

## FOUNTAINS AT RAINTREE LAKE BOARD OF DIRECTORS

Subject	Enforcement Policy & Procedure Fountains Covenants, Conditions & Restrictions
Review & Approval Authority	Fountains Board of Directors
Approved and Adopted	January 18, 2018

### **Purpose:**

The Fountains Board of Directors has the power to enact and publish rules and regulations governing the use of the Villa Property and Common Areas including any improvements and amenities located on the Common Areas, compliance with the Covenants, Conditions and Restrictions to personal property and to establish penalties for the violation of these rules and regulations. This policy and procedure is to insure the consistent enforcement of the Fountains Declaration of Covenants, Conditions and Restrictions (the Declaration). Members violating said Declaration, or other duly enacted rules and regulations shall be subject to sanctions or reasonable fines in accordance with the terms and provision of these rules and regulations.

### **Procedure:**

- I. **Enforcement Responsibility** – The enforcement of this policy and procedure regarding the violation of the Covenants, Conditions and Restrictions shall be the responsibility of the Fountains Management Company as designated and directed by the Fountains Board of Directors.
  
- II. **Notification of Observed Violations** – Association members or Owners may notify the Management Company, of observed violations against the Covenants, Conditions and Restrictions and including the time, date, and location of the observed violation and the article and paragraph cited in the Covenants and Restrictions.

### **III. Notification of Violations to Owners –**

- a. When a violation has been observed and reported, the Management Company shall notify the Board of Directors and request verification and authorization to proceed.
  
- b. Upon receiving such verification and authorization, the Management Company shall issue a written notification to the Owner via US mail with delivery confirmation. The notification shall specify the date, time and other relevant details regarding the nature of the violation(s) and the members right to request

an appeal as provided in Section V. a. Correction of the violation must be made within ten (10) days of receipt of the notification.

- c. If the violation(s) has not been corrected within the ten (10) day timeframe, a second written notice of the violation will be issued to the Owner via US mail with delivery confirmation. This second notification shall include information that a fine and/or sanction will be imposed if the violation is not corrected within the next ten (10) days following receipt of the second written notice and a reminder of the members right to request an appeal.
- d. If after the additional ten (10) days following the second notification, the Owner has not corrected the violation, a third letter will be sent certified mail informing the Owner of the imposed fine and/or sanction including the amount of the fine and date due.

IV. **Fines and Sanctions-** Members violating the Declaration or other duly enacted rules and regulations shall be subject to fines and sanctions in accordance with the terms of this document. An assessment of reasonable fines, not to exceed \$500.00 for each violation will be imposed for violations. There is no fine for the violation unless the violation is not corrected within the specified timeframe. Attorney's fees expended to affect the collection process will be due and payable along with the imposed fine. Unpaid fines and related fees may result in the filing of a lien against the Villa Property. Continuation of unpaid fines and fees may result in increases in the initial as listed below.

In the event that the Association is required to take action to remove vehicles, boats, structures, debris, etc., which is in violation of the Covenants, Conditions and Restrictions, the Association will pursue reimbursement of any related costs from the Member(s).

**Violation Schedule of Fines:**

- a. Initial fine as provided in Section III.d.:  
Violation Fine \$150.00
- b. Failure to correct a violation and pay fine within ten (10) days following notification of initial \$150 fine:  
Violation Fine increased to \$300.00
- c. Failure to correct a violation and pay fine within ten (10) days following notification of the fine increase to \$300:  
Violation Fine increased to \$500.00

## **V. Procedure for Imposing Fines and Sanctions**

Whenever violations of the Declaration or other duly enacted rules and regulations justify the imposition of fines or sanctions, such fines or sanctions shall be imposed only in accordance with the following procedures.

- a. At any time following the initial notification of a violation as provided in III.b. up to the time of notification of a monetary fine as provided in III.d., the Member may request an appeal hearing with the Board. The request for an appeal must be made in writing, delivered to the management company and specify all parties who will attend on behalf of the Owner. If an appeal hearing is requested, no further action on the violation(s) will take place until the hearing is concluded and a final decision is made by the Board. If such a hearing is not requested, all fines or sanctions specified in the notice shall be effective upon the expiration of the ten (10) day period.
- b. If a hearing is requested, it shall be held at the next scheduled Board meeting from the receipt of the request. At its discretion, the board may schedule a meeting specifically for the purpose of hearing the appeal. At the hearing, the member(s) shall be allowed to be present and represented by counsel and other individuals if named in the written request for appeal
- c. After the appeals hearing, the Board shall make a decision in executive session to uphold or dismiss the alleged violation(s) and the appropriate fine or sanction to be imposed. This decision shall be in writing and forwarded to the member, by certified mail, within (5) days of the hearing. The decision shall specify the rules and regulations that were violated and the fine or sanction imposed or dismissal of the case. If the violations are upheld the fine or sanction will be effective ten (10) days after the date of notification of the Board decision to the member(s).
- d. Failure to pay a fine or abide by a sanction may result in:
  1. Increases in the initial fine as provided in Section IV.
  2. A civil action in any Court of competent jurisdiction, and the recovery of costs and reasonable attorney's fees from the non-compliant member(s).
  3. Lien on member(s) property