

PROCEDURES AND PROTOCOLS FOR FINES AND SUSPENSIONS AT
EAGLE TRACE COMMUNITY ASSOCIATION, INC.

The Board of Directors of EAGLE TRACE COMMUNITY ASSOCIATION, INC. ("ASSOCIATION"), held a meeting on October 20, 2020 at 7:00 p.m. wherein the following was ratified:

WHEREAS, F.S. 720.305 allows the Association to levy fines, liens and/or suspensions for a failure of a parcel owner or the parcel owner's occupant, licensee, or invitee to comply with any provision of the Association's declaration, the Association's bylaws, rules and regulations of the Association or any other governing document of the Association (the "governing documents"); and

WHEREAS, certain Procedures and Protocols for Fines and Suspensions at Eagle Trace Community Association, Inc. were approved on February 19, 2019 are hereby replaced in their entirety by these Procedures and Protocols for Fines and Suspensions at Eagle Trace Community Association, Inc.; and

WHEREAS, F.S. 720.305 requires a grievance committee meeting with the parcel owner before the Association may levy a fine and/or suspension;

NOW THEREFORE, LET IT BE RESOLVED:

(1) Letter of Violation. In case of a violation of any rule, regulation, covenant, or obligation of the governing documents, the Association will send a letter to the parcel owner, tenant, and/or guest (as the case may be, but the parcel owner will always receive at least a copy of the letter), citing the deficiency/ies, and giving the parcel owner an opportunity to cure (if applicable) and (if applicable), a notice that there will be another review/inspection of the deficiency(ies) as reasonably necessary. The letter shall:

(i) Specify the specific section of the Association's governing documents with which the violator is not in compliance and why. If applicable, the Association will cause someone to photograph the location to document the deficiency/ies and the specific violation and date of the photos. The letter is to be mailed to the parcel owner and attached in an envelope to the occupant's (parcel owner or tenant) door with removable, non-scarring tape. Photographs will be available for inspection by the violator, upon the violator's request.

(ii) The letter shall advise the violator that if the deficiency is not cured by the time set forth in the letter (if applicable), either (a) a fine of \$100.00 per day/violation, up to a total of \$1,000.00 per violation, will be assessed by the Board of Directors, with a fine of \$1,000.00 being convertible to a lien against the parcel; and/or (b) the Board of Directors will suspend the parcel owner/violator's rights to use common areas, including but not necessarily limited to suspension of the right to use the resident's entrance at the guard gate(s).

(iii) The letter should state that the reason behind enforcing the Association's governing documents regarding property appearance is to preserve the value of the recipient's and neighbors' homes and the desirability of living in this community.

(iv) The letter shall also advise that if the deficiency is not corrected, the Association may pursue appropriate legal action against the homeowner, tenant and/or guest.

(2) Board of Directors Meeting to Levy a Fine or Suspension. If the deficiency/ies has/have not been cured (if applicable), at a duly called Board of Directors meeting for which the violation shall be an agenda item, the Board of Directors may levy reasonable fines or the suspension of common area use rights for the failure of the owner or the owner's occupant, licensee, or invitee to comply with any provision of the Association's declaration, the Association's bylaws, rules and regulations of the Association or any other governing document of the Association. At the Board of Directors meeting at which a fine and/or suspension will be considered, an owner shall have three (3) minutes to address the Board of Directors with respect to the violation. If the Board of Directors levies a fine and/or suspension of use rights, the violator shall be notified in writing of the Board of Directors' recommendation and the violator shall have right to appear before the Association's Grievance Committee prior to the imposition of such levied fine or suspension. The notice issued by the Board of Directors shall set forth the time and place of the Grievance Committee meeting, which shall be scheduled no less than 14 days after the date of such written notice.

(3) The Grievance Committee. The Grievance Committee shall be established with an odd number of members. The Board shall strive to have at least five (5) Members on the Grievance Committee; in the event there are less than five (5) eligible Members willing to serve, the Grievance Committee shall be continued to function so long as there are at least three (3) eligible Members. The sole criteria for membership on the Grievance Committee are owners who are neither board members nor the spouse, parent, child, brother or sister of an officer or director or employee of the Association, persons residing in a board member's household.

The Board may remove members or appoint new or additional members at any time. The Grievance Committee's role is limited to determining whether to confirm or reject the fine or suspension levied by the Board of Directors. If the committee does not agree with the Board of Director's decision to impose a fine and/or suspension, the fine or suspension may not be imposed. The Grievance Committee Meeting shall be noticed pursuant to applicable law, and, unless otherwise exempted by applicable law, open to all the members of the Association.

(4) Grievance Committee Meeting. At the Grievance Committee meeting, the violator is entitled to all applicable due process protection, including, but not limited to, representation by legal counsel at the committee meeting, and the right to confront witnesses and examine evidence. The violator may offer any additional relevant evidence for the Grievance Committee to consider. The Grievance Committee may consider any evidence it deems relevant in the Grievance Committee's sole discretion. The Grievance Committee shall notify the relevant parties of its decision to impose or reject the fine or suspension levied by the Board of Directors in writing by mail or hand delivery after the Committee's meeting.

(5) Suspension Guidelines. While each violation and suspension (if applicable) shall be adjudicated pursuant to the discretion of the Board of Directors and ratification of the Grievance Committee, the Association may generally impose suspension(s) pursuant to the Non-Binding Suspension Guidelines set forth on attached **Exhibit "A."**

(6) Alternative Legal Action. Notwithstanding the Grievance Committee's procedure, above, if the Board of Directors so directs, the Association may, in addition to or in lieu of the Grievance Committee's procedures above, hire legal counsel to notify the owner and/or violator of the violation and the Association's desire to take appropriate legal action.

(7) Future Changes in Law. Any future changes to governing law shall be automatically incorporated into this Resolution without further action by the Board of Directors.

DATED: 10/21/20

ATTEST:


Nancy Washor, Secretary

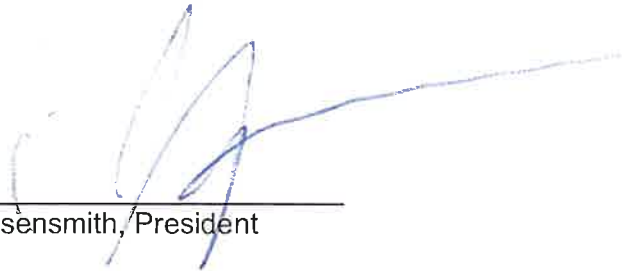

By: _____
Jeffrey Eisensmith, President

EXHIBIT “A”

Non-Binding Suspension Guidelines¹

- **Trash/Bulk Violations**
 - 1st Offense – Tag Left at Residence
 - 2nd Offense – Warning Letter Sent by Association
 - 3rd Offense - 7 Day Suspension and/or Monetary Fine
 - 4th Offense – 15 Day Suspension and/or Monetary Fine
 - 5th Offense – 30 Day Suspension and/or Monetary Fine

- **Parking**
 - 1st Offense – Sticker on Car
 - 2nd Offense – Sticker on Car
 - 3rd Offense – Warning Letter Sent by Association
 - 4th Offense - 7 Day Suspension and/or Monetary Fine
 - 5th Offense – 15 Day Suspension and/or Monetary Fine
 - 6th Offense – 30 Day Suspension and/or Monetary Fine

- **Roof Tarp**
 - 1st Offense – Roof Tarp Letter (providing deadline to repair roof)
 - 2nd Offense – Warning Letter Sent by Association
 - 3rd Offense - 7 Day Suspension and/or Monetary Fine
 - 4th Offense – 15 Day Suspension and/or Monetary Fine
 - 5th Offense – 30 Day Suspension and/or Monetary Fine

- **Landscape Maintenance**
 - 1st Offense – Warning Letter Sent by Association (7 Days to Cure)
 - 2nd Offense – Warning Letter Sent by Association (7 Days to Cure)
 - 3rd Offense – Suspension and/or Monetary Fine (Duration/Amount TBD)

- **All Other Violations**
 - 1st Offense – Warning Letter Sent by Association (30 Days to Cure)
 - 2nd Offense – Warning Letter Sent by Association (14 Days to Cure)
 - 3rd Offense – Suspension and/or Monetary Fine (Duration/Amount TBD)

¹ Multiple violations of the same type within the same calendar year may be subject to the escalating penalty structure set forth in this Exhibit “A.” Each suspension or fine shall be independently subject to the procedural and notice requirements set forth in the Procedures and Protocols for Fines and Suspensions at Eagle Trace Community Association, Inc.