

Architectural Control Committee Enforcement Procedures

One of the responsibilities of the Architectural Control Committee (ACC) is to address and resolve minor violations of the covenants through a process, which involves communication first. If not resolved through simple communication, then a more formal process that involves the Board of Directors (BOD) will be followed. This process is governed by the laws of the Association and Florida Statute 720, Section 305, with the intent to resolve violations in the most expedient manner possible and with the least cost and conflict to the membership. Major or repeat violations will be referred directly to the BOD for their consideration of civil litigation.

Outlined below are the methods/steps the Architectural Control Committee and Architectural Office Liaison will take to resolve covenant violations.

Step 1:

- Upon receiving a complaint or discovering a violation, a record of the complaint is created and maintained both as a paper file and electronic entry to a complaint tracking computer spreadsheet. The Architectural Office Liaison will drive by the location to determine if there is a valid violation, take a dated photo, and place the photo in the file. The Architectural Office Liaison or a member of the Architectural Control Committee (as determined by the Chairperson of the ACC) will attempt a phone call to the member to discuss a resolution of the violation. Any phone contact between a member of the ACC or Architectural Office staff will be recorded on a telephone record/log form, and filed in the folder for the property. A follow-up inspection will be scheduled for one (1) week later. If the violation persists, proceed to Step 2. If the violation is resolved, file the paperwork in the folder for the property.

Step 2:

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a soft letter to the owner expressing concern and a recommendation for resolution of the potential violation. The "*to be completed by date*" will also be documented. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail.

Step 3

- A follow-up inspection will be scheduled two (2) weeks after the letter is sent and entered into the complaint tracking system.
- The follow-up inspection will be performed to determine if the work has been completed. If the violation persists, a dated photo will be added to the file, and the procedure will move to Step 4. If the violation is resolved, the paperwork will be filed in the folder for the property.
- A record of the inspection will be entered into the tracking system.

Step 4

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a 2nd letter to the owner expressing concern and a recommendation for compliance. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail.

Approved by the BOD 9 August, 2011

Step 5

- A follow-up inspection will be scheduled two (2) weeks after the 2nd letter is sent and entered into the complaint tracking system.
- The follow-up inspection will be performed to determine if the work has been completed. If the violation persists, a dated photo will be added to the file, and the procedure will move to Step 6. If the violation is resolved, the paperwork will be filed in the folder for the property.
- A record of the inspection will be entered into the tracking system.

Step 6

- The Architectural Office Liaison and Chairperson of the Architectural Control Committee will prepare and send a demand letter to the owner. The date of issuance will be entered into the complaint tracking system. The letter will be sent via regular mail and certified mail. The demand letter will give the resident/owner sixteen (16) additional days to come into compliance.

Step 7

- If the violation is not resolved by Step 6, the Architectural Office Liaison and Chairperson of the Architectural Control Committee will send a letter to the member requesting the member's attendance at the next scheduled ACC meeting to attempt a resolution to the violation. During the meeting, the Architectural Office Liaison and committee member responsible for the case will present the facts to the entire committee. The resident/property owner, if present, will present any information or mitigating facts or circumstances they wish the committee to consider. If the resident/property owner fails to attend the ACC Meeting as requested, the case will be referred to the BOD with a recommendation for further action.

If the violation is not resolved at the time of the meeting and the committee, by a majority vote, determines the case warrants, the case will be forwarded to the BOD with a specific recommendation for further action.

If the violation is resolved at the time of the meeting, the case will be closed and the paperwork will be filed in the folder for the property.

Step 8

If the same owner is found to be in violation a second time for a similar but separate violation, the case will be referred directly to the Board of Directors for consideration of a fine or suspension of common use areas and possible civil litigation.

In accordance with Florida Statute 720.305 any association member who is fined or has their common-area-use rights suspended by the BOD as a result of action by the ACC for a violation will be given 14 day notice by the BOD president and an opportunity for a hearing before the Violations Appeal Committee (VAC) prior to the fine or suspension being imposed.

The VAC will have the final say as to whether the fine or suspension will be imposed.

Approved by the BOD 9 August, 2011