

The Residences at Harbour Pointe West Condominium Association, Inc. Establishes the following Resolution to Enforce the Association Covenants and Rules:

The Declaration of Condominium Documents of the Residences at Harbour Pointe West Condominium Association, Inc. (HPW) establishes that the undersigned Association is responsible for the operation of the condominium, including enforcement of its covenants, rules and regulations. Florida Statutes and the governing documents of the Association permit fining for violations of the Declaration, Bylaws, and Rules and Regulations. The Board of Directors desires to adopt a policy regarding the fining procedure which it will utilize in such circumstances with the following processes in place:

1. The Board of Directors or its appointed agents is charged with determining whether there is probable cause that any of the provisions of the Declaration, the Bylaws, or the Rules and Regulations of the Association regarding the use of the units or the common elements have been violated.
2. In the event that a Complaint is received by the Association, or a violation is otherwise determined to have occurred, the Board of Directors or its agents will discuss the issue with the unit owner **verbally** in order to provide an opportunity for such violation to be corrected within a reasonable time, but not less than seven (7) days, absent an emergency condition. This will be considered a **first notice**.
3. If the violation has not been corrected within the time mentioned in the first notice, the Board of Directors or its agent will send the unit owner a **written letter** to ask the owner to correct the violation. The letter will provide the owner another seven (7) days to remedy the issue. This is considered a **second notice**.
4. If the violation is not corrected within fourteen (14) days of the second notice, then the Board of Directors or its agent will propose a fine against the unit, up to the maximum amount allowed by law. A fine may be proposed based upon each day that a violation continues. The fine will not become final until a hearing has been held, or the right to a hearing is waived by the alleged violator.
5. In the event a fine is proposed by the Board of Directors, the alleged violator shall be provided a written **"Notice of Fine" by regular and certified mail**, which Notice shall inform the alleged violator of the proposed fine, along with a notice that the alleged violator may request a hearing before a **Compliance/Fining Review Committee** within fourteen (14) days from the date of the Notice. Failure to request a hearing within the fourteen (14) day timeframe shall constitute a waiver of the right to a hearing.
6. If the alleged violator requests a hearing, **the Board of Directors will refer the matter to the already appointed Compliance/Fining Review Committee**. This Committee shall consist of at least three (3) unit owners other than officers, directors or employees of the Association, or the spouses of the directors, and such Committee shall be charged with conducting the hearing and rendering the decision with regard to the levy of fines.

7. The Compliance/Fining Review Committee shall hold a hearing if requested, within fourteen (14) days after the date of the hearing request. The Fining Review Committee will communicate in writing with the violator to provide the time and place of the hearing. **The Compliance/Fining Review Committee may overrule or modify the fine after the hearing.**

8. The Compliance/Fining Review Committee shall appoint a Chairman and shall conduct hearings in accordance with the following rules:

a. The hearing may be audio or video recorded in the same manner that unit owners are permitted to audio or video record meetings of the Board of Directors.

b. The Representative of the Association shall be heard first, in order to summarize the basis for the proposed fine, and to present any witnesses or documents in support of the proposed fine.

c. The alleged violator shall be given a reasonable opportunity to respond to all allegations made against him/her.

d. Immediately following the conclusion of the hearing, or at the discretion of the Committee, within five (5) days from the date of the hearing, the Committee shall render a decision on the matter, and will prepare a written summary of the decision, which is to be provided to the Board of Directors.

9. Subsequent to the hearing, or if no hearing is requested within fourteen (14) days from the date of the Notice of Fine, the Board of Directors shall provide the alleged violator with written notice that the fine has been imposed, and has become final, due and payable to the Association. The Board of Directors may also take any additional legal action that is deemed necessary to collect the fine.

10. The violator(s) will be responsible for all attorney's fees incurred in the enforcement and collection of the fine, provided that the Committee upholds the fine, in whole or in part in case the fine is not paid within thirty (30) days from the date of a letter advising them that the fine has become final.

The Residences at Harbour Pointe West Condominium Association, Inc.

Singed by: Ahad Diba , President

Date: May 2, 2024