

## APPENDIX B

### Covenant Violation Procedures

WHEREAS, OakRidge Property Owners and Recreational Association has been granted, pursuant to ARTICLE VI, Use Restrictions, Numbers 32 and 33, and

WHEREAS, the Board of Directors of OakRidge has determined, in order to uniformly and effectively enforce oversight of the Covenants, it is appropriate and proper for a policy and procedure to be adopted regarding the process for verification and resolution of Covenant Violations.

NOW, THEREFORE, IT IS RESOLVED that the following Policy and Procedures are hereby adopted by the Board of Directors of OakRidge, until such time as they may be amended or revised:

#### **1. Covenant violations**

When a violation has been observed on a community tour by the Covenant Oversight Committee or reported by resident(s), the violation will be reviewed for verification of the complaint and possible action needed to be in compliance.

#### **2. Courtesy Notice**

Following a tour by the Oversight Committee, at the committee's discretion, a courtesy notice will be sent to the resident by the covenant oversight committee citing that a violation has been noted or reported.

#### **3. Oversight Committee Members Contact**

If the resident has not corrected the violation thirty days after the resident received the Courtesy Notice two representatives from the Covenant Oversight Committee will make a face to face contact with the lot owner to review the reported or observed violation.

a. If the representatives verify that there is a violation of the Covenants, they will discuss with the lot owner their plan to correct the violation within 14 to 30 days depending on the violation.

b. A form describing the plan to correct the violation within 14 to 30 days will be completed with signatures of the lot owner in violation and the covenant oversight committee representatives.

#### **4. Non-Compliance Notice ( Article VI, Section 1, Number 27)**

According to Article VI, Section 1, Number 27 of Oakridge Covenants if the violation is not corrected within the days stated in the signed form, a 30 day notice by priority mail will be sent to the resident to correct the violation. If the violation is not corrected within 30 days, Article VI, Section 1, Number 27 will be put into effect.

#### **5. Non-Compliance Notice ( All other violations)**

If the violation is not corrected within the days stated in the signed form, a 30 notice will be sent to the lot owner by priority mail that Florida Statute 720.305 and Oakridge Covenant Article VI, Section 1, Item 33 (with Board approval allowing a fine of \$100 per day up to **aggregate of \$3000** and/or suspension to be imposed) will be implemented. **(Revised April 11, 2017).**

#### **6. Hearing Notice**

The Non- Compliance Notice sent to the lot owner by priority mail will also state that they have, within the fourteen (14) day period following receipt of the notice, the opportunity to schedule hearing with the three (3) person committee appointed by the Board. Written or recorded minutes of the hearing shall be taken and shall include the results of the hearing which, according to Florida Statute 720.305, permits the committee, by majority vote, to approve a suspension and/or fine.

#### **7. Board Review of Committee Recommendation(s)**

If the violation has not been brought into compliance with the Covenants within the fourteen (14) days designated period, the Hearing Committee will submit their decision to the Board. The Board may then, according to Florida Statute 720.305 approve a fine and/or suspension.

#### **8. Fine Notice**

A notice will be sent to the lot owner(s) by priority mail stating that following the hearing, a fine and/or suspension has been approved by the Board. The fine will be levied on the basis of each day of a continuing violation. When the fine reaches \$1000 and has not been paid nor has the violation been corrected, consideration can be given to placing a lien against the lot owner(s) parcel or residence.

#### **9. Final Action Notice**

The violation will be sent to the Association attorney for review and recommendation(s) for further action. If any action to recover the fine(s) is recommended, it will include reasonable attorney's fees and costs if the lot owner does not prevail and the court so determines.

#### **10. Repeat Violations of the Same Covenant**

When a resident has been in violation of the same covenant for three different times, regardless of the year(s) in which the violation occurred, a letter will be sent to the resident by priority mail indicating the next step addressing the violation will be implementing #6 of the OakRidge Covenant Oversight Procedures. Number 6 is the notice of a hearing, supported by Florida Statute 720.305, before a committee of three (3) which, with board approval, may result in possible suspension/fines.

(Revised May 21, 2015) **(Revised April 11, 2017)**