

## JOHNS CREEK PHASE II HOMEOWNER'S ASSOCIATION, INC.

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### COMPLIANCE POLICY AND PROCEDURE RESOLUTION

*Adopted by Johns Creek Phase II Board of Directors on Thursday, May 11, 2017*

**THIS RESOLUTION** is made this **11th** day of **May 2017** by the Board of Directors of Johns Creek Phase II Homeowner's Association, Inc., a Florida Corporation not-for-profit ("Association").

**WHEREAS**, Section 720.305 of the Florida State Statute mandates that each owner, tenant, and invitee comply with Chapter 720 of the Florida Statutes, the Association 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 (in part) As Association may suspend the voting rights of a parcel or member for nonpayment of any fee, fine, or other monetary obligation due to the Association that is more than 90-days delinquent.

**WHEREAS**, Section 720.305 (in part) The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover, additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments

**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 working with Association attorney for those that exhibit a continued disregard of the Governing Documents; and

**WHEREAS**, The Board of Directors desires to establish a uniform compliance and enforcement policy for immediate implementation by the Association, through its Board of Directors, Manager ("CAM") and legal counsel.

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

Upon discovery of a violation, an Owner, tenant, guest and/or invitee (hereinafter referred to as the "violating party") will be sent a Courtesy Notice in writing detailing the nature of the violation and the time frame for required compliance. If the violation is not cured, or a subsequent similar violation occurs, the Association will send a second and final notice which also provides opportunity to cure the violation. If second and final notice does not result in compliance the matter will be forwarded to the Association's attorney who will send a Demand for Pre-Suit Mediation. If mediation does not resolve the matter, the Association's attorney will take further action against the Owner and Tenant until the violation ceases. The foregoing process will be used concurrently with all other available remedies, including Association exhibiting right to enter

onto property to inspect and correct any violation. Please be advised that the prevailing party in any suit brought for violation of the governing documents is entitled to reimbursement of attorney's fees and costs.

A violation which has been previously corrected but which recurs within twelve (12) months of the correction date shall not be entitled to a Courtesy Notice. Rather violating party will be send directly to the Association attorney.

**Any reference to days in this resolution shall be calendar days.**

**EXTENSION REQUEST** A one-time 30-day extension may be granted at the discretion of the Association. If violation is not cured on or prior to the required extended date, the violating party will be subject to being sent to the Association attorney for pre-suit mediation.

**ASSOCIATION RIGHT TO CURE**

The Association has a right to enter onto the property with proper notice to inspect and/or cure violation at the violating parties expense. This method will be used at the discretion of the Association.

**COMMUNICATIONS WITH PERSON(S) OTHER THAN THE MEMBER/OWNER**

No communications with property manager, tenant or realtor or any other party than the member/owner without a copy of current Power of Attorney from owner authorizing said communications authorizing communications with those part(ies).

**VIOLATING PARTY NOTIFY MANAGEMENT VIOLATION CORRECTED**

The violating party shall notify management on behalf of the Association, via email that that violation has been cured resulting in re-inspection at the discretion of the Association. If the violation is not corrected the member/owner will be notified of such with a written notice thanking for notifying of the corrected violation. Upon re-inspection, the violation was deemed as not corrected. The violating party will be sent to the next step of enforcement which may include to the Association attorney for pre-suit mediation.

**SELLING OF THE PROPERTY – DISCLOSURE**

Member/Owner **required** to provide copy of notices for any current and pending ruled and architectural violation(s).

**The Johns Creek Phase II Homeowner's Association, Inc. Board of Directors may adopt changes to the Compliance Policy and Procedure Resolution at any properly noticed board meeting at which time approved revisions will be mailed to all members at the address management has on record.**

**JOHNS CREEK PHASE II HOMEOWNER'S ASSOCIATION, INC.**

**BOARD OF DIRECTORS Dated: May 11, 2017**