



**WINDING CYPRESS HOMEOWNER'S ASSOCIATION, INC.
ENFORCEMENT POLICY**

Overview:

The objective of this Enforcement Policy is to ensure compliance and enforcement of Winding Cypress Homeowner's Association, Inc.'s (the "Association") Declaration of Covenants, Conditions and Restrictions, the Articles, of Incorporation, the Bylaws, and the Rules and Regulations (collectively the "Governing Documents") in a fair, consistent, and systematic manner as authorized in Article 8 of the Bylaws and Section 720.305, Florida Statutes.

Violation of the Association's restrictions found in the Association's Governing Documents are addressed through enforcement policies with prescribed steps and timelines. Due process includes an opportunity for a hearing, with at least 14 days' written notice, in front of the Appeals Committee (the "AC"). The role of this committee is limited to determining whether to confirm or reject the fine amount or suspension levied by the Board of Directors ("Board"). The AC members shall not be officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee.

Fine amounts may not exceed \$100/violation or \$1,000 in the aggregate. Suspension lengths must be for a reasonable amount of time and suspends the right of an owner, or an owner's tenant, guest, or invitee, to use the common areas, common facilities, or any other Association property for failure to comply with any provision of the Governing Documents. The suspension does not apply to common areas needed to access the owner's lot, including the right to park.

All Notices, as stated below, should contain a description of the alleged violation, a picture of the violation (if applicable), the Owner's name and address, and a time period for curing the violation.

The enforcement process shall be as follows:

1. **First Notice/Courtesy Warning Letter** - Written notice is sent to the owner identifying the violation in question and providing the owner with an amount of time to correct the violation. In

most cases, the violation will be cured within a reasonable number of days as specified in the **First Notice/Courtesy Warning Letter**. The **First Notice/Courtesy Warning Letter** is designed to be a friendly communication. This Notice includes all the evidence collected for the violation.

2. **Second Notice/Violation Letter** – If the violation has not been cured after the specified number of days listed in the First Notice, a **Second Notice/Violation Letter** is sent to the Owner. This **Second Notice/Violation Letter** references the First Notice and utilizes stronger wording. It provides the owner with additional time to cure the violation. The **Second Notice/Violation Letter** shall include a deadline for curing the violation and if the violation is not cured within the provided timeframe, the Board will proceed to levy a fine or suspension at a Board meeting.

3. **Board Meeting** – If the violation is not cured within the time period provided in the Second Notice/Violation Letter, then at the next Board meeting, the Board will levy a proposed fine and/or a proposed time period for suspension from access to the recreational facilities and other amenities of the Association.

4. **Third Notice/AC Letter** – This **Third Notice/AC Letter** informs the owner that the Board of Directors has levied a fine (and the amount of the fine) and/or a suspension (and the length of time for the suspension). This **Third Notice/AC Letter** provides a date, time, and location for the AC hearing so that the owner may discuss the proposed fine or suspension with the AC. The **Third Notice/AC Letter** provides at least 14 days’ written notice and is sent via certified mail, return receipt requested, and via regular mail.
 - The AC Hearing must occur whether or not the owner or person sought to be fined or suspended actually attends. **If the owner plans to attend and include others on his behalf (e.g., witnesses, lawyer, etc.), they must inform the BOD seven (7) days in advance of the meeting.**
 - At the AC Hearing, the AC will approve or reject the fine and/or suspension that the Board of Directors has levied. The owner may present statements or other evidence as to why there should not be a fine or a suspension. If the AC, by majority vote, does not approve a proposed fine or suspension, then the fine or suspension may not be imposed.

5. **Fourth Notice/AC Results Letter** - (if a fine or suspension is approved) – The **Fourth Notice/AC Results Letter** informs the owner that the AC has approved the fine and/or suspension. The **Fourth Notice/AC Results Letter** will provide a due date for the fine payment, which will be approximately 10 days after sending the **Fourth Notice/AC Results Letter**. The **Fourth Notice/AC Results Letter** must be sent to the owner via mail or hand delivery and, is applicable, to the tenant, licensee, or invitee of the owner.