

**Riverwind Cove Homeowners Association
CCR Enforcement Provisions**

Current Board approved CCR compliance policy:

- 1. Courtesy Notice - 72 hours for remedy. These are typically sent out by email, with good response.**
- 2. NOV - Notice of Violation - 7 days for remedy. In the sole option of the Board of Directors of the Association ("Board") this time may be extended for exigent circumstances or if the violation is of the nature that may require additional time. If not resolved within this 7 day period or time frame provided by the Board, the Board will convene to vote on a fine, at a public meeting.**
- 3. Intent to Fine Letter - A fine or suspension levied by the Board of administration may not be imposed unless the Board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended. Such hearing must be held within 90 days after issuance of the notice 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. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, location, and access information if held by telephone or other electronic means. A parcel owner has the right to attend a hearing by telephone or other electronic means.**
- 4. Within 7 days after the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid.**
- 5. If a violation has been cured before the hearing or in the manner specified in the written notice required in Section 3 or Section 4 above, a fine or suspension may not be imposed.**
- 6. If a violation is not cured and the proposed fine or suspension levied by the Board is approved by the committee by a majority vote, the committee must**

set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in Section 4 above. Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the Board before the date set for the fine to be paid.

7. If a violation and the proposed fine or suspension levied by the Board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in Section 4 above, reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under Section 4 above and the time for an appeal has expired.

Hearing Committee:

Minutes must be kept by this committee. Any community member may attend to observe, but there is no community involvement in the process, other than the Hearing Committee members. If a Board imposed fine is upheld, the resident will be so notified and have 30 days to pay the fine and remedy the CCR issue; thereafter it goes to Legal for further remedy action if still not addressed and attended to. This can include an injunction, and if still not paid within 90 days, a lien will be placed on the property through Legal proceedings. All Legal costs of the HOA will be borne by the resident in violation. This is all a matter of Florida Statute 720.305 requirements for legal purposes, which you can look up at:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0720/0720.html