



Laurel Lakes Association, Inc. (HOA)

Community ARC Violation Notice, Hearing Appeals & Fines Policy

Effective; April __18__, 2018

To help preserve and enhance property values the “Declaration of Covenants, Conditions, and Restrictions for Laurel Lakes” (CC&Rs), and “Laurel Lakes Association Rules and Regulations” (Rules) as developed under guidance of the “Master Declaration of the Laurel Lakes Association” (as amended from time to time) were adopted by the Laurel Lakes Association, Inc (LLA), representing the interests of the Homeowners in Laurel Lakes. In accordance with requirements of those two documents, the Board of Directors of the Laurel Lakes Homeowners Association (BOD), establishes the following policy for Violation Notices and Fines (Notices) to encourage compliance with the CC&Rs and Rules, subject to adoption by the Board at a regularly scheduled BOA Meeting. Enforcement of any violation of the CC&Rs or Rules or imposition of fines and other specified actions shall be performed by the BOD acting on behalf of the LLA.

The Laurel Lakes Association, Inc., Board of Directors, has at their Board of Directors meeting on this date: 04-18-2018 adopted the following:

General Process:

The Violation Notices are meant to define actions to be taken in response to violations by a homeowner, their tenants or agents, of the CC&Rs and General Membership Rules. The first violation of the CC&Rs or Rules shall take the form of a written Notice sent through the US Postal Service (USPS) to the official address on record. This notice shall include the allowed cure time for the violation as specified by the LLA or state law. This notice shall identify the Name of the Owner, Owner’s address and address of violation (if owner is not then residing at the property specified), date violation was identified, referenced CC&R or Rule which has been violated, remedial information to assist in curing the violation, and pictures when available or when necessary.

Any subsequent violation notices **of the same CC&R or General Membership Rule** occurring within six (6) months, after remediations were made by the same Homeowner, shall incur fines which can be levied and that do not have to follow the below stated guidelines. Any injunctions and levies may be moved directly to Legal Counsel. Again, as a reminder, a maximum fine may be imposed up to \$2500.00 plus any associated attorney fees, collection fees, interest or operational fees for the Associations time and costs to process these violations.



“Fine Policy” to be levied against homeowners for any infractions to the CC&Rs or any policy rule for the Laurel Lakes Association HOA pursuant to the CC&R’s and the ARC Standard Document.

The **Fine Policy** is as follows:

Notices:

1st Violation Notice (30 day) – No Fine, see Details below

2nd Violation Notice (60 day) - \$50.00 Fine, see details below

3rd Violation Notice (90 day) - \$100.00 Fine, see details below

4th Violation and Final Notice (120 day) - \$100 + 25.00 /day Fine (Total \$850.00/30days), up to \$2,500.00 Fine + Legal Action in addition to any service fees, legal fees and interest with is allowable by Florida Statutes.

Appeal Process:

All Owners receiving an initial Violation Notice have the right to an appeal process and to Appeal any fines which have been assessed concerning the violation. Appeals must be made within 14 days after the mailing date of a violation notice and submitted in writing or email using the proper Response Form attached with each letter, to the Property Management Company, ARC Committee or Board before the date of the mailing for the second notice.

Once the appeal for fines is received, in writing with an owner signature, the Board and/or Property Manager may request that the ARC Appeal Hearing Committee be convened if the Appeal. According to the Florida Statute HOA 720 the Appeal Hearing Committee can only make a final decision on the fines which are being imposed and not on the decision of the actual ARC Committee or Board determining the violation.

NOTE: If the Appeal is based on ARC Standards only, then the ARC Committee may do a second review, but fines may continue to increase until the cure is completed and accepted by the ARC Committee.

Once an Appeal is received, the violation is placed in "Suspension" concerning the fine and a hearing date will be given concerning the fine or additional fines. This decision, after discussion of the ARC Appeal Hearing Committee review, becomes final and **cannot be changed** by the Board and becomes part of the records. An Officer of the Association may sit on the Committee but only as a Facilitator and not as a voting member.

If an Owner still disagrees with the decision of the ARC Appeals Hearing Committee the next request must be forwarded to the Legal Counsel of the Association for resolution, if resolution is not agreed upon then a decision for Mediation must be made and the final step in resolution would be to Litigation, including possible liens on homes of owners.



Notices Policy:

1st Violation Notice (30 days): – After a review of a property by the Board approved representative which may be the ARC Committee / Board Member or the Property Management Company and/or all three depending on the type of violation, and a failure to the Architectural (ARC) Standards has been identified, the 1st Violation Notice will be mailed (USPS) to the owner of the identified property. Upon receipt of the notice, the owner has until the deadline date to comply and cure the violation(s) addressed. Failure to cure a violation within the time specified in the Notice shall incur a fine and a second Violation Notice.

2nd Violation Notice (60 days): When no cure has been achieved by the owner at the end period of the 1st Violation Notice, a 2nd Violation Notice will be issued and sent through USPS and Certified Mail with Receipt Requested. This 2nd Violation Notice will present a fine of \$50. If no cure has been put in place by the owner and meeting the approval of the Board / Committee or Property Management Company by the deadline date identified in the notice a third Violation Notice will be issued. The 3rd Violation Notices will result in a fine of \$100.00.

3rd Violation Notice (90 days):

A 3rd Violation Notice will be sent to the owner if the property still has not been brought up the ARC Standards or meet the resolution stated in the violation. This 3rd Violation Notice will be sent by USPS and Certified Mail with Receipt Requested at the end of the 2nd Violation Notice deadline date. A 3rd Violation Notice, on the same set of violation(s), results in a fine of \$100. At the end of this third notice, a period of 90-days has been completed, allowing an owner to bring their property into compliance to the Laurel Lakes Association, Inc. Declarations and CC&R's.

4th and Final Violation Notice (120 days):

If no cure has been achieved by the deadline date, which is identified in the 3rd Violation Notice, then the owner will receive a 4th and Final Violation Notice and will be fined the initial \$100.00 + \$25.00/day for 30 days amounting to \$850.00. If an owner still has not made the proper remediation to their property, by the last day of this notice they may be fined up to \$2,500.00. This is in addition to any interest, attorney fees, collection fees or other administrative supportive fees which are allowable by the Laurel Lakes Association Declarations and permissible by Florida State Law.

This Notice will be hand delivered (sent) using U.S. Mail and Certified Mail with Receipt Requested. The Legal Counsel for Laurel Lakes Association, Inc. will be notified to begin legal action. Any Legal and Collection Fees, as well as any interest or penalties, are the sole responsibility of the owner to pay. Failure to pay these fines and fees may result in a property lien, as per the Association Covenants, Section 8.02 as amended.