

UNIVERSITY ESTATES PROPERTY OWNERS ASSOCIATION. INC.
INFRACTION ENFORCEMENT AND IMPOSITION OF FINES

Reaffirmed by the Board of Directors

June 26, 2008

To implement the infraction enforcement powers granted by Article XV of the By-Laws of University Estates Property Owners Association, Inc., as recorded at Official Records Book 4844, Page 1344, Public Records of Orange County, Florida, the Association shall attempt to observe the following procedures whenever possible.

A. ADMINISTRATIVE PROCEDURES:

1. A Complainant may be any member of the Association as defined in Article IV Section A(l) of the Articles of Incorporation of University Estates Property Owners Association, Inc., the Board of Directors, or the Association's management company.
2. When a Complainant reports an infraction to the management company, the management company shall send Letter 1 to the violator requesting compliance. This letter shall be sent by regular mail only and must, at a minimum, contain the following information:
 - a. The name of the owner/violator.
 - b. The address, lot number, or legal description of the infraction location.
 - c. A brief description of the infraction along with the citation of the section of the appropriate document that has been violated. Reference must always be made to that portion of the University Estates document that has been violated.
 - d. Any other information deemed important, such as photographs.
3. If the infraction is not remedied within the time period designated in this first letter, the management company shall send Letter 2 to the violator. This second letter shall be stronger in its terms, shall set forth a final compliance date, and shall indicate the possible penalties which will result from such non-compliance including a statement concerning the fining system. This letter shall be sent by both certified and regular mail.
4. If the infraction is not remedied on or before the date designated in the second letter, the Board shall determine, at a duly constituted meeting, which action it deems appropriate. This action can include, but is not limited to:
 - a. Vote to have further administrative attempts made to obtain voluntary compliance, such as further letters, telephone calls, and personal visits.

- b. Vote to have the matter submitted for the possible imposition of a fine as provided below.
- c. Vote to have the matter go directly to litigation.

B. FINES/POWER AND STATUTORY PROVISIONS:

1. BY-LAWS PROVISION/POWER TO FINE:

The power to impose fines is found in Article XV of the By-Laws of University Estates Property Owners Association, Inc., as recorded at Official Records Book 4844, Page 1344, Public Records of Orange County, Florida.

2. STATUTORY PROVISIONS:

Subsection 720.305(2), Florida Statutes provides in part as follows:

(2) If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees or both, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 per violation, against any member or any tenant, guest, or invitee. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$1,000[^] in the aggregate unless otherwise provided in the governing documents. A fine shall not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to collect its reasonable attorney's fees and costs from the nonprevailing party as determined by the court.

(a) A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the Board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

(b) The requirements of this subsection do not apply to the imposition of suspensions or fines upon any member because of the failure of the member to pay assessments or other charges when due if such action is authorized by the governing documents.

(c) Suspension of common-area-use rights shall not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

Certain of the terms of Subsection 720.305(2) will supersede the terms found in Article XV of the By-Laws. Therefore, these rules concerning the imposition of fines will follow the terms of Article XV to the extent that they are not in conflict with Subsection 720.305(2), Florida Statutes.

c. APPOINTMENT OF "COVENANT COMPLIANCE COMMITTEE":

Pursuant to Subsection 720.305(2), the Board of Directors shall appoint a committee to be known as the "Covenant Compliance Committee" (CCC). This committee shall conduct hearings to determine if fines should be imposed for violations of the provisions of any University Estates document, any supplements or amendments thereof, and any rules adopted pursuant to the power granted by the said Article XV.

The CCC shall be composed of at least three members of the Association, who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee of the Association. All committee members shall serve at the pleasure of the Board of Directors and may be removed with or without cause by the Board at any time.

The operation of the CCC shall be in compliance with the rules provided below.

D. RULES FOR THE IMPOSITION FINES BY COMMITTEE:

The rules and procedures which should be followed for the imposition of fines, are:

1. To the extent possible, no fines should be imposed until after the administrative procedures outlined in Section A above are completed. Failure to comply with those procedures shall in no way affect any Fines imposed hereunder.
2. As to each possible fining event, the management company shall make a written report to the Board.
3. If the alleged violator is involved in multiple infractions, then all such matters and information may be consolidated into one report.
4. The management company shall present the initial letter requesting compliance, along with all follow-up correspondence and any additional information, to the Board at duly constituted Board meetings and shall be prepared to answer any preliminary questions that may arise at that time.
5. If, at the conclusion of the preliminary presentation, the Board believes that the reported infraction exists, then the Board shall propose that a fine(s), be imposed against the violating party and shall direct that the CCC hold a hearing to determine if a fine(s) should be imposed. Additional provisions concerning the power of the Board are as follows:

- a. The Board may not propose a fine in excess of \$100 per person per violation. However, for violations of a continuing nature, such fine may be proposed on the basis of each day of such continuing violation as long as such proposed fine does not exceed \$1,000 in the aggregate.
 - b. Because the above fines are based on individual infractions, the Board may propose multiple fines if multiple infractions are found to exist.
 - c. The Board reserves the right, but not the duty, to prepare a schedule of fines for particular violations.
 - d. The Board also reserves the right, but not the duty, to propose fines and then suspend the same upon condition of compliance or because compliance had occurred prior to the presentation.
6. The CCC shall then notify the Owner in writing of the alleged infraction(s) and of the fine(s). It shall also notify the Owner that a hearing will be held concerning the same. The notice shall include the alleged infraction(s), the date, time, and place that the hearing will be held, and an announcement that the Owner may appear at such hearing to address the issue. The notice shall be served on the Owner by certified and regular mail so that it will be received at least fourteen (14) days prior to such hearing. Service shall be completed upon the depositing of the notice in an official postal depository, postage prepaid.
 7. At the appointed place and time, a full hearing will be held before the CCC concerning the alleged infraction(s) and the proposed fine(s). A Complainant representative shall present evidence reflecting that the proper notice was served on the Owner and shall then present the case to the CCC. The owner may represent himself or shall have the right to be represented by counsel at the hearing. Both the Complainant representative and the Owner shall have the right to present such evidence as they deem appropriate and may present and cross-examine witnesses.
 8. Multiple infractions by the same Owner may be discussed at the same hearing.
 9. Strict rules of evidence shall not be required, however, the CCC shall comply with such standards that will ensure due process and fair play.
 10. The CCC has the right to continue any hearing for such periods of time that it deems necessary in order to ensure that full information is presented upon which to make a decision. Appropriate notices of such continuances must be given to the Owner.

11. If notice is given as required above, the failure of an Owner to appear at the hearing shall in no way impede the completion of the hearing.
12. If, after a full hearing, the CCC does not approve a proposed fine by majority vote, then such fine shall not be imposed.
13. If, after a full hearing, the CCC, by majority vote, determines that the infraction or infractions has occurred, then the fine proposed by the Board will be imposed. No fines may exceed the limits provided for above.
14. For multiple violations, the CCC may impose some fines and refuse to impose other fines.
15. All decisions of the CCC imposing fines shall be reported in official minutes and must be sent to the Owner by certified and regular mail.

E. COLLECTION OF FINES:

Fines imposed hereunder shall be deemed indebtedness due the Association from the Owner against whom it is imposed. If not paid within fifteen (15) days all such fines shall bear interest at the highest lawful rate until paid. The Association may collect said fine(s) using any method permitted by law or in equity. Should it be necessary for the Association to employ an attorney to collect such indebtedness, in addition to such interest, the Association shall be entitled to recover the costs and expenses thereof, together with a reasonable attorney's fee, based on the fact that the same shall be treated as a Special Assessment.

Letter 1

Date

Mr. & Mrs.

Orlando, Florida 32826

Dear :

We know that you are proud of our community and your home in University Estates. Maintaining the exterior and grounds of your home helps protect its value and preserves and improves the appearance of your home as well.

A recent inspection of all homes has revealed (identify violation and quote applicable Document), (identify requested action).

Please correct the above matter within fourteen (14) days, or not later than _____, to avoid further action from the Board of Directors.

Thank you in advance for your cooperation in this matter. Should you have any questions, I can be reached at (407) ***-****.

Sincerely,

UNIVERSITY ESTATES PROPERTY OWNERS ASSOCIATION. INC.

*****, LCAM

Community Association Manager

cc: Owner file

Letter 2

SENT REGULAR AND
CERTIFIED MAIL

Date

Mr. & Mrs.

Orlando. Florida 32826

Dear :

The Board of Directors of the University Estates Property Owners Association, Inc. has requested that I contact you again. You were previously notified on (date) that you were in violation of (violation). Based on a recent re-inspection, the violation has not been corrected, and we have received no notification of your intent to comply.

You. are hereby notified that the (requested action) must be performed within fourteen (14) days. or not later than (date) or the Board will be forced to pursue further action. This may involve filing a lawsuit against you or imposing a fine up to \$1,000.

Please contact me at (407) ***-**** should you have any further questions regarding this matter.

Sincerely,

UNIVERSITY ESTATES PROPERTY OWNERS ASSOCIATION, INC.

*****, LCAM

Community Association Manager

cc: Board of Directors

CCC

Owner File

PROCEDURE FOR IMPOSING INITIAL FINES

THE MANAGEMENT COMPANY FILES WRITTEN REQUEST WITH BOD FOR COMMENCEMENT OF FINING PROCEDURE (NAME AND ADDRESS OF VIOLATOR, AND BRIEF DESCRIPTION OF INFRACTION, OTHER PERTINENT INFORMATION). (FORM 1)

THE MANAGEMENT COMPANY APPEARS BEFORE NEXT BOD MEETING AND PRESENTS CASE TO BOD.

IF BOD AGREES WITH THE MANAGEMENT COMPANY. IT PROPOSES APPROPRIATE FINE(S) AND DIRECTS CCC TO HOLD A HEARING TO DETERMINE IF THE FINE(S) SHOULD BE IMPOSED. IF IT DISAGREES, THE CASE WILL BE CLOSED. (FORM 2 & 3)

CCC SETS A HEARING DATE AND SENDS WRITTEN NOTICE TO THE ALLEGED VIOLATOR OF THE HEARING DATE AND OTHER PERTINENT INFORMATION. NOTICE MUST BE RECEIVED BY PERSON AT LEAST 14 DAYS BEFORE HEARING DATE. (FORM 4)

ON DESIGNATED DATE. CCC HOLDS HEARING AT WHICH TIME A COMPLAINANT REPRESENTATIVE SHALL PRESENT CASE TO CCC.

AT CONCLUSION OF CASE, CCC EITHER IMPOSES THE FINE(S) OR NOT.

ALL DECISIONS MUST BE PUT INTO OFFICIAL MINUTES AND SENT TO THE OWNER BY CERTIFIED AND REGULAR MAIL. (FORM 5)

FINES SHALL BECOME A DEBT OF THE OWNER. THE BOD, NOT THE CCC SHALL COLLECT THE FINES.

SAMPLE

FORM 1

REQUEST FOR COMMENCEMENT
OF FINING PROCEDURE

The management company of University Estates Property Owners Association, Inc. hereby requests that the Board of Directors commence the fining procedure against the below described person(s) based on the following information:

ADDRESS OF PROPERTY WHERE _____
ALLEGED VIOLATION EXISTS:

NAME AND ADDRESS OF OWNER(S) _____
OF SUBJECT PROPERTY:

NAME OF RESIDENT IF DIFFERENT
THAN OWNER: _____

ALLEGED VIOLATION INCLUDING
CITATION TO RESTRICTION(S): _____

(NOTE: FOR MULTIPLE VIOLATIONS. ADDITIONAL PAGES WILL BE ATTACHED HERETO)
ADDITIONAL INFORMATION. PHOTOGRAPHS AND OTHER PAPERS ARE ATTACHED.

BY: _____
FOR: MANAGEMENT COMPANY
DATE: _____

FORM 1A

ADDITIONAL PAGE
FOR MULTIPLE VIOLATIONS

ALLEGED VIOLATION INCLUDING
CITATION TO RESTRICTION(S): _____,

ALLEGED VIOLATION INCLUDING
CITATION TO RESTRICTION(S): _____

ALLEGED VIOLATION INCLUDING
CITATION TO RESTRICTION(S): _____

ADDITIONAL INFORMATION. PHOTOGRAPHS AND OTHER PAPERS ARE ATTACHED

SAMPLE

FORM 2

ORDER PROPOSING FINE
AND
DIRECTING THAT HEARING BE HELD

On _____, 200_. evidence was presented to the Board of Directors of University Estates Property Owners Association. Inc. concerning the below described violation. Based on the evidence presented, the Board hereby makes the following finding and hereby proposes the following fine against the below listed person(s):

NAME AND ADDRESS
OF PERSON(S) TO BE
FINED: _____

VIOLATION FOUND
TO EXIST: _____

PROPOSED FINE: _____

(NOTE: FOR MULTIPLE FINES, ADDITIONAL PAGES WILL BE ATTACHED HERETO)

The Board hereby directs that its Covenant Compliance Committee hold a hearing to determine if the above fine should be imposed.

University Estates Property Owners
Association, Inc.

BY

DATE: _____

FORM 2A

ADDITIONAL PAGE
FOR MULTIPLE VIOLATIONS

SECOND VIOLATION FOUND
TO EXIST:

PROPOSED FINE:

THIRD VIOLATION FOUND
TO EXIST:

PROPOSED FINE:

FOURTH VIOLATION FOUND
TO EXIST:

PROPOSED FINE:

SAMPLE

FORM 3

ORDER DECLINING TO PROPOSE FINE
AND
DIRECTING THAT CASE BE CLOSED

On _____, 200_. evidence was presented to the Board of Directors of University Estates Property Owners Association, Inc. concerning the below described violation. Based on the evidence presented, the Board hereby determines that the below described alleged violation does not exist and directs the management company to close its file on this matter listed below:

NAME AND ADDRESS

OFOWNER(S):

VIOLATION FOUND

NOT TO EXIST:

University Estates Property Owners
Association, Inc.

BY:

DATE: _____

Form 4

UNIVERSITY ESTATES PROPERTY OWNERS ASSOCIATION INC
2180 W. STATE ROAD 434, SUITE 5000
LONGWOOD, FLORIDA 32779
(407) 788-6700 EXT. 296

NOTICE OF HEARING/POSSIBLE IMPOSITION OF FINE

TO: Mr. and Mrs.
Orlando, Florida 32826

RE: (address of violation) _____

PLEASE TAKE NOTICE that on _____, 200_ at 7:00 PM. or as soon thereafter as possible, the Covenant Compliance Committee of University Estates Property Owners Association, Inc. will meet at _____ which is located _____ for the following purpose:

To conduct a full evidentiary hearing to determine whether you have violated the (citation of the section of the appropriate document) by failing to property _____ as is required by (citation of the section of the appropriate document) which applies to your property (copies attached as Exhibit "A").

You are commanded to appear at the date, time and place listed above to participate in this important hearing and to present evidence relating to this matter. You may bring legal counsel to this hearing if you so wish. If the committee determines that you have failed to comply with the Restrictions, it may impose a fine against you of up to \$100.00 per person, per violation. In addition, for violations of a continuing violation for a fine of up to \$1,000.00 in the aggregate.

Attached to this Notice, as Exhibit "B", is a copy of the applicable rules that apply to this hearing. You must read this material and secure a complete understanding to your rights and obligations.

If you have any questions, please contact the association at the above address or telephone number. You will be expected to attend this hearing.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Certified Return Mail and regular United States Mail to the above-named addressee(s), this ___ day of _____, 200_.

University Estates Property Owners Association, Inc.
Covenant Compliance Committee

Form 5
Send Regular and Certified Mail

UNIVERSITY ESTATES PROPERTY OWNERS ASSOCIATION, INC
COVENANT COMPLIANCE COMMITTEE HEARING

MINUTES OF ACTION TAKEN

AND

FINAL ORDER

UNIVERSITY ESTATES PROPERTY
OWNERS ASSOCIATION, INC.

Petitioner,

v.

Respondent(s).

_____/

RE: Violation of the Declaration of the Covenants and Restrictions for
University Estates Property Owners Association, Inc. and the Rules:

Respondent's property:

On _____, 200_, the Covenant Compliance Committee of the
University Estates Property Owners Association, Inc. held a hearing pursuant to
Article XV of the By-Laws of University Estates Property Owners Association, Inc.
at _____ to determine if a fine should be assessed
against the respondents as a result of the following alleged violation:

(PUT ALLEGED VIOLATIONS HERE)

The Respondent appeared at the hearing.

Based on the evidence presented, the Covenant Compliance Committee entered
the following Findings of Fact. Conclusions of Law and Order which is now
memorialized by this written order.

FINDINGS OF FACT

The following evidence was presented:

1. _____ are the owners of the above referenced
property and they were properly notified of this hearing.

2. A representative of the Management Company presented photographs which had been taken on the day of the hearing which accurately reflected the above listed matters and further reflected that the matters had not been remedied as of the date of the hearing.
3. Based on the photographs and the other evidence presented, it is found that the above listed matters constitute violations of _____ as above stated.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and _____ of the University Estates Property Owners Association, Inc. this Committee finds that it has jurisdiction over this matter.

ORDER

It is the order of the Covenant Compliance Committee that the Respondents are in violation of the Declaration of Covenants and Restrictions and the Rules promulgated thereunder.

It is further the order of the Committee that a fine of \$100.00 toe assessed against the Respondents for the subject violation. However, the fine will be waived if the Respondents _____ to the satisfaction of the Committee on or before _____.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this order was served by Certified Return Receipt Requested and U.S. Mail to _____ this _____ day of _____, 200_.

Covenant Compliance Committee
of University Estates Property Owners
Association, Inc.

By: _____

Fine to be paid to: University Estates Property Owners Association, Inc. at the management company address