

## #1-2016 - "ENFORCEMENT OF DEED RESTRICTIONS" PASSED 15 MARCH 2016

Recognizing that the Association has the duty to enforce all applicable and appropriate deed restrictions, this Rule spells out the impartial process that will be used to do so.

The Board of Directors will determine if and when a particular deed restriction needs special attention for enforcement. It will do that based upon: (1) monthly neighborhood inspections by its professional management company; (2) complaints made to the Board; and (3) direct observation by Board members.

Once the Board has decided, in an open vote at a noticed meeting, to enforce a particular deed restriction, it will notify its management company of the particular deed restriction(s) to enter into enforcement. It will announce that decision in the meeting minutes and on the PT website. At that point the management company will do a specific development inspection for particular violators of that deed restriction, and then, without any Board interaction, send appropriate letters to each alleged violator, identifying the violation and requesting correction of the situation in a reasonable period of time.

If the violation, in the judgment of the management company, has not been corrected by the allotted time, the management company will inform the alleged violator that the matter needs to be addressed immediately and that it is being referred to the Board for the imposition of fines, which will automatically be \$100 per single violation, or \$100 per day for continuing violations, up to a maximum of \$1,000.

At its next opportunity the Board will vote on the imposition of fines (simply yes or no – no modifications of amounts) for each particular case. If approved, the management company will offer the alleged violator a hearing before a duly constituted Fining Committee, and do this at least 14 days before the hearing date. The alleged violator need not accept the hearing, but if not the fine will stand as voted and be imposed.

The Fining Committee hearing, if accepted, will be held in management company facilities without Board presence or influence. The Committee is legally and entirely separate from the Board, and cannot change any fine amounts, or grant longer payment periods – at current case law all they can do is approve or disapprove, in total, the fine. The Fining Committee's decision is final.

Once a fine has been imposed, the Board will add, as authorized by law, late fines, interest penalties, and of course all legal and administrative costs incurred by the Association because of the specific case.

If this process has been exhausted without appropriate payment, then the Board will decide whether or not to take subsequent legal action by filing a claim of lien against the property involved at the earliest opportunity allowed by Florida law, and follow that up with similar legal collection actions.