

*West Hampton Homeowners' Association, Inc.*  
**Statutory Rules and Procedures for Violations of the  
Declaration of Covenants, Conditions and Restrictions  
For West Hampton**

The purpose of this document is to inform the Homeowners of West Hampton exactly how the Homeowner's Association ensures that all members comply with this community's deed restrictions. The rules and procedures in this document implement enacted Florida State Statutes on Homeowners' Associations.

Violation Procedures

The enforcement of the Declaration of Covenants, Conditions, Restriction and the Architectural Control Board's (ACB) decisions consists initially of sending violation notices based on complaints or observations of a violation. Violations are normally observed by a routine drive-through of the community or come to the attention of the Property Manager or Board of Directors from residents. Specifically, the process to address violations is as follows:

- 1) To begin with, the Property Management Company will send a courtesy letter to the Homeowner regarding the identified violation. This First Notice will request that the Owner remedy the situation within a prescribed number of days. This notice will provide a form for the Owner to respond when the violation has been corrected or to request an extension. **It is the responsibility of the Homeowner to advise the Association in writing in either case.**
- 2) Should the Homeowner fail to correct the violation, a Second and Final Notice regarding the uncorrected violation will be sent by the Association. This notice will request that the Owner take appropriate action to remedy this situation within a prescribed number of days from the date of the notice. Should the deed restriction deficiency not be remedied within the timeframe specified, **without additional notice**, the matter will be considered by the Board of Directors for a possible fine at the next Board meeting and any legal costs incurred will be the Homeowner's responsibility.
- 3) The Board of Directors will consider the still existing violation for a proposed fine which may not exceed \$100.00 per violation and may be levied by the Board for each day of a continuing violation, not to exceed \$1,000.00 in the aggregate. Should the Board determine that a fine should be levied, the Owner will be notified by letter that the Board of Directors has reviewed the violation and proposed a fine against the Owner as a result of the failure to remedy the violation. This letter will tell the Owner that they have 14 calendar days within which to contest the fine to the Fining Appeals Committee and the letter will notify the Owner of a hearing date with the Fining Appeals Committee.

- 4) The Fining Appeals Committee will consist of three members of the HOA appointed by the Board of Directors. Members of this committee may not be officers, directors, or employees of the HOA, or the spouse, parent, child, brother, or sister of an officer, director, or employees of the HOA.
- 5) If the Homeowner fails to respond to the final notice, by completing the form that is sent with the letter and if the Owner fails to attend the Fining Appeals Committee hearing, regardless of whether or not the form is submitted in a timely manner to the Association, then the Fining Appeals Committee can either deem the fine imposed or refuse to impose the fine.
- 6) In the event of Owners who appear at the Fining Appeals Committee meeting and who have also completed the response form, the Committee will decide whether to impose the fine or not impose the fine. The Committee will then complete the Fining Appeals Committee Action Form that instructs the Property Manager regarding its decision as to whether the fine is imposed or waived.
- 7) The Fining Appeals Committee can only approve or reject a fine levied by the Board of Directors. If a Homeowner cures the violation by the time of the Fining Appeals Committee hearing, the Committee may waive the fine. Florida State Statutes do not give the Committee the right to negotiate a lower fine. Either the entire fine must be paid or the fine has been waived.

Approval of the above Rules and Procedures by the West Hampton Homeowners' Board of Directors hereby dissolves the former *Covenants Committee* and its Rules and Regulations document.

The foregoing was approved as the **Rules and Procedures for Violations of the Declaration of Covenants, Conditions and Restrictions for West Hampton** at a meeting of the Board of Directors on the 8th day of June, 2016.

West Hampton Homeowners Association, Inc.

By: Original Copy Signed  
Secretary