

VIERA EAST VILLAGES DISTRICT ASSOCIATION, INC.  
COVENANTS COMMITTEE & DUE PROCESS COMMITTEE POLICIES AND  
PROCEDURES (October of 2003)

PURPOSE AND COMPOSITION

This document serves to provide policies and procedures for the Viera East Villages District Association's Covenants Committee (CC) and Due Process Committee ("DPC") appointed by and serving under the Viera East Villages District Association's, Inc., (the "Association") Board of Directors ("BOD"). The CC's function is to enforce the covenants and restriction for the Association. The DPC's function is to review violations reported by the CC and impose penalties as authorized by applicable law and the policies of the BOD. The CC will consist of at least three (3) Residents of the Villages, all volunteers, who are appointed by the BOD. The CC shall elect a Chairperson from their members, who will rotate from time-to-time if sufficient members are available.

GENERAL

Members and residents (hereinafter referred to as "Residents") shall be informed of existing restrictions and rules affecting their property on a periodic basis; newcomers and established Residents alike. Residents will be encouraged to seek out the Association Manager for guidance on contemplated changes to their property, or to raise concerns about possible violations. Residents will also be encouraged to correct violations in a constructive and helpful manner. Enforcement of covenant violations or architectural standards will be undertaken in a consistent manner, with opportunity for dialogue with, and corrective action by, the offending Resident(s).

PROCEDURES FOR THE CC

The CC shall operate in accordance with the guidelines enumerated below. As needed from time-to-time, the BOD shall promulgate guidelines, policies and directives.

1. The CC shall conduct itself in a restrained, unobtrusive and polite manner when interacting with Residents, with emphasis on informing Residents of the applicable covenants and restrictions and assisting Residents to comply therewith. CC members may clarify and inform residents of the applicable covenants and restrictions.

2. The CC shall not communicate directly with any builder regarding a violation by such builder or its subcontractors observed by a Resident, the Committee, or any member thereof. Instead, the CC shall promptly report the violation to the Association Manager. The Association Manager shall then notify the builder of the violation and the necessary corrective action. The CC shall monitor the violation and keep the Association Manager and the BOD informed as to the status of the violation and any deficiencies in the corrective action taken by the builder.

3. The CC shall confer at least once per month regarding the status of any violations so that the Chairperson can assess the reported violations and prepare and deliver such information to the Association Manager in accordance with the procedures set forth below. It is recommended that each member of the CC tour the community on a periodic basis so that observed violations can be reviewed at the next CC meeting.

4. The CC shall prepare a committee report to be delivered by the Chairperson or the Association Manager at each regular meeting of the Board of Directors. The report should

include a summary of all violations and the Committee's action to date with respect thereto. Upon request, the CC shall furnish a copy of the report to the Viera East Community Association.

5. The CC shall not have any powers with respect to authorizing or allowing any violation to continue, granting a variance with respect to any violation, or imposing a fine or penalty on any Resident or property with respect to any violation or otherwise. However, the CC may meet with Residents, in whole or individually, in order to gain insight into alleged violation from the Resident's viewpoint.

#### PROCEDURES FOR THE DPC

1. The DPC shall be empowered to schedule hearings to determine if the imposition of a fine or other penalty against a Resident would be appropriate and to impose fines in those cases where other actions have failed to resolve a continuing infraction(s) of the rules.

2. When interacting with and holding hearings with Residents, the DPC shall conduct itself in a courteous manner with emphasis on allowing the Resident to present their position with regard to a violation.

3. The DPC shall prepare minutes of all proceedings to be delivered by the Association Manager at each regular meeting of the BOD. The minutes should include a summary of all hearings held concerning then pending violations and any recommendations or actions take by the DPC concerning the imposition of fines or other penalties for said violations.

4. The DPC shall not have any powers with respect to authorizing or allowing any violation to continue, or granting a variance with respect to any violation.

#### PROCEDURES FOR FINES IMPOSED BY THE DPC

1. A Resident may be fined up to \$100 per day per violation. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$1,000 in the aggregate. A fine may not be levied without complying with the procedures for the DPC as outlined below.

2. Fines shall be treated as special assessments and paid no later than twenty (20) business days after the notice of the imposition of a fine(s).

3. Fines shall be subject to the collection provisions determined by the BOD, including without limitation, the imposition of a claim of lien for any delinquent fine.

4. All monies received from fines shall be allocated as directed by the BOD and, absent such direction, shall be deposited in the Associations' operating account.

## **ENFORCEMENT PROCEDURES OF THE CC**

In the event of a violation by a Resident, the CC shall act as follows:

1. The CC shall confirm the violation.
2. The CC as a body should not, nor should an individual committee member, contact the Resident unless: a record of such contact is provided to the Association Manager, or the contact is in conjunction with a letter from the Manager to the Owner.
3. Upon confirmation of the violation, the CC shall submit a request to the Association Manager that a letter be sent to the Resident formally notifying the Resident of the observed violation. Only the Chairperson of the CC is authorized to request that a letter be sent. The Association Manager shall provide a copy of the letter sent to the Resident to the CC.
4. If the initial letter from the Association Manager fails to prompt corrective action within fourteen (14) days, and the Resident has not otherwise contacted the Association Manager or the CC to advise the Resident's intent to comply within a reasonable amount of time, then the Chairperson of the CC shall request that the Association Manager send a second infraction(s) letter to the Resident via certified and regular mail, with a copy being provided to the CC.
5. If the second letter from the Association Manager fails to prompt corrective action within an additional ten (10) days, then the CC shall request that a hearing be scheduled before the DPC. The Association Manager shall then send notice via certified and regular mail to the Resident stating the date, time and place of the hearing. This notice shall be provided to the Resident at least fourteen (14) days prior to the hearing.

## **ENFORCEMENT PROCEDURES OF THE DPC**

Once all of the appropriate procedures have been followed by the CC, the DPC shall act as follows:

1. Prior the hearing before the DPC, the Association Manager shall furnish the DPC with a written report, including pertinent documentation. At the hearing, the Resident charged with the violation will have the opportunity to state their position on the matter. The DPC has the ability to impose a time limitation on the Resident's presentation or to terminate a presentation due to repetitiveness or unruly behavior. Once the presentation is completed, the Resident shall be excused and the DPC will convene in closed session to arrive at a decision concerning the alleged violation.

2. Decisions by the DPC must be carried by at least a majority vote of a quorum of the Committee. The presence of two Committee members shall constitute a quorum of a three person committee.

3. If the DPC recommends the imposition of a fine(s), the Association Manager shall send a letter via certified and regular mail to the Resident advising them of the fine(s), the amount of the fine(s), and proper payment instructions.

4. The BOD reserves the right to review any proceedings of the DPC and, in its absolute discretion, set aside or reduce any fine(s) imposed by the DPC or set the matter for re-hearing before the DPC.