

THE PINES OF MONTVERDE HOMEOWNERS ASSOCIATION, INC.

**BOARD RESOLUTION REGARDING THE LEVYING OF FINES AND
ESTABLISHMENT OF A FINING COMMITTEE**

RECITALS

WHEREAS, Section 720.305, Florida Statutes, as amended, contains provisions regarding the obligations of Association members, remedies at law or in equity, and the levy of fines; and

WHEREAS, The Pines of Montverde Homeowners Association, Inc. ("Association") wishes to create a fining policy that is consistent with the requirements of Florida Statutes; and

WHEREAS, the Board of Directors of the Association wishes to establish a compliance hearing committee ("Fining Committee") to conduct hearings to review proposed fines.

THEREFORE, IT IS RESOLVED that the Board of Directors of the Association hereby adopts the following rules and regulations:

FINING RULES AND REGULATIONS ADOPTED BY THE BOARD OF DIRECTORS

1. A Lot Owner must be given written notice of their violation and a reasonable opportunity to correct it. The written notice should state that failure to remedy the violation could result in a fine being issued against the Lot. The letter shall be from the Association through the Board of Directors or its management agent.

2. If the Lot Owner fails to correct their violation, then the Board, at its next scheduled Board of Directors meeting, may issue a proposed fine against the Lot Owner. The proposed fine shall be for a maximum of \$100.00 per violation per day for each day of a continuing violation, up to a maximum aggregate of \$1000.00 per violation.

3. The Board must notify the Lot Owner with written notice at least fourteen (14) days in advance that a special hearing of a Fining Committee will be held to discuss whether the proposed fine will be imposed against the Lot. The proposed fine shall be identified in the letter.

4. In order to impose a fine, a Fining Committee must approve the fine by a majority vote at a noticed special hearing. The Fining Committee cannot increase or decrease the amount of the fine but must either approve or reject the fine in its entirety. The role of the Fining Committee is limited to determining whether to approve or reject the fine at the special hearing.

5. The Fining Committee must consist of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association or related by blood or marriage to any officer, director, or employee of the Association.

6. At hearing, the alleged violation shall be presented to the Fining Committee. The Lot Owner must be given an opportunity to appear and speak at the hearing. The Lot Owner may be represented by counsel and may cross-examine witnesses at the hearing. The Fining Committee in its sole discretion shall then determine whether to impose the fine amount. The Lot Owner is entitled to an opportunity for a hearing but is not entitled to an actual hearing. Therefore, the Lot

Owner may waive the right to a hearing by failing to appear, resulting in the issuance of the fine. The Fining Committee may not change the fine amount, but must approve or disapprove the fine in its entirety. Alternatively, the Fining Committee may continue the matter if further investigation is required.

7. After the hearing is adjourned, the Fining Committee shall thereafter notify the Board in writing following the hearing of its decision to either approve or reject the fine.

8. If the Fining Committee approved the fine, then the Board of Directors may then impose the fine within a reasonable time following delivery of the Fining Committee's decision. The Board of Directors must then notice the Lot Owner in writing of the imposition of the fine and include in said notice that the fine must be paid within five (5) days.

9. Any fines imposed that remain unpaid for thirty (30) days and which total more than \$1,000.00 collectively may be converted into a special assessment through a separately noticed Board Meeting.

10. Fining shall not be the exclusive remedy of the Association. The Association may pursue injunctive relief against a Lot Owner who fails to comply with the Declaration and/or Rules and Regulations of the Association and seek reasonable attorneys' fees against the Lot Owner for any action in which the Association is the prevailing party.

This Board Resolution has been approved by a majority vote of the Board of Directors of The Pines of Montverde Homeowners Association, Inc. at a properly noticed meeting of the Board of Directors held on the 2 day of September, 2019. Said vote being 3 Directors in favor and 0 Directors against said action.

THE PINES OF MONTVERDE
HOMEOWNERS ASSOCIATION, INC.

WITNESSES:

Larry Leane Brown
Signature
Print Name: Larry Leane Brown
Date: 8/28/19

BY: DONALD H. HIETT
Don Hiatt, President
c/o Southwest Property of Cntrl FL, Inc.
P.O. Box 783367
Winter Garden, FL 34778
Date: 8-28-2019

[Signature]
Signature
Print Name: Donald Lopham
Date: 8/28/19

ATTEST: [Signature]
Perry Woodruff, Secretary
c/o Southwest Property of Cntrl FL, Inc.
P.O. Box 783367
Winter Garden, FL 34778
Date: 8-28-19