

Riverside Estates Property Owner's Association, Inc.

Violation Policy

Pursuant to the authority within Florida Statute Section 720, the Board of Directors hereby adopt the following Violation Policy which shall be in effect for Riverside Estates Association, Inc.

1. A "violation" refers to any action or condition within the community and on Association common element property that violates any covenant, rule, or policy contained within the Association's Declaration, Bylaws, Rules & Regulations, or Board Policies (collectively, the "Governing Documents"). A copy of the Governing Documents can be obtained by logging into the website at theriversideestates.com
2. **Violation Procedure:** The Association will generally follow the following procedures for the failure of an Owner (and the Owner's tenant, occupant, guest, or invitee, if applicable) to abide by the Association's Governing Documents. The Association is not obligated to follow this process or procedure in every case, and it may alter the process, deadlines, number of letters, or procedure on a case-by-case basis depending on the facts and circumstances. Therefore, the following should only be used as a general guide.
 - a) A violation may be identified by the Association Board Members, residents, or the Property Management firm, and must be promptly reported to the Property Manager at kguider@ameritechmail.com
 - b) Upon identifying a violation, the Manager will provide a Notice of Violation to the owner and will, request compliance within a time period deemed appropriate by the Manager. The Notice of Violation will provide a minimum total of fourteen (14) days' notice and an opportunity for hearing before the Fining Committee. The date, time and location of the hearing will be specified in the Notice.
 - c) Pursuant to Section 720.305(2)(a) of the Florida Statutes, the Association may also suspend the right of an Owner, tenant, occupant, guest or invitee, to use common areas and facilities for the failure of the Owner, tenant, occupant, guest or invitee to comply with any provision of the Governing Documents, including failure to pay assessments.
 - d) It is the responsibility of the Owner and/or tenant to notify the Manager in writing that the violation(s) have been corrected and failure to do so implies the violation still exists.
 - e) The fine will be levied starting on the date of the Notice of Violation in the amount of \$100.00 per day, per violation. A fine may be levied and imposed on the basis of each day of a continuing violation, but no such fine shall exceed \$1,000 in the aggregate for any thirty (30) day period, per single notice and opportunity for hearing before the Fining Committee.
 - a. If a violation remains uncorrected after issuance of a notice and an opportunity for hearing or reoccurs after it had previously been cured or abated, such occurrence or reoccurrence shall be considered a new, separate violation for which an additional fine, up \$1,000.00 in the aggregate, may be imposed.
 - f) A member of the Fining Committee will inspect the premises on the day of the fining hearing to determine whether the violation has been cured. If the violation has been cured, the Fining Committee may waive the fines, with the exception of a repeat violation.

- g) The Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) sought to be fined or sought to receive a suspension shall be given the opportunity for a hearing before the Compliance Committee to contest the fine that may be imposed. At the hearing, the Owner (and the Owner's tenant, occupant, guest or invitee, if applicable) shall have the right to be represented by legal counsel and have an opportunity to produce any statement and evidence on his or her behalf.
 - h) The role of the Fining Committee is limited to determining whether to confirm or reject the fine and/or suspension imposed by the Board. If a majority of the Fining Committee approves the proposed fine, the fine shall be placed on the owner's account ledger five (5) days after the hearing, and the Property Management firm shall issue a letter to the owner advising him or her of same.
 - i) If the violation remains uncured after the fining hearing, the matter may be referred to the Association's attorney to initiate litigation/mediation, at which point the owner may be responsible for the Association's legal fees.
 - j) If a fine is confirmed by the Fining Committee, payment of the fine does not absolve the Owner or tenant from remedying the violation. Whether or not a fine and/or suspension is imposed, the Board may proceed, in its discretion, with any other remedy it deems appropriate.
 - k) Depending on the nature and severity of the violation, or in the event of a repeat violation within twelve (12) months, the Board reserves the right to escalate a violation directly to the fining and/ or to the attorney for litigation at any point.
3. **Attorneys' Fees and Costs:** The Owner (and the Owner's tenant, occupant, guest, or invitee, if applicable) shall be responsible for all attorney's fees and costs incurred by the Association in pursuing the violation and collecting any fine imposed. The Association may use all means provided by the Association's Governing Documents and Florida Statutes to collect the fines and attorney's fees and costs.
4. This policy supersedes any previous violation policies.

Summary report:
Litera Compare for Word 11.2.0.54 Document comparison done on
10/5/2022 9:40:10 AM

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Intelligent Table Comparison: Active	
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Modified filename: 86A104602-Violation Policy.DOCX	
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