

V.P. HOMEOWNERS ASSOCIATION, INC.
1475 E. Taylor Road, Building A
Deland, FL 32724

**COVENANT VIOLATION NOTICE AND FINE APPLICATION POLICY
AND RESOLUTION OF ADOPTION**

Pursuant to the rights contained in Section 7.4 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The V.P. Community, along with related rights contained elsewhere in the governing documents, the Board of Directors of the V.P. Homeowners Association, Inc., hereby adopts the following Policy concerning covenant violations and fines, which shall be effective immediately, and which shall replace the resolution adopted by the Board at the meeting on April 23, 2014:

- Upon inspection by the Association or its agent, if a violation is apparent, the Association, or its agent, shall provide the owner(s) notice of said violation and provide said owner(s) fifteen (15) days to bring the property into compliance. No fine shall be applied at this time.
- If the violation has not been cured within the time provided after the first notice, as described above, the Association, or its agent, shall provide the owner(s) a second notice that includes the date and time of a hearing before a committee established pursuant to Article VII of the Amended and Restated Declaration, and Article V of the By-Laws. Said meeting shall not be convened prior to fourteen (14) days from the date of this notice. No fine shall be applied at this time of the notice.
- A hearing shall be held by the Covenants Committee, as described in Section 5.2 of the By-Laws.
 - The committee shall permit the owner(s) to speak and present evidence concerning the violation, if in attendance.
 - After reviewing the testimony, if any, and all evidence, the committee shall determine if a violation exists on the subject property, by a majority vote of the committee members.
 - If the committee determines a violation exists, the committee shall impose a fine of \$100.00 per day, to begin the following day.
 - Non-attendance by the owner(s) shall not prevent the committee from reviewing the evidence and rendering a decision concerning the violation and possible fine.
- If the Covenants Committee imposes a fine, the Association, or its agent, shall provide the owner(s) with notice of the hearing results, informing the owner(s) that a fine is being imposed immediately.
- No appeal of the Covenants Committee decision is permitted, as neither the Amended and Restated Declaration nor section 720.306, Florida Statutes, require any such appeals process. Due process is satisfied by allowing the owner(s) the opportunity to present arguments, evidence, and challenges at the Covenants Committee hearing.

- Each notice shall contain a clear description of the underlying violation and shall provide information to the owner(s). Separate notices shall be provided for separate violations.
- All notices are to be sent by regular, First Class mail to the owner(s) at the property address and any other address within the Association's records. Florida Law does not require notice to be sent by certified mail.
- Should any fine reach \$1,000.00, the Association shall have the right to record a lien against the property to secure payment. Any fine for continuing violations is not capped, but continues until the violation is cured.
- The Association shall have the right to seek collection of any fine imposed, whatever the amount, through any permitted collection activity as provided for by Florida Law. The owner(s) shall be liable for any collection costs incurred by the Association.
- The violation notice and fine procedures described above are not the exclusive remedy available to the Association for any non-compliance. The Association specifically reserves the right to compliance using any means available by law, including but not limited to suspending amenities, self-help, seeking redress in court or through alternative dispute resolution. The election of one remedy method does not prevent the Association from seeking any other remedy available by law.

The Covenant Violation Notice and Fine Application Policy, as described herein, is hereby adopted by unanimous consent of the Board of Directors of the V.P. Homeowners Association, Inc. Pursuant to the applicable bylaws of the Association, the adoption of this Policy shall be binding and take effect immediately and shall act to revoke any previously enacted resolution on the same subject matter.

IT IS HEREBY RESOLVED, the Board of Directors of the V.P. Homeowners Association, Inc. adopts, approves, and installs the above-referenced Covenant Violation Notice and Fine Application Policy, which the same is given effect immediately. Notice of the same shall be provided to all Owners/Members of the Association.