

# Shadowood Homeowners Association

## Establishment of Non-Compliance Procedures

As provided by FI Statute 720 and Shadowood Village Documents Section 15, the Shadowood Village Board of Directors (Board) hereby establishes Procedures for the correction of Non-Compliance in Shadowood Village.

**Purpose:** As provided for in the Shadowood Documents and the State of Florida Statute 720, it is the intent of the Board to establish procedures to ensure correction by homeowners, tenants, guests and contractors of Non-Compliance with Village rules and regulations enacted by the Board and Documents and Guidelines of the Village. The purpose of these procedures is to maintain Shadowood Village as a desirable area to live and protect our homeowner investment and house values. This is to be accomplished as follows:

- First: Establish a means to inform homeowners of Non-Compliance with established Documents, standards / guidelines.
- Second: Establish the process through which correction of Non-Compliance is to be accomplished.
- Third: Establish a structure of fines that may be assessed homeowners for failure to correct Non-Compliance issues.
- Fourth: Establish a Compliance Review Committee in accordance with Florida Statute 720.

**The Board's policy is that the preferred means of accomplishing compliance is by voluntary means and corrective action by the homeowner once a Non-Compliance issue has been noted and made known to the Homeowner or third party such as tenant, guest or contractor.**

The Board and/or Property Manager will use the following procedures in addressing Non-Compliance issues in Shadowood Village.

The following sets forth the procedure that will be followed in routine Non-Compliance matters.

**Step one;** Formal notification will be made to the homeowner of a Non-Compliance issue, which shall be by written communication. The expected response from the homeowner would be an acknowledgment within 30 days of the Non-Compliance issue and a plan to correct the issue in a diligent and timely manner. Upon this happening, no further action would be required, as long as the corrective action is completed as presented. The written communication will inform the homeowner that even though they are notified of a Non-Compliance issue, corrective action shall require both the Shadowood Board and Springs ACC have approved an ACC request form. The homeowner, prior to commencing work, must obtain any Seminole County permits that are required.

An issue of Non-Compliance that would require immediate attention such as a dangerous situation or where the Non-Compliance requires immediate attention (i.e.; actual construction) and warrants accelerated action in which it may endanger health, safety or welfare would by pass these steps based on direction of the President or the Vice President when the President is not available or the Property Manager, when neither the President nor the Vice President is available, may, with one other Board member concurring, issue a "**Cease and Desist**" order for the homeowner, tenant, guest or contractor to stop the Dangerous or Non-Complying action pending full Board review.

**Step two;** Lacking an acceptable response from the homeowner who has received formal notification, one additional official letter from the Board or Property Manager stating the non-compliance

issue and expected corrective action required of the homeowner will be sent to the mailing address on file with the Management Company. This letter will also set forth the Board's options including **finest or other legal action**, if the homeowner does not address the matter. The homeowner will be given 30 days from date of mailing to respond to the Board via the Property Manager with a plan for corrective action including a time frame for completion. Upon a suitable response from the homeowner, follow up action will be taken to insure the corrective action is taken within agreed to time frames.

**Step three:** Lacking a suitable response to the letter in step two and/or the failure by the homeowner to carry out the corrective plan of action, the Board may impose a **fine and/or take other legal action at the discretion of the Board**.

If a fine is selected, the fine may be as defined in the guidelines set forth in Attachment One but is not limited to that list. If the issue is one not anticipated by Attachment One, the Board may establish a fine for that issue which then will become part of Attachment One. The homeowner will be sent written notice outlining the Board's action including the proposed fine. The Homeowner will be informed that there will be a meeting of the Compliance Review Committee on the matter. The letter will include the date, time and the place for the Compliance Review Committee meeting and the homeowners right to appear at this meeting and strongly encourages the homeowner to attend. The letter will state the purpose of the Compliance Review Committee (referring to FI Statute 720), the amount of the proposed fine stating the dollar amount and frequency with continued non-compliance, the effective date, which will normally be the day after the Compliance Review Committee validates the Board's decision. If the Committee does not validate the Board's decision, the action becomes mute.

A member of the Board or the Property Manager will present the Non-Compliance issue to the Compliance Review Committee, the Board's view of the issue and the fine imposed by the Board. The homeowner may present their side of the issue including any mitigating circumstances. The Compliance Review Committee will by majority vote either validate or reject the Boards action. If it rejects the Board's action this specific action is to be considered closed.

The Compliance Review Committee will be scheduled to meet approximately two weeks or more after the Regular Board meeting to assure the homeowner has received at least 14 days notice of the meeting. These meetings will be posted 48 hours in advance on the Village Bulletin Board at the Village Pool or other place designated by the Board.

**Step four:** If the fine is not paid timely, The Board shall implement legal action, which could include filing and prosecution of, a small claims lawsuit to collect the fine and the attorneys' fees and costs incurred. If a judgment is rendered in favor of Shadowood, the judgment shall be recorded in the Public Records of Seminole County.

**Establish the Compliance Review Committee.** The Board does, by approval of these procedures, establish a Compliance Review Committee of five members with membership as required by FI Statute 720. Thereafter, the Board at its first meeting in the New Year will appoint the Compliance Review Committee yearly. A minimum of three members must be present to establish a quorum for the Committee to hold a meeting. In the case where membership falls below five the Board may appoint a new member(s) for the balance of the current year.

Approved and Adopted by the Shadowood Board of Directors on 2005

*Ron Kenney*

President  
Shadowood Village Board of Directors