

Mount Olive Shores North II Homeowners' Association

Violation and Fine Procedure Policy

In accordance with Florida Statute Chapter 720.305(2) and the Master Declaration of Covenants, Conditions and Restrictions of the Mount Olive Shores North II (MOSN II) Homeowner's Association, the Board of Directors of the Association (the "Board") adopts the Violation and Fine Procedure Policy contained herein for the imposition of fines and other measures to compel members, members' tenants, guests, and invitees to comply with the governing documents and rules of Mount Olive Shores North II.

1. Responsibilities.

- a. The Community Association Manager (CAM) shall:
 - Conduct drive-thru inspections of the MOSN II community on a periodic basis to identify and document violations of the community's governing documents.
 - Utilize a management tool to track each violation through its complete life-cycle.
 - Prepare and deliver all correspondence involved with addressing the resolution of each violation.
- b. The Association Board of Directors shall:
 - Discuss, at a duly noticed meeting, unresolved violations brought to its attention by the CAM. If desired, the Board may vote to impose a fine on the responsible owner, tenant, guest or invitee.
- c. The Fining Committee shall:
 - Conduct meeting(s), as required, to allow violators to present information relative to their side of the issue.
 - Decide whether the fine as imposed by the Board should be enforced or not.

2. Violation Identification.

- a. Violations such as unauthorized open-trailer storage or unkept landscaping should be captured with a clear photograph of the violation taken by the CAM or by a complaining homeowner/resident for the association's records. If this is not possible, written confirmation that the violation exists should be obtained by either the CAM, a Board member or a resident.
- b. Violations such as loud music or dog barking should have a sound recording of the noise taken by the CAM or by a complaining homeowner/resident for the association's records. If this is not possible, written confirmation of the violation should be obtained by the CAM, a Board member or a resident.

3. Notification and Fining Process.

- a. Courtesy Notice. It shall generally be the policy of the Association to issue a Courtesy Notice to first time offenders for minor violations. The Courtesy Notice may be delivered via electronic or USPS mail and will explain the violation and request that it be corrected within a prescribed time frame or a plan for corrective action be submitted. A sample Courtesy Notice is attached hereto as Exhibit A.
- b. Violation Notification Letter. If a violation is not corrected within the time frame prescribed in the Courtesy Notice, a Violation Notification Letter will be sent notifying the member of the continued violation. The Violation Notification Letter shall be delivered via regular USPS mail and will explain the violation and request that it be corrected within a prescribed time frame or a plan for corrective action be submitted. If this letter does not result in the resolution of

the alleged violation to the satisfaction of the CAM, the violation case will be presented to the Board for their consideration in levying a fine in an amount not to exceed \$100 per violation or \$1000 in the aggregate for each day of a continuing violation. A sample Violation Notification Letter is attached hereto as Exhibit B.

- c. Fine Notification Letter. If the Board levies a fine, the member against whom the fine is levied shall be delivered a Fine Notification Letter providing the member with 14-days' notice that the association has voted to impose a fine and that the member can be heard before the association's Fining Committee. This notice must clearly state the date, time, and place of the hearing and the reason for the hearing. The notice of the hearing should also be posted in the same manner as other association meeting notices and be provided to the member via certified mail, return receipt requested, and regular first-class mail. A sample Fine Notification Letter is attached hereto as Exhibit C.

4. The Fining Committee.

The Board shall appoint at least three (3) Members of the Association to serve at the pleasure of the Board as members of the Fining Committee whose role is limited to determining whether to confirm or reject a fine levied by the Board. The Committee members may be removed or replaced on motion of the Board, documented in the minutes, without need for further resolution of the Board. The Committee shall among itself, elect a Chair and a Vice-Chair. The members of the Fining Committee may not be the following individuals: officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of any officer, director or employee. The Board shall have the power to fill vacancies in the Committee and, at any time, remove any member of the Committee with or without cause. The Board shall also have the power to dissolve such Committee.

5. Powers and Duties of the Fining Committee.

- a. Meeting. The Fining Committee shall meet, as required, at a time and place determined by the chairman of the committee which shall afford the Violator a reasonable opportunity to be heard. To conduct Committee business, a quorum of three (3) members must be present.
- b. Review of Fines and Violations. At each meeting of the Fining Committee, the Committee will review all fines levied by the Board through this process and approve or disapprove same. The Committee shall then notify the CAM of its decision(s) who will then send a notice to all Owners upon whom were advised of the hearing (including those who do not attend the hearing) regarding whether the fine was approved or disapproved by the Committee. The Notice of Decision should inform the Owners whose fines were approved by the Committee that they have five (5) days from the date of the Notice of Decision within which to pay any outstanding fines and to correct the violation. The Notice of Decision will further state that the Association will pursue its legal remedies, including bringing a lawsuit to collect the fine and compel the Owner to correct the violation. A sample Notice of Decision is attached hereto as Exhibit D.

Exhibit A
Courtesy Notice (Sample)

Mount Olive Shores North II Homeowners Association
c/o MOSAIC Services, LLC Community Association Manager
405 Nolane Lane
Polk City, FL 33868
(863) 874-4060 / (352) 617-7603
ctomlin@mosaicvc.com

[Date]

[Owner's Name and Address of Record]

[Tenant or Occupant's Name and/or Address]

COURTESY NOTICE

Dear _____,

Owning a home in Mount Olive Shores North II offers many advantages to the homeowner, but at the same time imposes some restrictions. These restrictions are not meant as an inconvenience or an invasion of freedom, but rather as a means of maintaining harmony, continuity and property values throughout the community. This notice is a friendly reminder that a concern was noted during our most recent drive-through of the community.

[SPECIFIC VIOLATION & RULE IS STATED]
[include picture of violation if available]

We understand that many times residents are simply unaware that a problem exists or the inspector may have observed a very temporary situation that will be taken care of shortly. Please remedy this situation within the next 7 days if you have not already done so.

If you feel that you have received this letter in error or are unable to comply with this request in the requested time frame, please contact me in writing. In order to properly document your response, please understand that verbal communication cannot be considered.

We sincerely appreciate your time and attention to this matter. Thank you in advance for your cooperation.

Sincerely,

Crystal Tomlin, LCAM
On Behalf of Mount Olive shores North Homeowners' Association

Exhibit B
Violation Notification Letter (Sample)

Mount Olive Shores North II Homeowners Association
c/o MOSAIC Services, LLC Community Association Manager
405 Nolane Lane
Polk City, FL 33868
(863) 874-4060 / (352) 617-7603
ctomlin@mosaicvc.com

[Date]

[Owner's Name and Address of Record]
[Tenant or Occupant's Name and/or Address]

VIOLATION NOTIFICATION

Dear _____,

Attached please find a copy of the Courtesy Notice whereby you were informed that a violation of the Mount Olive Shores North II Homeowners Association governing documents was observed. In this letter, we gave you 7 days to correct the violation, and, upon last inspection, the violation had not been corrected.

Please consider this an official notice of violation for which you are hereby required to correct within the next 7 days. If you feel that that you have received this letter in error or you are unable to comply with this request in the required time frame, please contact me in writing with any supporting documentation.

[SPECIFIC VIOLATION & RULE IS STATED]
[include picture of violation if available]

If this violation continues and is not corrected within the requested time frame, it will be presented to the Board of Directors for their review and possible imposition of a fine of up to \$100.00 per day as authorized by Florida statute (FS 720.305).

Sincerely,

Crystal Tomlin, LCAM
On Behalf of Mount Olive shores North Homeowners' Association

Attachment:
Courtesy Notice, dated. _____

Exhibit C
Fine Notification Letter (Sample)

Mount Olive Shores North II Homeowners Association
c/o MOSAIC Services, LLC Community Association Manager
405 Nolane Lane
Polk City, FL 33868
(863) 874-4060 / (352) 617-7603
ctomlin@mosaicvc.com

[Date]

[Owner's Name and Address of Record]
[Tenant or Occupant's Name and/or Address]

FINE NOTIFICATION

Dear _____,

You previously received correspondence referencing your covenant violation for the following:

[SPECIFIC VIOLATION & RULE IS STATED]
[include picture of violation if available]

Please be advised that in accordance with Florida Statue 720.305(2) and your governing documents, the Association's Board of Directors at their _____ meeting has voted to impose a fine upon you in the amount of _____ for non-compliance with governing documents.

Please be advised that the Fining Committee has been scheduled to hear your case at the below location, date and time:

Location: [where the hearing will be]

Date/Time: [when the hearing will be]

You may be represented by legal consul if you so choose. The Committee will receive evidence and hear argument on the violation in question and will either confirm or reject the fine imposed. If you dispute the violation and fine, you must attend this hearing or a default decision against you may be made in your absence.

A decision will be made at the hearing. Any fine that is imposed by the Committee must be paid within five (5) days to avoid further legal action.

Sincerely,

Crystal Tomlin, LCAM
Mosaic Services LLC
(863) 874-4060
ctomlin@mosaicvc.com

Attachments:

Courtesy Notice, dated. _____

Violation Notification, dated _____

Exhibit D
Notice of Decision (Sample)

Mount Olive Shores North II Homeowners Association
c/o MOSAIC Services, LLC Community Association Manager
405 Nolane Lane
Polk City, FL 33868
(863) 874-4060 / (352) 617-7603
ctomlin@mosaicvc.com

[Date]

[Owner's Name and Address of Record]
[Tenant or Occupant's Name and/or Address]

NOTICE OF DECISION

Dear _____,

The Fining Committee of Mount Olive Shores North II met on _____, 20__ at _____ P.M. at _____ and discussed the fine that was imposed upon you by the Board.

The Committee [approves/disapproves] the fine.

TO BE USED IF THE COMMITTEE APPROVES THE FINE:

You have five (5) days from the date of this Notice of Decision within which to correct the violation (as described in the Courtesy Notice and Violation Notification), and to pay the fine in the amount of \$_____, as described in the Violation Notification.

While not our desire, please be advised that the Association will pursue its legal remedies to collect the fine and compel you to correct the violation.

Sincerely,

Crystal Tomlin, LCAM
Mosaic Services LLC
(863) 874-4060
ctomlin@mosaicvc.com