

Windemere Property Owners Association

Policy Resolution # 1: Policy Resolution Relating to Violation Processing

Approved: January 2021

Effective: January 2021

WHEREAS, The Windemere Property Owner's Association ("WPOA) is empowered to exercise all the powers, duties, and authority vested in or delegated to this Association by provisions of the Bylaws, Articles of Incorporation, and the Declaration of Covenants, Conditions and Restrictions, and other state and federal law.

WHEREAS, Article II of the Declaration of the Covenants, Conditions and Restrictions states that each lot is subject to Use Restrictions.

WHEREAS, The Seventh Amendment to the Declaration of the Covenants, Conditions and Restrictions states the Architectural Control Committee ("ACC") must approve all exterior changes to all lots.

WHEREAS, Article IV of the Bylaws states the business and affairs of WPOA shall be managed by its Board of Directors.

WHEREAS, there is a need for the Board of Directors to give direction regarding the processes associated with the enforcement of the Covenants, Conditions and Restrictions, Bylaws, Architectural Guidelines, and other rules of the Association, and the action of imposing fines against lots that are in violation of each.

WHEREAS, it is the intent that this policy shall be applicable for the processing of violations of the Covenants, Conditions and Restrictions, Bylaws, Architectural Guidelines, and other rules of the Association and the imposing of fines against Owners of lots that are in violation. This resolution will be in effect from the date listed above until it is rescinded, modified, or amended by a majority of the Board of Directors.

NOW THEREFORE, BE IT RESOLVED THAT the following policy shall be adopted by the Board of Directors regarding the process of enforcement of the Covenants, Conditions and Restrictions, Bylaws, Architectural Guidelines, and other rules of the Association.

1. Any owner of a lot that is in violation of the Covenants, Conditions and Restrictions, Bylaws, Architectural Guidelines, and other rules of the Association shall be issued a violation notice by the Association's Management Company or Board of Directors of the Association. The notice will identify the nature of the violation and specific provision of governing documents that the offending activity violates.
2. The owner will be given a specified number of calendar days to correct the violation. After the specified number of days have elapsed, a re-inspection of the lot will be performed by the Association's Management Company or Architectural Control Committee to determine if the violation has been corrected.

3. If the violation has not been corrected, the Management Company or Board of Directors shall issue the owner a 2nd violation notice giving the owner a final warning and a specific number of days to correct the violation.
4. After the specified number of days in the 2nd violation notice have elapsed, a re-inspection of the lot will be performed by the Association's Management Company or the ACC to determine if the violation has been corrected. If the violation has not been corrected the Association's Management Company or the Board of Directors will issue a hearing notice to the owner of the lot to appear before the Board of Directors and the ACC to discuss the violation and offer any explanation or evidence regarding the alleged violation.
5. The hearing notice to the owner will be postmarked at least 10 calendar days prior to the hearing date and mailed via certified mail. The hearing notice will specify (1) the violation, (2) the specific provision of the governing documents the offending activity violates, (3) the date, time, and location of the hearing, and (4) the requirement that if the owner intends to bring a third-party representative to the hearing, the owner must notify the President of the Board of Directors of that fact at least two days prior to the scheduled hearing date.
6. In lieu of attending the hearing, the owner may, no later than 3 days prior to the hearing date, submit written information to the President of the Board of Directors to be considered by the Hearing Panel at the scheduled hearing. If the owner fails to appear at the scheduled hearing and provides no written information by this deadline, the Hearing Panel will rule on the matter based solely on the information provided by the Association's Management Company or ACC.
7. At the hearing, the owner will be given a maximum of 5 minutes to present his/her position to the Hearing Panel. Up to 5 additional minutes will be allowed for Hearing Panel members to ask questions of the owner. The member of the Board of Directors will monitor and enforce these time limits. At the conclusion of the hearing, the Hearing Panel members will reconvene and decide by a majority vote of the members in attendance as to whether the owner of the lot is in violation and, if in violation, levy the appropriate fines.
8. The Management Company or the Board of Directors shall send a written notice to the owner communicating the results of the hearing.
9. Fines will be levied according to the Violation Fine Schedule listed as Exhibit A to this Policy Resolution. Daily fines will begin to accrue 10 days from the date of the written notice communicating the results of the hearing to the owner. The owner may avoid the daily fine if (1) the violation is corrected and the Board of Directors receives written notification from the owner of that fact within the same 10-day time period and (2) correction of the violation is subsequently verified by the Association's Management Company or ACC of the Association. However, even if the violation is corrected within the 10-day timeframe, the Hearing Panel shall still impose the initial fine for the violation.
10. Fines will be billed monthly. Daily fines will accrue according to the Violation Fine Schedule until (1) the violation is corrected, (2) the owner notifies the Board of Directors or the Association's Management Company in writing of the correction and (3) the Association's Management Company or the ACC of the Association verifies the violation has been remedied. Once verified, fines will be terminated effective with the date of the owner's letter notifying the Board of Directors that the violation has been remedied.
11. Failure by the owner to pay fines will be handled according to Policy Resolution which governs unpaid assessments. A lien may be filed securing payment of past due fines.

12. If the owner engages the services of an attorney to represent him/her as part of the violation fine process and/or at the violation hearing, the Hearing Panel may refer the matter to its attorney. If the Hearing Panel, with the opinion of its attorney, continues to find the owner in violation, attorney fees incurred by the Association will be charged to the owner.