

RESOLUTION ESTABLISHING A HEARING COMMITTEE AND RELATED POLICIES AND PROCEDURES

WHEREAS, the Board of Directors (the "Board") of Waterside on John's Lake Phase 1 Community Association, Inc. (the "Association") is charged with the responsibility of enforcing the Declaration of Covenants, Conditions and Restrictions as amended (the "Declaration"), Bylaws and the Association's Rules and Regulations, including its Architectural Guidelines (collectively referred to as "Association Restrictions"); and

WHEREAS, from time to time homeowners may, either intentionally or unintentionally, violate the Association's Restrictions; and

WHEREAS, violations of the Association's Restrictions, whether intentional or unintentional, may impair the Association's ability to enforce restrictions, diminish property values and interfere with other residents' quiet enjoyment of their properties and the amenities (the "Development"); and

WHEREAS, the Association's Board deems it to be in the best interest of the Association to adopt a uniform and systematic procedure for dealing with violations of the Association's Restrictions in a timely manner to ensure consistent compliance with same throughout the Development; and

WHEREAS, the Association's Board has retained the Association's attorneys to protect the Association's legal and financial interests, including those interests related to homeowners' compliance with the Association's Restrictions; and

WHEREAS, Section 720.305, Florida Statutes provides the Association with the power to enforce the Association's Restrictions by levying reasonable fines and/or suspensions against a Member, or any Member's tenant, occupant, guest or invitee for any violation of any provision of the Declaration, the Association Bylaws, or Reasonable Rules of the Association committed by such Member or any occupant, tenant, guest or invitee; and

WHEREAS, Section 720.305, Florida Statutes provides that a fine or suspension may not be imposed by the Board of Administration without at least 14 days' notice to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three (3) members appointed by the Board who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee ("Hearing Committee" or "Committee"); and

WHEREAS, if the Hearing Committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed; and

WHEREAS, the role of the Hearing Committee is limited to determining whether to confirm or reject the fine or suspension levied by the Board; and

WHEREAS, if the Board of Administration of the Association levies a fine or suspension 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.

NOW, THEREFORE, BE RESOLVED THAT, a Hearing Committee shall be created consisting of at least three (3) Members who are not officers, directors, or employees of the Association or the spouse, parent, child, brother, or sister of an officer, director, or employee of the Association.

BE IF FURTHER RESOLVED THAT, the following Policies and Procedures shall be adopted and adhered to by the Hearing Committee, which shall serve at the pleasure of the Association's Board of Directors:

GUIDELINES FOR COVENANT ENFORCEMENT

The following are procedures to be followed for the failure of a Member or Member's tenant, guest, occupant or invitee to abide by the Association's Restrictions:

Except in the case of an emergency (defined as any event or circumstance that may cause irreparable harm to a person or property that gives the Association cause to depart from any and all policies and procedures in this resolution), Community Manager shall send to Member (and the Member's tenant, guest, occupant or invitee, if applicable) a first notice advising that a condition or behavior observed at or on the Member's property or within the Development is in violation of the Association's Restrictions. The Member or Member's tenant, guest, occupant or invitee shall have from three (3) to sixty (60) days, depending upon the nature of the violation, from the date of the letter within which to bring any violation into compliance.

If the first notice mentioned above does not generate total compliance by the Member or the Member's tenant, guest, occupant or invitee, as the case may be, the matter shall be reviewed by the Community Manager and a recommendation, including a fine, suspension or both may be made to the Board of Directors.

The Association's Board of Directors shall review the Community Manager's recommendation at an open and noticed Board of Directors meeting, at which time the Board of Directors may levy a fine, suspension and/or approve other legal action to enforce the Association's Restrictions.

Provided that the Association's Board of Directors finds that a particular violation warrants a fine or suspension of rights as a sanction, the Board of Directors shall direct the Community Manager to advise the homeowner or other party in writing with a second notice, of the Board of Director's decision to impose a fine or suspension, or both. The second notice shall be sent to the Member or person's address of record on file with the Association, and it shall provide the party having been fined or suspended with at least fourteen (14) days' notice of an opportunity to be heard by the Hearing Committee. The second notice shall state the date, time and location of the Hearing Committee meeting.

When a Hearing Committee meeting is scheduled, the Community Manager shall be responsible for posting notice of the Hearing Committee meeting in the Development.

The Community Manager (or a member of the Board of Directors or the Association's legal counsel) may present the Association's case, in person or in writing, to the Hearing Committee at the noticed meeting where a fine and/or suspension is being considered.

After the imposition of a fine in accordance with the procedure above, the Community Manager shall issue a letter to the person who is subject to the fine or suspension stating the results of the meeting. Depending on the outcome of the meeting, the party to be fined and/or suspended shall have ten (10) days from the date of the letter advising them of the Hearing Committee's decision to remit the total amount due for any fine imposed. If the payment of the fine is not received during that timeframe, the fine and any outstanding violation may be referred to the Association's attorney for further review and possible legal action. If a fine is not paid after ninety (90) days from the date it is due, suspensions of the Owner's voting rights shall occur.

Non-payment of a fine may result in legal action being taken to collect the fine from the responsible party, if the fine and any associated attorneys' fees and costs to the Association are not paid within applicable timeframes, whether a violation is corrected or not. Recovery of a fine imposed by the Association shall not excuse an offending party from future compliance with the Association's Restrictions.

If the foregoing does not result in total compliance by the Member, the violation may be referred to the Association's legal counsel to issue a violation letter demanding compliance.

If the Association's legal counsel's violation demand letter does not result in total compliance by the Member or the Member's tenant, guest, occupant, or invitee, the Association's legal counsel may issue a pre-suit mediation notice and demand, as provided for in Chapter 720, Florida Statutes, as amended from time to time.

Litigation enforcing the Association's Restrictions may also be filed in the event any of the foregoing does not result in complete compliance with the Association's Restrictions.

HEARING COMMITTEE MEETING GUIDELINES

The purpose of fines and suspensions imposed by the Association is to gain compliance by the Member or the Member's tenant, guest, occupant or invitee with the Association's Restrictions.

The purpose of the Hearing Committee is to review and evaluate fines and suspensions levied by the Board of Directors when a hearing is requested by a party who has been subjected to a fine or suspension.

The Board of Directors shall elect a qualified person to act as the Chairperson of the Hearing Committee, and the Board of Directors may also elect a Recording Secretary from among its members. All members of the Hearing Committee shall be appointed by the Association's Board

of Directors, and they may be removed and/or replaced as determined by the Association's Board of Directors from time to time.

The Chairperson of the Hearing Committee shall administer each meeting, assure that respect and proper decorum are observed at all times, and ensure that the policies and procedures for the Committee are followed in a fair and impartial manner.

The Community Manager or Recording Secretary shall document decisions made by the Hearing Committee within twenty-four (24) hours after any meeting of the meeting is adjourned.

The Member or the Member's tenant, guest, occupant or invitee has the right to have legal counsel and/or witnesses present at any hearing. The Hearing Committee shall listen to the case presented by the Member or the Member's tenant, guest, occupant or invitee, or their legal representative. Committee members may also question the Member or the Member's tenant, guest, occupant or invitee, as well as any witnesses who may be present. The Member or the Member's tenant, guest, occupant or invitee shall limit his or her defense to address why the Board of Directors should not have imposed a fine or suspension.

The Hearing Committee shall review all of the information that has been presented by the Community Manager or other approved Association representative, as well as statements of any witnesses or complainants who may be invited to attend the hearing by the Community Manager or the offending party in order to produce evidence to substantiate the complaint, defenses or mitigating factors. The Community Manager shall also physically view the outstanding violation prior to the meeting and present photographic evidence, if possible.

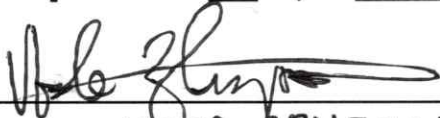
After reviewing all evidence and listening to information presented at the hearing the Committee shall deliberate and render a final decision in an open forum. Committee members shall make each decision based upon the Association's Restrictions and reasonable inferences that may be made based upon the Association's Restrictions. Committee members shall not independently visit the property prior to any hearing to view conditions or conduct their own investigation. The Committee's role is limited to evaluating whether the decision of the Board of Directors concerning the fine or suspension was proper at the time it was made. If the Committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

APPLICATION OF THESE POLICIES AND PROCEDURES

These policies and procedures are intended to guide both the Members of the Association and the Hearing Committee. The failure of the Association, including the Association's Board of Directors, Community Manager or the Hearing Committee to strictly follow the policies and procedures herein or as otherwise practiced by the Association in its normal course of business, shall not be a defense to the imposition of any fine or a suspension for a violation of the Association's Restrictions, provided that the imposition of the fine or suspension is consistent with Florida law and the documents governing the Association and the properties subject to the Declaration.

These policies and procedures shall not apply to sanctions imposed due to the non-payment of any fee, fine, or monetary obligation owed to the Association, as provided for in Section 720.305, Florida Statutes.

Duly adopted on this 18 day of NOVEMBER, 11/18/2021



Print Name: WADE ZBYSZYNSKI

Secretary