

East lake Woodlands Condo VII

COMPLIANCE COMMITTEE TERMS OF REFERENCE

INFORMATION RIGHTS/OBLIGATION

Every Owner/Resident has the obligation to review and abide by the Declaration of Condominium of East Lake Woodlands Condominium Unit Seven, the Articles of Incorporation and By-Laws of East Lake Woodlands Condominium Unit Seven Association, Inc., and the Rules and Regulations of the community, as well as any other policies or guidelines of the Association. These documents are available in the Management Office of AMERI-TECH Property Management, Inc. located at 24701 US Highway 19 North, Suite 102 Clearwater, Florida 33763 and on the East Lake Woodlands Condominium Unit Seven website at www.ELWcondo7.com

PURPOSE

These guidelines are being adopted to provide procedural structure for enforcement of the covenants and restrictions of the community through the use of violation notices; fining and/or suspension of use rights; and referral to counsel for legal action. The Compliance Committee is established in accordance with Florida Statute 718.303 and the committee may assist the Board with enforcement by notifying the Property Manager of any known violation(s) and investigation of possible violation(s), but the primary function of the committee shall be to determine if a proposed fine and/or suspension of use rights should be levied upon a matter being referred to the Compliance Committee for a hearing. The Committee may initiate the sending of initial standard courtesy notifications of violations, coordinate the scheduling of hearings where a matter has been referred by the Board of Directors to the Compliance Committee, and submit their findings and recommendations in writing to the Board of Directors with respect to noted violation(s) or hearings on proposed fines and/or suspension of use rights. All final action, such as referring a matter to the Compliance Committee for a fining and/or suspension hearing, actually levying a fine and/or suspension of use rights or referring a matter to counsel for filing for arbitration and/or litigation, shall be taken by the Board of Directors.

COMMITTEE MEMBERSHIP

A minimum of three (3) -maximum of nine (9) volunteer record owners of units within East Lake Woodlands Condominium Unit Seven will be appointed by the Board of Directors to serve on the Compliance Committee. The unit owners will not be Board members nor persons residing in a Board member's household as per Florida Statute 718.303. One (1) Board member will serve as a liaison between the Compliance Committee and the Board of Directors and will be a non-voting member of the committee. The Board of Directors will select three (3) members from the committee to serve as an independent committee to conduct a fining and/or suspension of use rights hearing on any particular matter.

POLICIES

- a. **INSPECTION TOURS** - Routine tours of the property will be made by the Property Manager to identify violations not otherwise reported. Periodically, Board members may accompany the Property Manager on property tours.

b. VIOLATION REPORTING - Violations can be reported by any unit owner, resident, property maintenance personnel, or Property Manager to Ameri-Tech Property Management, Inc. located at 24701 US Highway 19 North, Suite 102 Clearwater, Florida 33763. Violations can be one of three types, either single occurrence, repeat occurrence, or ongoing occurrence violations.

c. NOTIFICATIONS/RESPONSES

- 1) A standard written notice will be issued when a violation is reported or noted during an inspection of the property or when a report of a suspected violation is received. It will describe the nature of the violation, a statement of what would be required for compliance, the provision of the governing documents violated, and the date by which a reply and correction of the violation is expected. Dependent on the severity of the violation the notice may be sent by certified mail, return receipt requested. The typical time allotted for any continuing violation to be cured is within thirty (30) days of the notice being sent. All contacts regarding the matter after any notice of violation has been sent must be recorded on paper or by electronic recording with dates, times and synopsis of the communication.
- 2) In the event of a rental property all notices shall be sent to both the tenant and the owner. to the unit address and last known mailing address of the unit owner as set forth in the Association's official records, respectively.

d. ESCALATION

Escalation is defined as taking an unresolved violation to the next step in the compliance process. This should be predictable and happen promptly in response to the following conditions:

- 1) Lack of a timely response to a notice which sets forth the respond-by date.
- 2) A response which indicates no intention to comply.
- 3) An overdue commitment to resolve. "Overdue" shall mean more than five (5) days from the date a response is due or the matter was promised to be cured.
- 4) A repeat violation.
- 5) Maximum response times allowed before escalation
 - a. Violation Notice – thirty days
 - b. Compliance Committee Hearing- 14 days
 - c. Attorney Compliance Process- 30 days\

The Board, Compliance Committee, and Property Manager may use their discretion in varying from these times on a case-by-case basis, but not to the extent of indefinite delay on a violation. "Indefinite delay" shall mean no resolution occurs within sixty (60) days from the date of the violation letter to the unit owner. Only the Board of Directors may refer a matter to the Attorney Compliance Process, which includes whatever notices Association's counsel deem appropriate and possible filing of arbitration and/or litigation proceedings or the exercise of self-help remedies as same may be provided for.

e. FINING

- f. The Board of Directors may levy reasonable fines against a unit owner for the failure of the unit owner or its occupant, licensee, or invitee, to comply with any provision of the Declaration, the Association's Bylaws, or Rules and Regulations of the Association.
 1. No fine will become a lien against a unit.
 2. No fine may exceed \$100 per violation. However, a fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing provided that no such fine shall in the aggregate exceed \$1,000.

3. No fine shall be levied except after giving at least 14 days' notice and opportunity for a hearing to the unit owner and a hearing of the Compliance Committee taking place with the committee approving the proposed fine.
4. The committee must agree with the fine by a majority vote or the fine may not be levied.
5. Once levied by the Board of Directors after approval of the committee, the fine will be due and payable within ten (10) days of receipt of the notice that the fine has been levied. Failure to pay the fine may result in further action being taken including, but not limited to, the Association seeking a money judgment, including attorney's fees and costs incurred in seeking the judgment or making demand upon the tenant to pay rent directly to the Association until such time as the fine is paid in full.

g. SUSPENSIONS

The Board of Directors may suspend the rights of a unit owner, tenant, guest, or invitee to use the common elements, recreational facilities, or any other association property for failure to comply with any provision of the Declaration, the Association's Bylaws, or Rules and Regulations of the Association.

1. No suspension shall be imposed except after giving at least 14 days' notice and opportunity for a hearing to the unit owner and individual whose use rights are proposed to be suspended and a hearing of the Compliance Committee taking place with the committee approving the proposed suspension.
2. The committee must agree with the proposed suspension by a majority vote or the suspension may not be levied.
3. The suspension shall take effect immediately upon notice being sent of the suspension.

h. HEARING

Instructions to the Compliance Committee hearing the case shall be as follows:

1. The individual sought to be fined and/or suspended shall be entitled to present any evidence, documentation or witness testimony, as to why he or she should not be fined and/or have his or her use rights suspended.
2. The individual sought to be fined and/or suspended may have legal counsel present at the hearing.
3. If the Compliance Committee believes that extenuating circumstances justify an alternate period or solution, they are to put their reasons and suggestions in writing to the Board.
4. If the Compliance Committee believes the action is inappropriate because of interpretation of the governing documents, the Committee is to put their interpretation in writing to the Board for interpretation by the Board and/or Association counsel.
5. The minutes should reflect whether or not the individual sought to be fined and/or suspended was present, whether or not counsel for the individual was present, whether or not testimony of the individual or witnesses was given, what documentation was provided, if any, what the committee findings were, and the recommendations of the committee on imposing the fine and/or suspension.
6. If the Compliance Committee believes that the fine is proper, they shall put that opinion in writing to the Board.
7. The Board shall not participate in the hearing for a fine and/or suspension, but shall be responsible for imposition and collection of the fine and/or imposition of the suspension.

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STEP BY STEP PROCEDURE

Enforcement of Covenants, Restrictions, and Rules and Regulations by the Board of Directors is not optional. The process described herein ensures that an owner has ample warning and time to resolve a violation prior to further remedial action being taken.

Step I

The owner and tenant or occupant, if applicable, will be notified of the violation via a **WRITTEN NOTICE** unless the violation is a repeat violation and this step is determined by the Board of Directors to be unnecessary. The notice will contain a description of the violation, a statement of what would constitute compliance, the provision of the governing documents violated, and the date by which a reply and correction of the violation is expected (typically 30 days). Attached to the Written Notice will be the "Notice of Hearing" outlining the date, location, and time of the hearing if the violation is not corrected within the 30 day period. The Compliance Committee shall provide the Unit Owner or tenant not less than fourteen (14) days written notice of the hearing date.

STEP II

If the violation has not been corrected within the timeframe provided, the Property Manager will notify the Compliance Committee Chairperson. The Chairperson will select three members of the Compliance Committee to serve on an independent committee for purposes of having a hearing.

STEP III

The party against whom the fine or suspension is to be imposed has the right to contest the fine or suspension of use rights at the hearing. Failure to attend the hearing is a waiver of any defense.

STEP IV

At the hearing, the three (3) selected committee members shall conduct a reasonable inquiry to determine whether the alleged violation in fact occurred and if the proposed fine and/or suspension of use rights is appropriate. The Unit Owner and/or tenant or occupant shall have the right to respond to any material considered by the independent committee and the Board of Directors on behalf of the Association. The Unit Owner and /or tenant or occupant also has the right to produce evidence on his/her behalf, to provide written and oral argument on all issues involved, and shall have the opportunity to review, challenge, and respond to any material considered at the hearing.

The committee members must either agree with the proposed fine and/or suspension or if the committee does not agree with the fine or suspension of use rights, it may reduce or eliminate the fine or suspension of use rights. The committee will provide the Board of Directors with a written notice of its decision within five (5) days of the hearing date.

STEP V

If a Unit Owner to tenant fails to attend the Fine Committee Appeal Hearing, the hearing will be deemed waived and the fine or suspension of use rights, if any, will be automatically imposed. The Fine Committee shall ratify the fine or suspension of use rights, or if the Fine Committee does not agree with the fine or suspension of use rights, it may reduce or eliminate the fine or suspension of use rights. The Finance

Committee shall give the Unit Owner or tenant on the date of the scheduled hearing written notice of its decision .If a fine has been levied, the Unit Owner or tenant, if any, shall have seven (7) days after the scheduled hearing day to pay the fine or the matter will be sent to legal counsel for collection

STEP VI

The Board of Directors will mail a Notice of Fine and/or Suspension of Use Rights or otherwise inform the owner and any other relevant party of the outcome. The Notice of Fine and/or Suspension of Use Rights will be sent by certified letter, return receipt requested, and regular U.S. Mail. The Unit Owner is responsible for mailing or delivering to Ameri-Tech Property Management, Inc. located at 24701 US Highway 19 North, Suite 102, Clearwater, Florida 33763 the levied fine by check, payable to "East Lake Woodlands Condo VII", within ten (10) days from the date of the Notice of Fine or the matter will be sent to legal counsel for collection.