

**SILVERLEAF MASTER OWNERS ASSOCIATION, INC.**

**RESOLUTION ESTABLISHING ENFORCEMENT COMMITTEE AND PROCESS FOR LEVY AND IMPOSITION  
OF  
FINES AND SUSPENSIONS**

**THIS RESOLUTION** is made this 28<sup>th</sup> day of February, 2023 by the Board of Directors of SILVERLEAF MASTER OWNERS ASSOCIATION, INC., a Florida Corporation not-for-profit ("Association").

**WHEREAS**, Section 720.305 of the Florida Statutes mandates that each Association member, tenant, guest, and invitee comply with Chapter 720 of the Florida Statutes, the governing documents of the community, and the rules of the Association and further provides that actions at law or equity may be brought against any of the foregoing parties for failing to comply; and

**WHEREAS**, Section 720.305 further provides that the Association may levy reasonable fines, not to exceed \$100.00 per day for each violation up to \$1,000.00 in the aggregate, unless otherwise provided in the Association governing documents, and may suspend, for a reasonable period of time, the right of any member, tenant, guest, or invitee to use common areas and facilities (hereinafter referred to as "Violating Party") for failing to comply with the Declaration of Covenants and Restrictions for Silverleaf Master ("Declaration"), the Association Bylaws, or reasonable rules and regulations (collectively referred to as "Association Documents"); and

**WHEREAS**, pursuant to Article XII, Section 12.3.2 of the Declaration, the Board may assess a reasonable fine against any Owner who violates any of the covenants and restriction up to \$250.00 per day, per violation, in the aggregate amount of \$7,500.00 per violation; and

**WHEREAS**, pursuant to Article VII, Section 7.16 of the Declaration, the Board shall have the power to adopt reasonable rules and regulations pertaining to the use and occupancy of all portions of the Property (as defined in the Declaration); and

**WHEREAS**, the Board of Directors of the Association has recognized that while some members, tenants, guests, and invitees occasionally and apparently without intent violate the covenants, restrictions, and rules and regulations of the Association and quickly remedy same, there are certain other members, tenants, guests, and invitees exhibiting a continued disregard of the covenants, restrictions, and rules and regulations of the Association; and

**WHEREAS**, the Board of Directors of the Association recognizes the substantial extra management time and effort needed, volunteer time and effort needed, and the additional costs incurred for site inspections, providing multiple notices to, and holding hearings for those that exhibit a continued disregard of the Association Documents; and

**WHEREAS**, the Board of Directors has established a committee of at least three (3) members (hereinafter referred to as "Enforcement Committee") 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**, which Enforcement Committee has the authority to confirm or reject a fine or suspension levied by the Board of Directors, or a properly authorized delegate of the Board of Directors ("Fining

Authority”), it being understood that pursuant to Section 720.305 of the Florida Statutes, the Enforcement Committee has the authority to (1) confirm, approve and impose fines or suspensions levied by the Board of Directors, or a properly authorized delegate of the Board of Directors, and (2) disapprove fines or suspensions levied by the Board of Directors; and

**WHEREAS**, the Board of Directors desires to establish a uniform fining and suspension policy and procedure for immediate implementation by the Association, through its Board of Directors, the Fining Authority, and the Enforcement Committee, as well as any authorized agent, such as any management company, Community Association Manager (“CAM”), or legal counsel; and

**WHEREAS**, the Board of Directors, at its discretion, may adopt further forms and procedures to assist the Board of Directors, Fining Authority, or Enforcement Committee so that a relatively uniform process may be followed.

**NOW, IT IS RESOLVED** that the Board of Directors, hereby evidences the passage of this Resolution to provide notice to all members, tenants, guests, and invitees of the following fining policy and procedure:

1. The Board of Directors or the delegated Fining Authority, being the individual appointed by a majority vote of the Board of Directors at a duly noticed meeting where a quorum is met, shall notice violations of the Association Documents and provide written correspondence to any party in violation. It is specifically contemplated that the Fining Authority shall be a delegation of the authority to levy a fine or suspension as set forth in Section 720.305(2) of the Florida Statutes.
2. **Notice of Violation.**
  - a. **First Notice – Courtesy Notice.** Upon discovery of a violation, the Violating Party will be sent a courtesy notice in writing detailing the nature of the violation, the applicable provision in the Association Documents, and the timeframe for compliance (“**First Notice**”). Such courtesy notice will further include notice that a fine and/or suspension may be levied if the violation continues after fourteen (14) days. The First Notice shall advise the Violating Party that if the violation is not cured, the Board may levy a fine up to a maximum of \$250.00 per violation/per day, up to \$7,500.00 in the aggregate, and/or that a suspension may be levied.
  - b. **Second Notice.** If a violation remains after the fourteen (14) day time period has lapsed, a second written notice (“**Second Notice**”) shall be sent to the Violating Party and shall:
    - i. Cite the specific provision(s) of the Governing Documents violated;
    - ii. Include a demand to cure the violation
    - iii. Provide a timeframe for compliance (10 days or as Board may determine)
    - iv. Advise the Violating Party that the Board may levy a fine up to a maximum \$250.00 per day per violation, up to \$7,500.00 in the aggregate, and/or that a suspension may be levied. The fine is able to be calculated starting with the date that the Second Notice was posted and placed in the mail or otherwise hand delivered or electronically delivered to the Violating Party.
  - c. **Fining Hearing Notice – Intent to Impose Fine/Suspension.** If the violation remains after the cure period provided in the Second Notice, the Board of Directors, at a duly noticed

meeting of the Board, may vote to levy a fine or suspension on open violations that have not been cured. If the Board votes to levy a fine, the Board shall cause a written notice to the Violating Party ("**Fining Hearing Notice – Intent to Impose Fine/Suspension**"), which shall:

- i. Advise that a fine or suspension has been levied by the Board. If fine, include amount of fine levied (which fine may commence from the date of the posting and mailing of the Second Notice, or otherwise hand delivered or electronically delivered, to the Violating Party);
- ii. Provide the date, time, and location of the hearing before the Enforcement Committee; and
- iii. Provide at least fourteen (14) days' notice prior to the scheduled Enforcement Committee Hearing.

The Fining Hearing Notice may be sent by a member of the Board of Directors, the Fining Authority, or an agent of the Association, including but not limited to the Association's CAM or attorney, after receiving direction to do so by the Board of Directors or Fining Authority, and shall be sent via U.S. Mail or hand delivery to the address furnished by the Violating Party to the Association for the purposes of receiving correspondence from the Association. If no such address has been furnished, notice shall be deemed to be properly sent once placed in the mail and addressed to any location where the Violating Party may reasonably receive the notice given the information reasonably available to the party sending the notice; provided, however, that a Violating Party shall have no right to object to the adequacy of notice if that party fails to furnish an address to the Association.

### 3. Hearing.

- a. At the Hearing, the Violating Party may provide testimony as to why the fine or suspension should not be confirmed. The Enforcement Committee may ask questions of the Violating Party as part of the hearing process and may consider any evidence presented by a Violating Party.
- b. A Violating Party desiring to be represented by legal counsel at the Hearing must provide at least seventy-two (72) hours' notice to the Association in advance of the Hearing. The purpose of this provision is to afford the Association the opportunity to have legal counsel present on behalf of the Association. Violation of this notice requirement shall result in the Hearing proceeding with any attorney of the Violating Party excluded.
- c. A Violating Party desiring to bring a court reporter to the Hearing must first provide at least seventy-two (72) hours' notice to the Association in advance of the Hearing. Violation of this notice requirement shall result in the Hearing proceeding with any court reporter retained by the Violating Party excluded.
- d. Members of the Board of Directors, the Fining Authority (if not a Board member), the Association's CAM, and any other individual with information regarding the violation giving rise to the fine or suspension may appear at the Fining Hearing. Such individuals shall provide all information and documentation, and may provide testimony, in support of the fine levied by the Board of Directors. Thereafter, such individuals shall only comment during the Fining Hearing if questioned by either a member of the Enforcement Committee

or the Violating Party. It is the intent of this provision that individuals appear to verify evidence used in support of the fine, and to answer any questions asked by the Enforcement Committee or Violating Party, but to otherwise not influence the determination of the Enforcement Committee.

- e. The Enforcement Committee shall, by a majority vote, make a determination as to whether a fine and/or suspension should be confirmed or rejected. If a majority of members of the Enforcement Committee appearing at the Hearing where a quorum of the Enforcement Committee is present agree as to a course of action, a written decision will be provided by the Chairperson to the property management company and/or Board of Directors that the levied fine and/or suspension is confirmed or rejected.
- 4. If the proposed fine or suspension levied by the Board is approved by the Committee, the fine payment is due **5 days** after the date of the committee meeting at which the fine is approved. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.
- 5. A member is jointly and severally liable with a violating tenant, guest, or invitee for any fines imposed as a result of a violation of the Association Documents by any tenant, guest, or invitee. If a fine is not paid, the Association shall have the authority to file a suit for damages to collect such fine, with the prevailing party entitled to reimbursement of reasonable attorneys' fees and costs incurred. A fine of less than \$1,000 may not become a lien against a parcel.
- 6. Any reference to days in this resolution shall be calendar days.

**IN WITNESS WHEREOF**, the duly authorized officers of the undersigned Association have executed and attest to this Resolution this 28<sup>th</sup> day of February, 2023.

SILVERLEAF MASTER OWNERS  
ASSOCIATION, INC.

By: Gary F. Hannon  
Gary F. Hannon, President

By: Karen T. Chappell  
Karen T. Chappell, Secretary

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing was acknowledge before me by means of  physical presence or  online notarization, this 28<sup>th</sup> day of February, 2023, by Gary F. Hannon and Karen T. Chappell, as President and Secretary of SILVERLEAF MASTER OWNERS ASSOCIATION, INC., respectively, who are  personally known to me or  who have produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and the State last aforesaid this 28<sup>th</sup> day of February, 2023.

Beverly L. Cunningham  
Notary Public, State of Florida



Beverly L. Cunningham  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG933307  
Expires 11/20/2023