

INSTRUMENT #: 2020338835
08/20/2020 at 08:36:22 AM
Deputy Clerk: CLEWIS
Pat Frank, Clerk of the Circuit Court
Hillsborough County

This Instrument Prepared by and Return to:
Anne M. Malley, Esquire
Address:
Anne M. Malley, P.A.
36739 State Road 52, Suite 105
Dade City, FL 33525

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

CERTIFICATE OF RECORDING

**THE ESTUARY HOMEOWNERS ASSOCIATION, INC.
GUIDELINES AND SCHEDULE OF FINES**

NOTICE IS HEREBY GIVEN that attached Guidelines And Schedule Of Fines for The Estuary Homeowners' Association, the Declaration for which was originally recorded in Official Records Book 20994, Page 813, Public Records of Hillsborough County, Florida, and as amended, was duly approved in the manner required therein at a meeting held on July 23, 2020.

IN WITNESS WHEREOF, The Estuary Homeowners' Association, Inc. has caused this Certificate of Recording to be executed in accordance with the authority hereinabove expressed, this 30 day of July, 2020.

THE ESTUARY HOMEOWNERS
ASSOCIATION, INC.

(Corporate Seal)

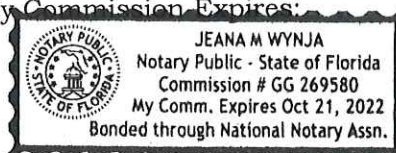
By: [Signature]
President

Attest: [Signature]
Secretary

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

On this 30 day of July, 2020, personally appeared before me, Lloyd Alan Brown, President, and Kimberly Stone, Secretary, of The Estuary Homeowners' Association, Inc., who are personally known to me or produced _____ as identification and who did take an oath.

[Signature]
NOTARY PUBLIC
State of Florida at Large
My Commission Expires:



THE ESTUARY HOMEOWNERS ASSOCIATION, INC.
Guidelines and Schedule of Fines

WHEREAS Chapter 720, Florida Statutes, has provided **The Estuary Homeowners Association, Inc.** (the “**Association**”) with the power to “levy reasonable fines of up to \$100 per violation against any member or any member’s tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association”; and

WHEREAS Chapter 720, Florida Statutes, further provides that “[a] fine or suspension may not be imposed without at least 14 days’ notice to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee”; and

WHEREAS Chapter 720, Florida Statutes, allows for the Board of Directors of the Association to appoint a Fining Committee,

NOW, THEREFORE, LET IT BE RESOLVED THAT a Covenants Enforcement Committee hereafter referred to as the Fining Committee (“**Committee**”) is hereby created, consisting of 3 - 5 members of the Association who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.

BE IT FURTHER RESOLVED THAT the following Guidelines and Schedule of Fines will be adopted and adhered to:

1. **Notice of Violation:** In the event of a violation of the Association’s Governing Documents persisting not less than thirty (30) days after an initial notice of violation was mailed to the Member(s) by the Association, the Association shall provide written Second Notice of Violation to the Member (and tenant, if applicable) by certified and regular mail to the mailing address of the Member as it last appears on the books and records of the Association, giving a reasonable opportunity to correct the violation according to the Association’s Covenant Violation Fining and Cure Schedule and advising that failure to cure the violations may result in a fine levied by the Board of Directors of \$100.00 a day for each day of a continuing violation or such other enforcement action as the Board deems appropriate. At the next Board meeting the Board will act on implementing the fine with a maximum amount appropriate to the violation.
2. **Notice of Intent to Impose Fine and Fining Committee Hearing:** After a fine is levied by the Board of Directors, the Association shall mail a written Notice of Intent to Impose Fine and Fining Committee Hearing (“**Hearing Notice**”) to the Member, and if applicable, the Member’s tenant, guest, or invitee. The Hearing Notice shall be sent to the Member address of record on file with the Association and shall provide the party to be fined with at least fourteen (14) days’ notice of an opportunity to be heard by the Fining Committee. The notice will contain a notice


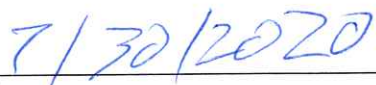


of the date, time, and location of the Fining Committee hearing, for the purpose of approving the fine levied by the Board of Directors pursuant to section 720.305, Florida Statutes. Attendance may be in person or by live remote teleconferencing (audio/video). The Hearing Notice must also include an opportunity for the Member, and if applicable, the Member's tenant, guest, or invitee, to show that the violation has been corrected and will not be repeated in the future.

3. **Fining Committee Procedure:** At the hearing, the Member shall have the right to be represented by legal counsel and an opportunity to produce any statement, evidence, and witnesses on his or her behalf. A majority of the Committee must vote affirmatively to approve a proposed fine levied by the Board of Directors. If the Committee, by majority vote, does not approve a proposed fine, it may not be imposed by the Board of Directors.
4. **Collection:** If the Committee approves the fine levied by the Board, the Association must provide written notice of such fine by mail or hand delivery to the Member and, if applicable, to any tenant, licensee, or invitee of the Member. The notice shall provide 30 days for payment of the fine. If the Member (or tenant) contacts the Association within the thirty (30) day period provided in the preceding sentence to make good faith arrangements to correct the violation, the matter will be reviewed by the Board of Directors at its next meeting. Fines for violations either corrected or arranged for timely correction within 30 days of mailing the Notice of Fine may be suspended by the Board for ninety (90) days, and if no further violations of any category are noted within that time period, the fine may be removed.

Fees and Costs: If payment of the fine is not timely received, the Board may initiate injunctive relief or refer the fine to counsel of the Association for collection. Payment of any and all attorneys' fees and legal costs incurred by the Association for the purpose or collection of the fine will be the responsibility of the Member.

5. It shall be the responsibility of the Member to provide the Board pictorial (date stamped) or appropriate documentation if and when the violation was cured.
6. Nothing contained herein affects or limits the power of the Board of Directors of the Association to waive, reduce or suspend a fine, at any time.

APPROVED:

	
_____ President	_____ Date
	
_____ Secretary	_____ Date

Adopted at a duly noticed Board of Directors meeting held on July 23, 2020.

THE ESTUARY HOMEOWNERS ASSOCIATION, INC.
Covenant Violation Fining and Cure Schedule

The minimum fine for any violation shall be \$100.00. If a violation is assigned a per-day or per-occurrence fine, the fine shall accrue \$100.00 per day or per occurrence for up to a maximum of \$1,000.

<u>Violation</u>	<u>Reasonable Opportunity to Cure</u>
Lawns/Sod	Within 30 days
Mowing/Watering/Weeds/ Landscaping/Trees/Shrubs/Flower Beds	Within 15 days
Dirty Driveway or House	Within 15 days
Weeds in the expansion joints	Within 15 days
Trash Cans	Within 15 days
Parking violations/Commercial Vehicles	Within 15 days
Mailboxes	Within 15 days
Nuisances/Dog Feces/Trash	Within 15 days
Architectural Control – unapproved application or no submittal of application for improvement	Within 15 days
Other Covenant Violations Not Listed	Within 15 days

THE ESTUARY HOMEOWNERS ASSOCIATION, INC.
Fining Committee Meeting/Hearing Guidelines

The purpose of the Fining Committee is to gain compliance of the Member/Tenant with the Governing Documents.

The Committee will elect a Chairman and a Recording Secretary. The Chairman will conduct the meeting and ensure that the guidelines for the committee are followed in a fair and impartial manner. The Recording Secretary will keep accurate minutes of the meeting and provide a copy of the committee's decision to the Association within 24 hours of any meeting of the committee.

The Member/Tenant has the right to have legal counsel and/or witnesses present at the meeting.

The Committee will listen to the case presented by the Member/Tenant. Committee members may question the Member/Tenant and any witnesses that may be present.

The Committee will review all of the information that has been presented as well as interview any witnesses or complainants who may be invited to attend the hearing in order to produce evidence to substantiate their complaint.

After reviewing all evidence and listening to testimony from both sides at the hearing the Committee will excuse both parties and render a decision. The role of the committee is limited to determining whether to confirm or reject the fine levied by the board.