

AYERSWORTH GLEN HOMEOWNERS ASSOCIATION, INC.
Guidelines and Schedule of Fines

WHEREAS Florida Statute 720 has provided the Association with the power to "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"; and

WHEREAS Florida Statute 720 further provides that "[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 a committee 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"; and

WHEREAS the Bylaws of the Association allow for the Board of Directors of the Association to appoint a Covenants Committee,

NOW, THEREFORE, LET IT BE RESOLVED THAT a Covenants Committee ("Committee") is hereby created, consisting of three (3) to nine (9) members of the Association who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

BE IT FURTHER RESOLVED THAT the following Guidelines and Schedule of Fines will be adopted and adhered to:

1. **Notice and Hearing:** In the event of a violation of the Association's Governing Documents or Rules and Regulations, the Community Manager for the Association shall provide written notice of the violation to the Member (and tenant, if applicable), giving a reasonable opportunity to correct the violation according to the Association's Covenant Violation Fining and Cure Schedule. If the violation is not timely corrected, and if the Member (or tenant) otherwise fails to contact the Community Manager to make good faith arrangements to correct the violation, the Community Manager shall notify the Member (and tenant, if applicable) of the Association's intent to impose a fine or suspend use rights. The amount of the fine included on the notice shall be calculated by the Community Manager according to the Association's Covenant Violation Fining and Cure Schedule. For continuing violations, the amount of the fine on the notice shall be calculated by the Community Manager according to the Covenant Violation Fining and Cure Schedule for each day of the continuing violation. However, no fine may exceed \$1,000 in the aggregate.

The notice shall further provide notification of a hearing before the Committee, which notice shall be provided at least fourteen (14) days prior to the hearing date.

At the hearing, the Member shall have the right to be represented by legal counsel and an opportunity to produce any statement, evidence, and witnesses on his or her behalf.

A majority of the Committee must vote affirmatively to impose a fine or suspension. If the Committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed. No suspension may impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. Written minutes of the meeting shall be taken and shall include the results of the hearing and any fine/suspension that is imposed upon the Member and/or tenant.

2. **Collection:** If the Committee imposes a fine or suspension, the Community Manager must provide written notice of such fine or suspension by mail or hand delivery to the Member and, if applicable, to any tenant, licensee, or invitee of the Member. The notice shall provide 30 days for payment of the fine. If the Member (or tenant) contacts the Community Manager to make good faith arrangements to correct the violation, the Community Manager may waive, reduce, or suspend the fine pending correction of the violation.

If payment of the fine is not timely received, the Community Manager shall refer the fine to counsel of the Association for collection. Counsel for the Association may waive, reduce, or suspend the fine if it is deemed to be in the best interests of the Association to do so.

3. **Fees and Costs:** Payment of any and all attorney's fees and legal costs incurred by the Association for the purpose or collection of the fine or enforcement of the suspension will be the responsibility of the Member.
4. Nothing contained herein affects or limits the power of the Board of Directors of the Association to waive, reduce or suspend a fine, or remove any suspension, at any time.

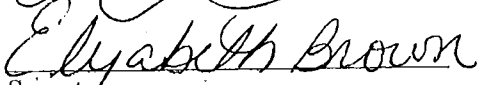
APPROVED:



President

December 18, 2014

Date



Secretary

Adopted at a duly noticed Board of Directors meeting held on December 18, 2014.

AYERSWORTH GLEN HOMEOWNERS ASSOCIATION, INC.
Covenant Violation Fining and Cure Schedule

The minimum fine for any violation shall be \$100. If a violation is assigned a per-day or per-occurrence fine, the fine shall accrue \$100 per day or per occurrence for up to a maximum of \$1,000.

<u>Violation</u>	<u>Reasonable Opportunity to Cure</u>
BBQ Grill Storage	Within 14 days
Clean Driveway	Within 14 days
Commercial Vehicle	Within 14 days
Commercial Operation	Within 14 days
Commercial Sign	Within 14 days
Dead Shrubs	Within 14 days
General Lawn Maintenance	Within 14 days
Noise Disturbance (Non-Pet)	Within 14 days
Oil Stains on Driveway	Within 14 days
Pet Housed Outdoors	Within 14 days
Parking on Grass	Within 14 days
Trim Palm Trees	Within 14 days
Pet Waste	Within 14 days
Repaired Damaged Fence	Within 14 days
Recreational Vehicle	Within 14 days
Tree Obstructing Easement	Within 14 days
Trashcan in View	Within 14 days
Weeds in Cracks of Driveway and Flowerbed	Within 14 days
Holiday Decorations	Within 14 days

AYERSWORTH GLEN HOMEOWNERS ASSOCIATION, INC.
Covenants Committee Meeting Guidelines

The purpose of the Covenants Committee is to gain compliance of the Member/Tenant with the Governing Documents and the Rules and Regulations.

The Committee will elect a Chairman and a Recording Secretary. The Chairman will conduct the meeting and ensure that the guidelines for the committee are followed in a fair and impartial manner. The Recording Secretary will keep accurate minutes of the meeting and provide a copy of the committee's decision to the Community Manager within 24 hours of any meeting of the committee.

The Member/Tenant has the right to have legal counsel and/or witnesses present at the meeting.

The Member/Tenant will have the opportunity to state why he is not in compliance with the Covenants and/or Rules & Regulations of the Association and to negotiate when reasonable for an extension of the time period for coming into compliance.

The Committee will listen to the case presented by the Member/Tenant. Committee members may question the Member/Tenant and any witnesses that may be present.

The Committee will review all of the information that has been presented by the Community Manager as well as interview any witnesses or complainants who may be invited to attend the hearing in order to produce evidence to substantiate their complaint.

After reviewing all evidence and listening to testimony from both sides at the hearing the Committee will excuse both parties and render a decision. If confronted with a difficult enforcement situation or litigation possibilities, the Committee may refer the case to Alternative Dispute Resolution.