

Walden Lake Community Association
**ENFORCEMENT OF COVENANTS AND RULES,
INCLUDING NOTICE AND PROCEDURES POLICY**

4/16/2013

Walden Lake Community Association (WLCA), inherent with the enforcement and defense of the various communities HOA's governing documents, including recorded Covenants and/or Deed restrictions; (the "Governing Documents".) offers the following services. The goal of this process is to offer support and standardization, where possible, to the individual HOA's enforcing their local governing documents (does not include local HOA Rules and Regulations.) The HOA's power to impose fines is set forth in their local HOA Covenants/deed restrictions. This process supports the WLCA enforcement monitoring as well as enforcing local HOA's at their request based on the HOA's approved Covenants. Intent is to support individual HOA's in the monitoring and notification of violations of HOA's Covenants offering a more uniform enforcement policy.

HOA PARTICIPATION

WLCA extends to each HOA the opportunity for Covenant/Deed Restriction enforcement, at no charge, other than annual dues, to be monitored by the WLCA Covenant Enforcement Officer (CEO). This process allows a more uniform Covenant enforcement in all communities as well as a standard approach to violation enforcement. WLCA "only" monitors, and reports on an HOA Covenant Violation and will respond to the homeowner as well as the effected HOA. This approach is only manageable with the support of each HOA working with the WLCA CEO on violations. WLCA has the right to decline and/or drop support for an individual HOA due to past/current compliance support issues, management issues and adherence to the HOA's Covenants. The enforcement is only effective if the HOA offer support and adheres to their part of enforcement. For an HOA to participate, proof must be established that the State of Florida FS720.303 requirement for each HOA to be a current Florida Corporation has been validated. A copy of the HOA Florida Corporation document will be required.

COMPLAINT PROCESS

1. Inspections. WLCA, acting through the WLCA CEO, will conduct inspections monthly of HOA's that have requested enforcement support. The HOA, or the WLCA CEO, may take photographs of observed violations for supporting documentation. The photographs will be provided to the homeowner (Owner) upon request.
2. Who May Report Complaints? A complaint ("Complaint") regarding alleged violations may be reported by any Owner or resident within the Community. All Complaints may be submitted in writing (preferred) or verbally to either the HOA or the WLCA CEO for processing.

3. Procedure for Reporting Complaints. Complaints by homeowners or residents shall be submitted in writing (preferred method) or verbally, to the WLCA CEO and shall provide the street address of the property and a concise description of the alleged violation. Violations that cannot be confirmed by the HOA or WLCA, by visual inspection will require additional supporting documentation from the complaining party.

4. Responsible Parties. Any non-compliance regarding HOA Covenants or Deed Restrictions by any Owner, renter, or guest will be the responsibility of the Property owners to take corrective action(s).

NOTIFICATION OF VIOLATION LETTER PROCESS

After the HOA notifies the WLCA CEO of the violation or if the violation was detected on normal inspection, an onsite inspection will be made to determine if the violation is valid. All inspections will be completed via a street view or golf course view. HOA homeowners will receive a “Friendly Notice” advising that a condition observed on their property is a violation of the HOA’s Covenants. The HOA homeowner will have up to thirty (30) days, depending on the type of violation, to bring the violation into compliance. This notice letter will explain the violation and will make reference to the article of the Covenants that it is a violation of. The letter will also request that the homeowner respond as to their compliance in this matter.

If the homeowner has not corrected the violation by the compliance date, a second and FINAL notice (all being sent via First Class mail and Certified Mail, Return Receipt Requested) will be sent advising that a previous notice was issued regarding a current infraction/violation observed on the property and that the condition must be rectified up to **thirty (30) days**, depending on the violation type. This letter will inform the homeowner that if he/she does not comply within the time-frame given, the matter will be turned-over to the WLCA attorney or HOA attorney for compliance and/or to the HOA board for possible fining.

RIGHT TO ARBITRATION

The right to arbitration is provided for in Florida Statute FS720.305, being the governing procedure. The HOA Board of Directors may not impose a fine, suspend voting or suspend any other rights of a homeowner for violations of the Governing Documents unless the procedures set forth in FS720.305 are followed. A Notice of Arbitration will not be required where an emergency exists or, if permitted by the Covenants, the Board of Directors commences an action in a court of law.

EMERGENCY SITUATIONS

The HOA Association may dispense with the Notice of Violation if it determines an emergency may exist, i.e. if the alleged violation may pose an immediate threat to persons or property

ARBITRATION COMMITTEE

The purpose of the Arbitration Committee is to evaluate the nature of the alleged violation and to arrive at a resolution with the property owners who challenge the violation. The HOA Board of Directors must appoint an Arbitration Committee to hear the matter (“Arbitration Committee”). The Arbitration Committee shall be comprised of at least three (3) Members appointed by the HOA Association board whom the Board of Directors believes will be able to afford a fair and impartial

Hearing. These appointed members may NOT be board members, directors, or employees of the HOA.

ARBITRATION RULES

All rules and procedures of Arbitration will adhere to Florida Statue FS720.305 (<http://www.flsenate.gov/laws/statutes/2011/720.305>)

FAILURE TO APPEAR

Neither the alleged violating homeowner nor any accusing person need be in attendance. Accused noncompliant homeowners who fail to attend or do not file a written response with the HOA may be fined per the recommendations of the HOA board, or referred to the HOA attorney for further action.

APPEALS

Each homeowner has a right to appeal any HOA Board decision regarding violations through the Arbitration process as described in FS 720.305. The homeowner may appeal the findings to the HOA Board at its next regularly scheduled board meeting.

First Violation. The fine for a first confirmed violation of a HOA Covenant or Deed Restriction will be \$100 per day per violation for a maximum of \$1000 per violation; or attorney action if HOA does not have a violation fine process in place; or prevailing HOA Covenant approved fine (dollar amount) for each violation. A “fine” is applied by the HOA Board of Director’s.

Recurring Violations. Violations recurring within six (6) months of the HOA Board Action confirming the violation may result in either an immediate fine with no 30 day notice required for each violation or attorney action if HOA does not have a violation fine process in place.

Fines and Collection. A Fine assessed against an Owner will be collected in a manner consistent with all applicable Florida laws.

Due Date. A fine will be due and payable in full within thirty (30) days from the date of the letter notifying the Homeowner of the fine being imposed by the HOA Board unless other arrangements have been made that are satisfactory to the HOA Board.

GENERAL PROVISIONS

HOA Extenuating Circumstances. If extenuating circumstances arise with a violation, the HOA may request the homeowner prepare and submit a written plan outlining how the violation will be corrected. The HOA Board will review the proposed plan and will decide, in its sole discretion, whether to accept, reject or offer a compromise on the submission.

HOA Board Approval Date: _____

HOA Board Secretary Signature: _____

HOA Authorized Signature: _____

(Agreement Acceptance)