.

F. The Association performs weekly inspections for exterior non-compliance. Homes non-compliant to these Rules and Regulations or the Architectural Guidelines will receive a violation notice with a picture. A copy of the violation will be sent by USPS mail to The Meadows residence and the Homeowner's last known mailing address, if applicable, as described in Section I.D. of these Rules and Regulations, above. Violations may be noted in the Minutes of the Board Meetings and added to Homeowner records.

G. After 10 days of written notice, any improvements or structures that have been added to any residential lot, without ARC approval, or if any conditions exist that are in violation of the Governing Documents, Architectural Guidelines, or these Rules and Regulations, the Association has the right, but is not obligated to, enter upon your residential lot to correct, or remove any items. This will be done at the sole expense of the Homeowner. Pursuant to the Declaration of Covenants, Article 10.5, Homeowners are responsible to pay on demand the actual costs of performing the enforcement plus 20% of the actual costs. The Association may, upon forty-five (45) days written notice to the Homeowner, record a Claim of Lien against the Lot and sue to foreclose on the Claim of Lien. The Association may also bring an action for damages and/or injunction against the Homeowner for the purposes of curing or correcting the violation.

H. The failure of the Association to enforce any rules, regulation, covenant, restriction, obligation, right, power, privilege, authority or reservation contained in these Rules and Regulations, the Architectural Guidelines, or the Governing Documents, however long continued, shall not be deemed a waiver of the right to enforce the same thereafter as a breach or violation.

SPECIAL REVIEW COMMITTEE PROCEDURES

To be read by the Committee Chair to open Hearing Proceedings:

1. This Hearing is authorized by Declaration of Covenants, Conditions, Restrictions and Easements for The Meadows at Saint Johns (the "Declaration") and Section 720.305, *Florida Statutes*, and may be attended only by Members of the Association and legal counsel.
2. The Homeowner has received required notifications under the Declaration and *FS* 720.305, but is not required to attend. The Homeowner has the right to be represented by counsel and to cross-examine witnesses.
3. The Association and the Homeowner may choose to present evidence to the Special Review Committee ("SRC") - The Association will present its evidence first.
4. The Association and the Homeowner may then choose to make a second presentation to the SRC - the Association will present first.
5. Adequate time will be allowed for both parties to present relevant information.
6. The SRC may question either party following their presentations.
7. The party having the floor will be allowed to speak without interruption.
8. The Chair of the SRC will maintain order as necessary, and may eject individuals who are disruptive.
9. After this current Hearing is gavelled closed, the Homeowner is free to be seated in the observer seating area if another case is presented.
10. Additional Hearing Cases, if any, will begin with a new reading of these procedures (unless waived by Homeowner).
11. After all cases are gavelled closed, all parties will leave the room except for the SRC, who will convene here to render and deliver its majority decision(s) in writing to the Association.
12. The Homeowner will be notified of the SRC's decision by certified mail, return receipt requested, within five (5) days.
13. This Hearing is open. Does the Association wish to present evidence?

SPECIAL REVIEW COMMITTEE DECISION FORM

Subject: Complaint against _____
(Homeowner Name/Address)

Regarding failure to (description of violation):

Remedy: If judgment is in favor of the Association, we order this violation to be remedied by the Homeowner in the manner and by the date indicated below, or attached to this document (Complete with Action to be taken/cure date/fine for failure to comply):

Voting Results (Indicate votes cast by SRC):

_____ Number of votes in favor of Homeowner
_____ Number of votes in favor of the Association

SRC Decision in favor of (X only one):

_____ Homeowner (Complaint Closed - Fine may not be levied by the Association)
_____ Association (Fine may be levied by the Association)

Signatures of SRC:

Chairperson: _____

Member: _____

Member: _____

Signatures of Board of Directors:

President: _____

Member: _____

Member: _____

CONCERN/COMPLAINT FORM

DATE: _____

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

PLEASE BE SPECIFIC ON THE AREAS OF YOUR COMMENTS

Concern: _____

Statement of Evidence Attached:

Board Action:

Date of Board Action: _____

Board (Initials/date): ____/____ ____/____ ____/____

WITNESS STATEMENT FORM

DATE: _____

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

Statement of Events Witnessed: _____

[illegible]

I hereby swear or affirm that foregoing is true to the best of my knowledge.

Witness Signature

Date _____

EVIDENCE AUTHENTICATION FORM

DATE: _____

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

Type of Evidence (Photographs, Videos, Etc.): _____

Date(s) Evidence Created: _____

Method of Creation of Evidence: _____

I hereby swear or affirm that I created the evidence described above and attached to this form and that the foregoing is true to the best of my knowledge.

Signature

Date