The Alexandria Condominium Association, Inc.
Violation Rules and Regulations

Adopted by the Board of Directors of the The Alexandria Condominium Association, Inc.
Date: November 3, 2022

In accordance with Section 718.303, Florida Statutes, and the Association's governing documents, the Board of Directors of the Association (the "Board) adopts the Violation Rules and Regulations contained herein for the imposition of fines and other measures to compel Owners to comply with the governing documents and rules of the Association.

1. **First Notice of Violation**. Upon the verification of a violation of the Association's governing documents, a First Notice of Violation shall be sent by the Management Company by regular U.S. Mail to the Owner's address of record, and to the occupants of the home if the owner does not reside in the home. All notices described in this Rules and Regulation shall be deemed to have been sent when placed in the U.S. Mail. The First Notice of Violation Letter shall inform the owner of the nature of the violation, cite the relevant document provisions that have been violated, and request that the violation to be corrected within the time frame prescribed in the letter (the "Violation Correction Period", i.e. 14 days, 30 days, or the number of days as determined by the Board and/or Management Company to attempt to accomplish compliance, depending on the type and severity of the violation). The Violation Correction Period may be set by the President or any other Board Member familiar with the violation. The letter shall also contain instructions for notifying the Management Company of the correction of the violation ("Notice of Compliance") if applicable.

2. **Notice of Compliance**. Upon correction of a violation, the Member shall be required to send the Notice of Compliance form to the Management Company. When extenuating circumstances prevent the member from correcting the Violation within the Violation Correction Period, the Member can request an extension on the Notice of Compliance form. The Board reserves the right to deny the extension. This form must be postmarked by the Violation Correction Period due date.

3. **Board Action to Propose Fine.** The Management Company shall provide, at a duly noticed board meeting, a report containing information on owners that have been provided a First Notice of Violation, and the Board shall, upon reviewing the report, make a motion regarding approval of fines and commencement of the Fine Committee hearing process for any or all of the owners on the report that do not comply with the Association's demands within the time frames set forth in the violation letters. The Board shall also determine the amount of the fine to be considered by the Fine Committee for the violation. The amount of the fine may take into consideration the nature and severity of the violation, whether the violation is a repeated violation, and information regarding when the fines begin to accrue. The fines may be up to $100.00 per day for each day of a continuing violation, up to $1,000.00 per violation, unless a higher amount is permitted by law and approved by the Board.

4. **Second Notice of Violation and Notice of Hearing**. After the Board has agreed to commence the fine process, the Management Company shall send a Second Notice of Violation and Notice of Hearing ("Notice of Hearing") by certified mail, return receipt requested and regular U.S. Mail to the Owner's address of record, and to the occupants

of the home if the owner does not reside in the home. This Notice of Hearing shall:

- **a.** explain the nature of the violation
- **b.** provide not less than fourteen (14) days' notice of the Hearing date, time, and location
- **c.** cite the provisions of the governing documents pertaining to the violation
- **d.** include a copy of the First Notice of Violation
- **e.** contain a description of the amount of the fine being proposed for consideration by the Fine Committee
- **f.** contain instructions for the Member regarding the ability to appear at the Hearing and/or provide documentation in advance of the Hearing, and make arguments regarding why the fine should not be confirmed.
- **g.** demand that the violation be cured prior to the Hearing
- **h.** contain the Notice of Compliance form to be completed by the Member

5. **Creation of Fine Committee and Hearing Procedures**.

a. **Creation of the Fine Committee**. The Board shall appoint at least three (3) members of the Association to serve as members of the Fine Committee. The Board shall appoint one of the committee members to serve as chairperson. The members of the Fine Committee may not be the following individuals: officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. Members of the Fine Committee serve at the pleasure of the Board, and the Board reserves the right to remove a member for any reason, including but not limited to a potential or actual conflict of interest as determined by the Board. Unless removed by the Board, the term of membership on the Fine Committee shall be for a term of one year from the date of appointment. The Fine Committee authority shall be limited to the authority described herein, or as may otherwise be limited by law.

b. **Powers and Duties of the Fine Committee**.

i. The Fine Committee shall meet, as required, at a time and place determined by the chairperson of the committee. In order to conduct business and any hearings, a quorum of a majority of the committee must be present. There shall be a minimum of fourteen (14) days' notice of the meeting sent to the violating owner. Notice of the meeting shall also be posted in a conspicuous place in the community not less than forty-eight (48) hours prior to the meeting, and shall set forth the date, time, and place of such meeting.

ii. Proof of proper notices required by this Rules shall be presented and recognized in the minutes of the meeting. The alleged non-compliance shall be presented to the Fine Committee by the Board or board representative, either personally at the hearing or through documentary evidence provided to the Fine Committee in advance. Attendance of the violator at the meeting shall be deemed as a waiver or acceptance of adequate notice. The alleged violator shall have a right to present evidence and witnesses, ask questions, and otherwise present a case regarding why the fine should not be confirmed by the Fine Committee. The Fine Committee shall review all of the evidence and testimony,

and determine whether to confirm or reject the fine levied by the Board. A majority of the Fine Committee shall be necessary to confirm a fine.

c. **Failure to Appear at Hearing**: In the event that a violator fails to attend the hearing for his or her violation, the Fine Committee may proceed without the violator being present, and failure to appear at the hearing shall not serve to nullify any fine confirmed by the Fine Committee or sought to be collected by the Board.

d. **Notice of Fine**: Fines confirmed by the Fine Committee shall be communicated to the Management Company and the President, via email, U.S. Mail, or in person, within one (1) business day after the adjournment of the meeting. The Management Company shall provide written notice to the violator regarding the amount of the fine and due dates.

6. **Legal Action**. Fines shall be paid within ten (10) days following the date the notice of hearing results have been sent to the Member. Failure to pay confirmed fines will result in delinquency and collection procedures. If the fine, as confirmed by the Fine Committee and imposed by the Board, is not paid and/or the violation is not corrected within the compliance time frames, the Board or its Association manager may turn the file over to legal counsel for collection and/or formal legal action. In the event that a fine for any violation equals $1,000.00, the Association's attorney shall have the authority to file a lien against the property to the fullest extent provided by law, and upon approval by the Board, begin lien foreclosure proceedings to secure collection.

If specific performance or injunctive relief is required, the Board may opt to initiate a legal proceeding as prescribed by Florida Statute Chapter 718.303. The procedure first requires submittal of the complaint to mediation. If a dispute (complaint) cannot be resolved by mediation, then a civil suit in Duval County, Florida may be filed by either party.

7. **Suspensions**. The Management Company shall notify the Board, at a duly noticed Board meeting, regarding whether the fine as been paid and whether the violation has been resolved. If the fine has not been paid within 90 days of the due date, the following procedures may be implemented by the Board:

a. If a member is more than 90 days delinquent in paying a monetary obligation due to the Association, including a fine, the Association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full. This suspension does not apply to that portion of common areas used to provide access or utility services to the parcel. Suspension does 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.

b. The Association may suspend the voting rights of a parcel or member for the nonpayment of any monetary obligation due to the Association, including a fine, that is more than 90 days delinquent. A voting interest or right allocated to a parcel or member which has been suspended by the Association may not be counted towards the total number of voting interests for any purpose, including, but not limited to, the number of voting interests necessary to constitute a quorum, the number of voting interests required to conduct an election, or the number of voting interests required to approve an action pursuant to the governing documents. The suspension ends upon full payment of all

obligations currently due or overdue to the Association.

c. All suspensions imposed must be approved at a properly noticed board meeting. Upon approval, the Association must notify the parcel owner and, if applicable, the parcel's occupant, licensee, or invitee by mail or hand delivery.

8. **Board Discretion**. Nothing in this Rule shall be construed to require the Board of Directors to initiate fining or other enforcement proceedings against a violator. The Board has the authority to determine the most effective enforcement approach on a case-by-case basis. Deviation from this Rule shall not restrict or nullify the Association's ability to seek legal action to enforce its documents. Failure to pursue enforcement or fining rules in one instance shall not be deemed to be a waiver of the Board's ability to pursue legal action in other cases. The board can determine that the most effective approach to ensure compliance is the filing of a lawsuit, instead of or in addition to the fining system. This decision is solely within the discretion of the Board of Directors. Consideration may be given regarding the severity and frequency of the infraction in determining the appropriate level of enforcement action to be taken against members in violation of the community's restrictions.

9. **Repeat or Severe Violations**: The Board recognizes that sometimes Members repeat the same violation that they have been notified about in the past. The Board also recognizes that sometimes the violation can be severe (nuisance behavior such as frequent or severe loud noises or parties, unreasonable dog barking, unreasonable sounds, smells, lighting, short-term lease violations, or other similar violations). In these cases, the Board is justified start fining proceedings without giving a grace period, and/or immediately and simultaneously pursue formal legal action through mediation and/or litigation.

If an owner repeats a violation within 90 days after notice of the violation, or if the violation is considered severe, the Board is not required to send notices that give any grace periods to resolve the violation. The Board can decide to move forward with fining rules and send the Notice of Hearing. For these types of repeat or severe violations, the Fine Committee shall conduct the fining hearing and shall determine whether to confirm or reject the fine, regardless of whether the violation has been resolved at the time of the hearing.

The Alexandria Condominium Association, Inc.
Violation Rules and Regulations

First Notice of Violation

Date
Member Name
Address

Re: Violation Notification

Dear (Member's Name),

This letter is to inform you of non compliance with the Declaration, Architectural Controls and Rules and Regulations of The Alexandria Condominium Association, Inc. Section xx, Pg (state regulation etc) The Board finds that you have (explain violation).
It is your responsibility to **either** correct the violation **or cease this activity** by (explain corrective action required) by (date)
A Notice of Compliance form has been included to indicate you have corrected this violation **(when applicable)** and must be postmarked to the management company by the violation due date. Please be advised that non compliance **or failure to cease this activity** could result in sanctions that include fines and/or suspension of common areas and facility privileges.

You will find a copy of the current Declaration, Architectural Controls and Rules and Regulations of The Alexandria Condominium Association, Inc. at www.elimservices.com. If you have any questions, please contact me.

Sincerely,
Account Manager

Enclosure: Notice of Compliance

The Alexandria Condominium Association, Inc.
Violation Rules and Regulations

Notice of Compliance

Date: _____

Member Name & Street
Address:_____

I have corrected the violation __(State
Violation)_____

The date of the correction was _____

I intend to correct the violation however due
to_____
I cannot correct the violation by the required date but will have the violation corrected
by_____

Member Signature_____

Return to (Management Company Address)

The Alexandria Condominium Association, Inc.
Violation Rules and Regulations

Second Notice of Violation and Notice of Hearing

IMPORTANT NOTICE
Date_____
Member Name
Address

RE: URGENT – Second Notice of Violation and Notice of Hearing

Dear Member(s),

This letter is to again inform you that you are in violation of the Declaration, Architectural Controls and Rules and Regulations of The Alexandria Condominium Association,Inc. Section xx, Pg. You have been previously notified and have **either failed to correct this violation or have repeated/failed to cease the violation activity:** (state violation and required action) or notified the HOA in writing of the reason why you are unable to comply.

Therefore, under Florida Statute 720.305(2), the Association must enforce the provisions of the Association Declaration, Articles, Bylaws and Rules and Regulations as promulgated. A Member is subject to a fine of up to $100.00 per day and/or privilege suspension when the Member fails to remedy the violation after notice.

The Board has proposed a fine in the amount of $_____.00 for consideration by the Fine Committee. The Fine Committee will meet on __(date)____at ___(location)___, to consider the Board's fine recommendation. At that time you will have the right to appear in person or designate an appointee to provide argument as to why you should not be fined. You may also provide written argument to the Fine Committee Chairperson C/O (Management Company Address) or by e-mail to (Management Company E-Mail Address) prior to the Fine Committee meeting.

Assessed fines can accumulate up to a maximum of $1000 for non payment and non-compliance as well as suspension of the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full and the violation has been corrected. A fine of $1,000.00 can become a lien against your property, which can be foreclosed similar to an assessment lien foreclosure.

The Association demands that you comply prior to the Hearing. If you choose to comply prior to the Fine Committee meeting date, the enclosed Notice of Compliance form must be postmarked prior to the meeting date. **(when applicable).**

A Notice of Decision by the Fine Committee shall be provided you either in person, via USPS or e-mail.

Sincerely,

Account Manager

Enclosure: Notice of Compliance

Notice of Fine Committee Decision

Member Name
Address

Re: Notice of Decision

You have been previously notified on (Date) & (Date) that you are in violation of (State Rule/Regulation/Restriction) insofar that you have either not corrected or ceased (State Violation) by (Violation Due Date).

Therefore the Fine Committee of the Alexandria Condominium Association, Inc on (Date) ruled:

□ For the assessment of a (Fine Amount) fine payable to the Alexandria Condominium Association, Inc.and postmarked by (Due Date) to (Account Manager, Management Company Address). Failure to pay the Fine Amount and the receipt of the Notice of Compliance **(if applicable)** postmarked by the due date by (Management Company) will result in additional legal action for collection and enforcement.

□ For no assessment of a fine at this time. The Board retains the ability to pursue other legal enforcement.

If a member is more than 90 days delinquent in paying a monetary obligation due to the Association, the Board may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full.

The Association may suspend the voting rights of a parcel or member for the nonpayment of any monetary obligation due to the Association that is more than 90 days delinquent.

Cumulative fines of $1000.00 will be turned over to the Association's legal counsel for further enforcement action and could result in a lien against your property or civil action.

Sincerely,

Account Manager

Enclosure: Notice of Compliance