



**RESOLUTION OF THE BOARD OF DIRECTORS OF WISTERIA PARK
HOMEOWNERS ASSOCIATION, INC.**

Fine and Covenant Enforcement Policy and Procedures

The Board of Directors of Wisteria Park Homeowners Association, Inc. (the "Board") hereby adopts and approves the following Fine and Covenant Enforcement Policy and Procedures for Wisteria Park Homeowners Association, Inc. (the "Association"):

WHEREAS this policy and these procedures are established to enforce compliance with the Declaration of Covenants, Conditions and Restrictions for Wisteria Park (the "Declaration"), and the Bylaws of Wisteria Park Homeowners Association, Inc. (the "Bylaws"), as both are recorded in the public records of Manatee County at OR Book 2032 Pg. 3392 *et seq*, and as amended from time to time; and the Articles of Incorporation and Rules & Regulations of Wisteria Park, as amended from time to time. All of these documents will be collectively referred to herein as the governing documents; and

WHEREAS this policy and these procedures are to be read and construed in conjunction with Section 12.14 of the Declaration entitled "Fines and Suspensions," as that section may be amended and/or renumbered from time to time; and

WHEREAS this policy and these procedures are allowed by and intended to be in accordance with Chapter 720, Florida Statutes, as that chapter is amended from time to time; and

WHEREAS this policy and these procedures are intended to insure that any fines are levied in a fair manner, and that violators will be provided the opportunity for due process as provided by applicable Florida law;

NOW, THEREFORE, it is hereby resolved as follows:

I. Fining Committee:

- In order to carry out this fining policy and these procedures, the Board shall appoint a Fining Committee in compliance with Chapter 720, Florida Statutes, and the governing documents.

II. Report of Violations:

- The Management Company employed by the Association shall be responsible for reporting violations of the covenants, rules and regulations, in Wisteria Park (hereinafter the "Community") Said reports will be made to the Board president or

designated Board member(s) duly appointed by the Board for the purpose of covenant compliance, in such form as required by the Board.

- Any member of the Association may also report a violation of the governing documents. All such reports must be made in writing and submitted to the Board c/o the Management Company, in writing, on a form approved by the Board for such use and made readily available to members. The form will be made available on the Association website.

III. First Notice of Violation:

- After report of the first violation has been made pursuant to section II above, the Board president or designated Board member(s) duly appointed by the Board for the purpose of covenant compliance, may instruct the Management Company to provide written notice to the owner of the parcel, and to the person alleged to be in violation, if different, of the specific nature of the alleged violation(s) and how the violation(s) must be cured. The notice shall give the addressee(s) thirty (30) days to comply.

IV. Second Notice of Violation:

- If the violation(s) is/are not corrected within the allotted time, the Board or a committee thereof duly appointed by the Board for the purpose of covenant compliance, shall instruct the Management Company to provide fourteen (14) days written notice to the same addressee(s) to correct the violation(s). Said notice will state that if the violation(s) is/are not corrected within fourteen (14) days, the Fining Committee will be notified and a hearing date set before the Fining Committee.

V. Notice of Hearing:

- If the violation(s) is/are not corrected within the time allotted pursuant to Section IV above, a Notice of Fining Committee hearing will be sent to the same addressee(s) by First Class and Certified mail notifying them of the Fining Committee hearing date at least fourteen (14) days prior to the hearing date. The notice shall state: that if a fine is imposed, each recurrence of the alleged violation of each day during which it continues shall be deemed to be a separate offense, subject to a separate fine, all fines not to exceed the amount allowed by law or the governing documents;
- that in lieu of the Fining Committee hearing, the owner and/or alleged violator may remedy the violation(s) within that time period, unless the Board allows a longer time period for compliance; and state that upon such compliance, the issue will terminate. The Fining Committee shall work, within reason, with the owner or alleged violator, if requested, to reschedule the Fining Committee hearing to accommodate the owner or alleged violator's schedule. If the alleged violator is someone other than the owner, both the owner and the alleged violator will, together, only be allowed one hearing before the Fining Committee.

VI. Hearing Before the Fining Committee:

At least 48 hours prior to the hearing, the Fining Committee shall post notice of its Fining Committee hearing at the usual place for posting of Board meeting notifications.

At the hearing, the Fining Committee shall hear any witnesses presented, and shall receive evidence and written or oral argument on all issues involved. The owner or alleged violator and the Board may both present witnesses, evidence and argument. Any party at the hearing may be represented by counsel, and the hearing may be audio or video recorded in the same manner and under the same rules that members are permitted to record meetings of the Board.

The Fining Committee hearing shall not be used as a forum to determine the desirability of a particular provision in the governing documents.

If the owner or alleged violator does not attend the Fining Committee hearing, the Committee shall meet and review all issues regardless. The Board may, but is not required to, submit witnesses, evidence and argument in a non-contested hearing.

If the Fining Committee determines that there is sufficient evidence to support the violation, it may recommend to the Board that the Board levy a fine for each violation in the amount provided for herein and in the governing documents. If the Fining Committee determines that there is insufficient evidence to support the violation, it shall terminate the proceedings and no fine shall be levied. The Board may not overrule the Fining Committee.

VII. Levy of the Fine:

- a. If the Fining Committee has requested the Board to levy a fine, the Board shall then, at a duly called Board meeting, and by vote of a majority of the Board quorum present, either approve the levy of the fine; reduce the levy of the fine; or waive the fine, but may not increase the fine. The Board may or may not receive additional statements or arguments with regard to whether the fine should be levied, at its sole discretion.
- b. If the Board determines that a fine shall be levied, it shall notify the owner and violator in writing of:
 1. the amount of the fine (not to exceed \$100 per day or \$1,000 in the aggregate for the same violation);
 2. the commencement date of the fine (which shall be at least fourteen (14) days from the date of the notice of levy);
 3. and the place to make payment of the fine.

- c. Pursuant to Section 5.04 of the Declaration entitled "Special Assessments," as that section may be amended and/or renumbered from time to time, fines are considered Assessments and may become a lien on the property if the fine reaches \$1,000, or within any future threshold set by the Florida Statutes or the governing documents.
- d. Failure to correct the violation and failure to pay the fine could result in the owner of the lot being responsible for collection costs and reasonable attorney fees/costs incurred by the Association as a result of such failure, pursuant to Chapter 720, Florida Statutes, and the governing documents, as amended from time to time.

VIII. Reservation of Rights:

- a. Nothing contained herein shall be construed as a prohibition of, or limitation on the right of, the Board to pursue other means to enforce the provisions of the various Association governing documents, including but not limited to mediation, arbitration, or legal action for damages and/or injunctive relief. Nothing contained herein shall prevent the Board or Management Company from providing friendly reminders of minor violations, in the Board's discretion, in lieu of or as a precursor to the Fining Notices discussed herein.

IX. Conflict:

- a. In the event of a conflict between this policy and the governing documents, the meaning in the governing documents shall prevail.

IN WITNESS WHEREOF, the undersigned certify that this RESOLUTION was adopted by a majority of the Board of Directors of this Association on the 28th day of April, 2014.

THE WISTERIA PARK HOMEOWNERS
ASSOCIATION, INC.

By: Barbara B. Morsch
Its President

WITNESSED:

By: James W. Hickey
Its Secretary