

**RESOLUTION OF  
SPANISH ISLES PROPERTY OWNERS ASSOCIATION, INC.**

The Board of Directors of SPANISH ISLES PROPERTY OWNERS ASSOCIATION, INC. ("ASSOCIATION"), held a meeting on August 16, 2022, at 6 P.M. wherein the following Resolution was amended and ratified:

WHEREAS, Florida Statutes allow the Association to levy fines and/or suspensions for a failure of an owner or the owner's occupant, licensee, or invitee to comply with any provision of the Association's declaration, the Association's bylaws, rules and regulations of the Association or any other governing document of the Association; and

WHEREAS, Florida Statutes require a Grievance committee meeting with the homeowner before the Association may levy a fine and/or suspension;

NOW THEREFORE, LET IT BE RESOLVED:

(1) Registration. All owners must notify the Association of current mailing address for all correspondence. If an owner does not notify the Association of a current mailing address of either the person's address in the Tax Collector's office, the Association shall use the address in the Association records as the owner's official mailing address.

(2) Letter of Violation. In case of a violation of any rule, regulation, covenant, or obligation of the governing documents, the Association will send a letter to the homeowner, tenant, and/or guest (as the case may be, but the homeowner will always receive at least a copy of the letter), citing the deficiency/ies, and giving the homeowner an opportunity to cure and a notice that there will be another review/inspection of the deficiency(ies) no less than 30 days later (the time left to the Association's discretion depending on the severity of the deficiency/ies). The letter shall

(i) specify the specific section of the Association's governing documents with which the violator is not in compliance and why. The Association will cause someone to photograph the location to document the deficiency/ies and the specific violation and date the photos. The letter is to be attached in an envelope to the occupant's (homeowner or tenant) door with removable, non-scarring tape.

(ii) The letter shall advise the violator that if the deficiency is not cured at/by the time of review, either (a) a fine of \$100.00 per day, up to a total of \$1000.00 per violation, will be assessed by the Board of Directors and/or (b) the Board of Directors will suspend the homeowner/violator's rights to use common areas.

(iii) The letter should state that the reason behind enforcing the Association's rules regarding property appearance is to preserve the value of the recipient's and neighbors' homes and the desirability of living in this community.

(iv) The letter shall also advise that if the deficiency is not corrected, the Association will pursue appropriate legal action against the homeowner, tenant and/or guest, including reserving the right to have an appropriate contractor correct the violation(s) and charge the cost of correction(s) to the homeowner, in addition to any other remedies imposed by the Association.

(3) Review of Violation to Determine Status. Approximately thirty (30) days from posting of the violation letter the Association shall review the violation (unless such other time is provided for in the letter). If the deficiency/ies has/have been cured, a letter shall be sent to the homeowner at the homeowner's latest known mailing address and/or to the violator stating that the violation has been corrected and withdrawn. If the deficiency/ies has/have not been cured, the Association will send a letter to the homeowner and/or violator no less than 14 days before a scheduled Board of Directors meeting that, in accordance with Florida Statute Section 720.305, a determination shall be made if an assessment is to be made against the violator. The letter setting forth the notice of the Board of Directors meeting shall provide:

(i) copies of photographs of the violations, if possible.

(ii) on which the agenda for such meeting will be for the Board to (a) assess a fine of up to \$100.00 per day, up to a total of \$1000.00, for each violation that has not been cured, or (b) suspend the homeowner/violator's rights to use common areas.

(iii) on which the agenda for such meeting will be for the Board to (a) assess a fine of up to \$100.00 per day, up to a total of \$1000.00, for each violation that has not been cured, or (b) suspend the homeowner/violator's rights to use common areas.

(iv) that the homeowner and/or violator will have an opportunity to meet with the Association's Grievance Committee on a specified day, date, time and place, to determine if the fine or other discipline is to be imposed, at least 14 days after the fine and/or suspension is assessed, to explain why the violation(s) was/were not corrected.

The letter is to be sent via mail carrier capable of tracking delivery to the address of the violation. If the occupant is other than the registered homeowner, a copy of the letter is to be mailed to the last known residential address of the homeowner.

(4) The Board of Directors Meeting to consider the assessment of a fine or suspension. At a duly called Board of Directors meeting for which the violation shall be an agenda item, the Board of Director may levy reasonable fines or suspension of common area use rights for the failure of the owner or the owner's occupant, licensee, or invitee to comply with any provision of the Association's declaration, the Association's bylaws, rules and regulations of the Association or any other governing document of the Association. At the Board of Directors meeting at which a fine and/or suspension will be considered, an owner, tenant and/or violator shall have three (3) minutes to address the Board of Directors with respect to the violation. If the Board of Directors levies a fine and/or suspension of use rights, the violator shall be notified in writing the next regular business day of the Board of Directors' decision, and that the violator has the right to appear before the Association's Grievance Committee. The Grievance Committee shall notice its schedule its meeting no less than 14 days after the violator received written notice of the Board of Director's decision.

(5) The Grievance Committee. The Grievance Committee shall be established with an odd number of members, at least three (3) eligible Members. The sole criteria for Membership on the Grievance Committee are owners who are neither board members nor persons residing in a board member's household and are not more than three (3) months delinquent in any monetary obligation due the Association. The Board may remove members or appoint new or additional members at any time. The Grievance Committee's role is limited to determining whether to confirm or reject the fine or suspension levied by the Board of Directors.

If the committee does not agree, the fine or suspension may not be imposed. The Grievance Committee Meeting shall be noticed pursuant to applicable law, and, unless otherwise exempted by applicable law, open to all the members of the Association.

(6) Grievance Committee Meeting. At the Grievance Committee meeting, the violator is entitled to all applicable due process protection, including, but not limited to, representation by legal counsel at the committee meeting, and the right to confront witnesses and examine evidence. The violator may offer any additional relevant evidence for the Grievance Committee to consider. The Grievance Committee may consider any evidence it deems relevant in the Grievance Committee's sole discretion. The Grievance Committee shall notify the relevant parties of its decision to accept or reject the fine or suspension levied by the Board of Directors in writing by mail or hand delivery within one (1) business day after the Committee's meeting.

(7) Payment of Fine. Any payment of a fine is five (5) days after the date which the Grievance Committee votes to approve the fine imposed by the Association's Board of Directors.

(7) Alternative Legal Action. Notwithstanding the Grievance Committee's procedure, above, if the Board of Directors so directs, the Association may, in addition to or in lieu of the Grievance Committee's procedures above, hire legal counsel to notify the owner and/or violator of the violation and the Association's desire to take appropriate legal action.

(8) Future Changes in Law. Any future changes to governing law shall be automatically incorporated into this Resolution without further action by the Board of Directors.

(9) Certain Violations. When a certain violation is repetitive but does not lend itself easily to an opportunity to cure, such as, by way of example but not of limitation, persistent trash and parking violations, the Association may, in lieu of the notice and opportunity to cure identified above, proceed immediately to notification of the Board of Directors' Meeting to institute the fine.

DATED: September 16th, 2022

ATTEST:

  
Joel McTague, Secretary

By:   
Gavin Kahn, President