

DEED RESTRICTION & VIOLATION PROCESSING



Fawn Ridge Maintenance Association, Hillsborough County, Florida
A DEED RESTRICTED COMMUNITY

Title: Fawn Ridge Deed Restriction & Violation Processing	Date: September, 27 2023
Prepared By: Fawn Ridge HOA	Status: Draft

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

TABLE OF CONTENTS

Contents

Introduction to Deed Restriction & Violation Processing Guidelines.....	2
Section 1.0 Violation Reporting.....	2
Section 2.0 Violation Review.....	2
Section 3.0 Violation Notices.....	3
Section 4.0 Violation Categorization.....	3
Section 4.1 Critical Deed Restriction Violations.....	3
Section 4.2 Major Violations.....	3
Section 4.3 Minor Violations.....	3
Section 4.4 Transient Violations.....	3
Section 5.0 Violation Redress and Appeal.....	4
Section 6.0 Fees and Penalties.....	4
Section 6.1 Forced Maintenance.....	4
Section 6.2 Fining Review Committee.....	5
Section 6.3 Legal Action.....	5
Section 6.4 Violations Processing Chart.....	5
Section 7.0 Code of Conduct.....	7

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

INTRODUCTION TO DEED RESTRICTION & VIOLATION PROCESSING GUIDELINES

In accordance with the Fawn Ridge governing documents these policies and procedures shall define the standard operating procedures for the Fawn Ridge Maintenance Association, Inc. and their agents with respect to processing violations under the rules of the community.

This document supersedes and replaces all previous documents dealing with violation processing.

Fawn Ridge is a Deed Restricted community and in that, there are certain rules and regulations that must be followed in order to maintain the aesthetics of the neighborhood, maintain high property values and make this community one that people want to call their home. The Association has a fiduciary responsibility to enforce the deed restrictions where possible and residents have an obligation to conform to the restrictions. A list of community rules and regulations can be found on the community website at <https://fawnridge.org/>

1.0 VIOLATION REPORTING

Violations can be reported in several ways.

- 1.1 Any Member can report a perceived violation directly to the property management company or to the Board of Directors of the Community. The property management company will register the violation for review.
- 1.2 Property Management company will conduct a regularly scheduled inspection of the neighborhood and register violations that are observed.
- 1.3 Board of Directors or the Architectural Committee can submit violations to the Property Manager for registration.

2.0 VIOLATION REVIEW

The property manager will be empowered to review all prospective violations and determine if they constitute an actionable violation based on deed restrictions and guidelines set by the Association. Photographic evidence will be collected where there is a physical violation for evidence, review and follow up.

3.0 VIOLATION NOTICES

Violations will be handled through our Management Company's automated violation system. All items deemed a violation will be entered into the automated system which will send out standard notifications to homeowners and residents.

Residents will receive an initial friendly reminder or first notice of violation. A second notice will be sent if the violation has not been addressed in the specified time frame. If the violation has still not been addressed after the second notice, and no correspondence or communication has been received by the resident or homeowner, the matter will be escalated which could incur punitive damages and/or costs levied by the association in order to achieve resolution to the violation. The length of time required to address a violation is based upon the severity level or categorization of the violation. The Association has created the following categories and time frames (6.4) for violation compliance.

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

4.0 VIOLATION CATEGORIZATION

4.1 Critical Deed Restriction Violations: These violations constitute a breach of the written rules as specifically defined in the HOA Governing documents and are specific to acts committed against those rules including conducting work without formal approval from HOA.

Common Deed Restriction Violations (For full list consult the **Deed Restrictions** document)

Nuisances – Continuous Noxious Or Offensive Behavior (Deed Restrictions, Art VI Sec 1)

No Erecting Of Temporary Structures Or Outbuildings (**Deed Restrictions:** Art VI, Sec 3,11,12)

Erection Of Illegal Signs Other Than Security/Sale/Election (**Deed Restrictions:** Art VI, Sec 4)*

Illegal Parking Of RV, Boat, Jet Ski, Trailer On Lot (**Deed Restrictions:** Art VI, Sec 5)*

Improper Storage Of Inoperable / Unlicensed Vehicles (**Deed Restrictions:** Art VI, Sec 5)*

No Keeping Of Livestock And Poultry (**Deed Restrictions:** Article VI, Sec 6)

Trash & Refuse To Be Placed In Sanitary Containers (**Deed Restrictions:** Art VI, Sec 7)

Parking Of Vehicles On Grass & Easement (**Deed Restrictions:** Art VI, Sec 9)

Fencing Erected Outside Of Building Setbacks (**Deed Restrictions:** Art VI, Sec 13)

*Denotes violations which are also considered County of Hillsborough restrictions and are enforceable by County bylaws.

4.2 Major Violations: These violations constitute work being conducted without seeking approval from the Association Architectural ~~Review Control~~ Committee in violation of Fawn Ridge Maintenance Association **Declaration of Covenants**, Article VI Architectural Review. Under Section 2, Scope of Review it is illegal to make any modifications or changes to the dwelling without submitting an application for architectural approval.

4.3 Minor Violations: These violations are maintenance issues listed under **Deed Restrictions:** Article V, Exterior Maintenance, which need closer attention by homeowner but are not critical or economically restrictive. They include but not restricted to items such as maintaining and cleaning of driveways, walkways and building façade, replacing, pruning or trimming of small trees, shrubs and bushes, weeding of lawns and gardens and cleaning of building trim and mailbox. Homeowners will be notified of these violations as a reminder. For more clarification reference “Exterior Maintenance and Lot Improvements” document at the end of the policy.

4.4 Transient Violations: These are violations of a transitory or temporary nature that are normally corrected by the homeowner with special or additional effort. Transient violations would include; basic property maintenance such as landscape lawn cutting and shrub trimming, removal of seasonal decorations, and parking infractions. During a drive through inspection, a record of these violations will be made; however, no action will be taken unless these violations persist through the next scheduled inspection or whose continued infraction is noted or reported at which point they will be escalated based on the above designations.

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

5.0 VIOLATION REDRESS AND APPEAL

All residents have the right to appeal any violation that they disagree with or feel has been unfairly assessed against their property.

- 5.1 Any member receiving a violation, which cannot make the necessary repairs or corrections within the allotted time frame or contests the violation, is required to contact the property management company in writing based on directions contained within the Violation letter. Confirmation of the resolution of the violation is appreciated but not mandatory.
- 5.2 Should the Association not address the grievance to the satisfaction of the member, and the member continues to be in violation of association covenants, the member has the right under Florida statutes to request a formal hearing to present evidence and state their case before a panel of non-board or committee members prior to the final action deadline.
- 5.3 If the matter is still not solved to the members' satisfaction, the member is free to pursue legal action against the association.

6.0 FEES AND PENALTIES

Fawn Ridge Maintenance Association, Inc. is instilled with rights to process and enforce violations through the Deed Restrictions and Florida Statutes.

6.1 Forced Maintenance

Under the Fawn Ridge **DECLARATION OF COVENANTS**, Article VII ~~Section 4-Entry~~ Easement, the Association is afforded the right to enter onto a lot to make emergency repairs and to do other work reasonably necessary for the proper maintenance and operation of the lot.

Under the terms of this clause, the Association by agreement by the board of directors, initiate forced maintenance of a homeowner's lot. Homeowner will be given notice of intent to perform force maintenance and must either complete maintenance and notify Association prior to this date of the completed maintenance or allow such maintenance to occur. Failure to allow such maintenance to occur or interference with the maintenance will be subject to legal action and costs and/or escalation to a fining committee.

All maintenance fees incurred to restore lot to reasonable maintenance standards will be charged to the Lot owner's account.

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

6.2 Fining Review Committee

Under **Florida Statutes**, Chapter 720, Section 305, the State empowers the Association to levy reasonable fines against homeowners for failure to comply with the provision of the declaration, association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. Fines of up to \$100 per violation per day to a maximum of \$1000.00 is permitted under the Statutes and is applied against the homeowners' account.

In order to levy a fine, the board would decide to send the matter to an independent committee known as the Fining Review Committee. The homeowner will be given a ~~15-day~~ 14-day notice prior to a review by the Fining Review Committee and can request a hearing to present their case to the fining committee prior to a decision. The committee's role is to review the fining request from the board, weigh any evidence or argument from the homeowner and either approve or reject the board's request.

Upon approval of the board's fining request, the fine will be considered due, 5 days after the decision.

6.3 Legal Action

Under the Fawn Ridge governing documents, the Association also has recourse through legal avenues to pursue compliance with all Association Covenants, Bylaws and Deed Restrictions. As per Fawn Ridge **DECLARATION OF COVENANTS** Article VIII, Section 1, legal costs to pursue resolution to violations can be charged to the homeowner.

"All expenses of the Association in connection with any such actions or proceedings, including court costs and attorneys' fees and other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at the maximum rate permitted by law but, with reference to any Lots financed by FHA insured loans, not in excess of the maximum rate of FHA loans at the time of delinquency, from the due date until paid, shall be charged to and assessed against such defaulting Owner, and shall be added to and deemed part of his respective maintenance assessment (to the same extent as the lien provided herein for unpaid assessments), upon the Lot and upon all of his additions and Improvements thereto, and upon all of his personal property upon the Lot. Any and all of such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Association or any Owner."

6.4 Violations Processing Chart

All actions taken by Board of Directors to enforce violations are conducted in a documented majority vote taken by the board. Decisions may be made based on the following table, but the Board of Directors is free to vote for any legally acceptable solution to provide resolution.

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

Critical Violation Process				
Action	Notice of Violation		<ul style="list-style-type: none"> • Judgment by Board for Non-Compliance • Fining Review Committee to Ratify or Veto Board Recommendation. 	Legal Action to enforce compliance and recover fines
Time Frame	7 Days to Comply		145 Days to Appeal Prior FRC Decisions	Fines are due 5 Days after FRC Decision
Major Violation Process				
Action	1 st Notice of Violation	2 nd Notice of Violation	<ul style="list-style-type: none"> • Judgment by Board for Non-Compliance • Fining Review Committee to Ratify or Veto Board Recommendation. • Legal Injunction to Stop Work 	<ul style="list-style-type: none"> • Legal Action to enforce compliance and recover fines • Force reversal of unapproved changes
Time Frame	7 Days to Comply	7 Days to Comply	145 Days to Appeal Prior FRC Decisions	Fines are due 5 Days after FRC Decision
Minor Violation Process				
Action	1 st Notice of Violation	2 nd Notice of Violation (Registered Transient Violation)	Judgment by Board for Non-Compliance <ul style="list-style-type: none"> • Fining Review Committee • Forced Action 	<ul style="list-style-type: none"> • Legal action to enforce compliance and recover fines and/or forced maintenance costs
Time Frame	7 Days to Comply	7 Days to Comply	145 Days to Appeal Prior FRC Decisions	Fines are due 5 Days after FRC Decision
Transient Violation Process				
Action	Registering of Violation	Escalate to Minor Violation	Start Process of Minor Violation 2 nd Notice of Violation	
Time Frame	30 Days	30 Days	See Minor Violation Process	

Extensions may be granted if homeowners communicate with the association and explain the commitment to address issues within a reasonable time frame.

Fawn Ridge Maintenance Association, Inc.

Deed Restriction & Violation Processing

7.0 CODE OF CONDUCT

It is the responsibility of all members of the association to comply with and adhere to the restrictions set forth in the Fawn Ridge Deed Restrictions document and to comply with notifications regarding those restrictions

The following rules will be observed by the association when communicating with homeowners and enforcing deed restrictions and rules of the community.

- a. Violations will be processed in a non-discriminatory and judicious manner without favoritism, and all effort will be made to ensure equal treatment to all homeowners and members for like violations.
- b. The time frames to communicate and process violations will follow the guidelines as closely as possible to demonstrate the associations fiduciary responsibility and ensure compliance with association rules.
- c. All homeowners will be addressed in a respectful and courteous manner.
- d. The association wishes to encourage communication and commitment from homeowner to address the issue within reasonable time frames or request extensions.
- e. The Association will make arrangements for residents to be heard if there are grievances.
- f. The Association will attempt to provide the homeowner with helpful tips, techniques or alternatives to addressing their issues.
- g. The Association will recognize an Owner/Resident's willingness to comply and ongoing maintenance in any and all decisions regarding actions and enforced compliance.
- h. The Association will be sympathetic to homeowners and attempt to reach settlements or arrange resolutions that are more easily borne by homeowner while still upholding rules of the association.

Signed and adopted on the _____ day of _____, 2023

Matthew Racine

President, Fawn Ridge Maintenance Association,
Inc.

Chris Renshaw

Vice President, Fawn Ridge Maintenance
Association, Inc.