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Palm Beach County, Florida
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Sharon R. Bock
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This instrument prepared by
and to be returned to:
Steven G. Rappaport, Esquire
Sachs Sax Caplan
6111 Broken Sound Parkway NW
Suite 200
Boca Raton, FL 33487

**CERTIFICATE OF AMENDMENT
TO THE
RULES AND REGULATIONS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond is recorded in Official
Records Book 3054, at Page 0947, in the Public Records of Palm Beach County, Florida.

DATED this 25 day of November, 2019.

WITNESSES

[Signature]
Signature

SILVANA FRESTON
Print Name

[Signature]
Signature

Bruna Barnes
Print Name

**MILLPOND HOMEOWNERS
ASSOCIATION, INC.**

By: [Signature]
Dana Scheer, President

By: [Signature]
Daria Rubin, Secretary

STATE OF FLORIDA

COUNTY OF PALM BEACH

) ss:
)

The foregoing instrument was acknowledged before me this 25 day of Nov, 2019,
by Dana Scheer, as President, and Daria Rubin, as Secretary, of Millpond Homeowners
Association, Inc., who are Personally Known ☒ or Produced Identification [].

Type of Identification Produced: _____

[Signature]
NOTARY PUBLIC, State of Florida
at Large



**AMENDMENT TO THE RULES AND REGULATIONS
OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Article III, Section B of the Articles of Incorporation of Millpond Homeowners Association, Inc. ("Articles of Incorporation") provides the Association Board of Directors with the authority to promulgate and enforce rules and regulations to effectuate the purposes for which the Association is organized;

WHEREAS, Section 720.305, Fla. Stat., provides the Board of Directors with the authority to levy reasonable fines and suspensions against any member, or any member's tenants, guests or invitees for the failure of such owner or its occupant, licensee, or invitee to comply with any provision of the Declaration, Articles of Incorporation, Bylaws, or Rules and Regulations;

WHEREAS, Section 720.305, Fla. Stat., further provides that the Board of Directors may levy fines in an amount to exceed \$100.00 per violation and in an amount to exceed \$1,000.00 in the aggregate for a continuing violation where so provided by the Governing Documents;

WHEREAS, the Board of Directors wishes to amend the Rules and Regulations, which pursuant to Chapter 720, Fla. Stat., are considered part of the "Governing Documents," in order to allow the Association to levy fines in excess of \$100.00 per violation and in excess of \$1,000.00 in the aggregate for a continuing violation with no maximum cap, as well as to have the authority to adopt and amend a fining schedule from time to time reflecting the amounts of fines for particular violations;

NOW, THEREFORE, be it resolved as follows:

That the rules and regulations of the Association shall be amended as follows:

1. The Board of Directors shall hereby, in accordance with Section 720.305, Fla. Stat., have the authority to levy, propose and impose fines in excess of \$100.00 per violation and in excess of \$1,000.00 in the aggregate for a continuing violation with no maximum cap, as well as to have the authority to adopt and amend a fining schedule from time to time reflecting the amounts of fines for particular violations .

Date: 11/19/2014

MILLPOND HOMEOWNERS ASSOCIATION,
INC.

BY: [Signature] on behalf
of the Board of Directors President

**BOARD RESOLUTION
OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Article III, Section B of the Articles of Incorporation of Millpond Homeowners Association, Inc. ("Articles of Incorporation") provides the Association Board of Directors with the authority to promulgate and enforce rules and regulations to effectuate the purposes for which the Association is organized;

WHEREAS, Article III, Section C of the Articles of Incorporation provides the Board of Directors with the authority to delegate power or powers where such is deemed in the best interests of the Association;

WHEREAS, Section 720.305, Fla. Stat., provides the Board of Directors with the authority to levy reasonable fines and suspensions against any member, or any member's tenants, guests or invitees for the failure of such owner or its occupant, licensee, or invitee to comply with any provision of the Declaration, Articles of Incorporation, Bylaws, or Rules and Regulations;

WHEREAS, the Board of Directors of the Association has determined that it is in the best interests of the Association to delegate to its management agent, or to the Maintenance Committee or Architectural Review Board (ARB) appointed and approved by the Board of Directors, the authority to determine the existence of various violations of the Association's governing documents, including, but not limited to the Declaration, as well as the rules and regulations of the Association, as same may be amended from time to time, and to delegate such authority to the management agent, Maintenance Committee or ARB to provide notices of the Fining Appeals Board hearings and to prosecute all such violations as set forth below;

NOW, THEREFORE, be it resolved as follows:

That the rules and regulations and policies and procedures of the Association shall be amended as follows:

1. The Board of Directors hereby delegates to management, including any property manager or management agent representing the Board of Directors of the Association, or to the Maintenance Committee or ARB appointed by the Board of Directors, the authority to determine the existence of any violation of the Association's governing documents, including, but not limited to, the Declaration, Bylaws, Articles of Incorporation or rules and regulations, as same may be amended from time to time. The authority to determine the existence of any such violation shall include the authority to review and inspect the Association property and the individual Lots from time to time in a manner determined by management, the Maintenance Committee or ARB. Where a violation has been determined to exist, the Board of Directors hereby delegates to management, the Maintenance

Committee or ARB the authority to place the violating Owner, tenant, resident or other such violating person on notice of such violation and to give such person a reasonable opportunity to cure the violation where required to give such opportunity to cure. The Board of Directors further delegates to management, the Maintenance Committee or ARB the authority to refer any such violations to the Association's Fining Appeals Board for further action in accordance with Florida law. The authority delegated herein includes the authority to send violation letters, the authority to demand removal of violating items, as well as the authority to require abatement of any nuisance or any violation of the Association's governing documents. Finally, the Board of Directors hereby delegates to management, the Maintenance Committee or ARB the authority, on behalf of the Board, to propose fines for such violations in amounts identified on the attached fining schedule by the Board of Directors, and as amended by the Board of Directors from time to time, or, if not included on the fining schedule, in an amount which may exceed \$100.00 per violation or which may exceed \$1,000.00 in the aggregate for a continuing violation, and to refer such violations and proposed fines to the Fining Appeals Board for approval, in accordance with the procedures and requirements set forth in Section 720.305, Fla. Stat., as same may be amended from time to time, without the need for obtaining further Board approval for such proposed fine. In addition, and notwithstanding the delegation of authority contained in this paragraph, the Board of Directors directly shall further have the authority to levy and impose fines in excess of \$100.00 per violation and in excess of \$1,000.00 in the aggregate for a continuing violation in accordance with Section 720.305, Fla. Stat., as amended from time to time.

2. Where any such violation is brought to the Board of Directors or management's attention by any other entity, such as a Committee or any other Owner within Millpond, management shall be delegated the authority to independently investigate such complaint take any and all actions necessary to prosecute such violations as identified in Paragraph 1 hereof. This includes the authority to propose a fine and forward the fine to the Fining Appeals Board for approval, in accordance with the procedures and requirements set forth by Section 720.305, Fla. Stat., as same may be amended from time to time, without the need for obtaining further Board approval for such proposed fine.
3. The procedures and delegations of authority set forth in Paragraphs 1 and 2 of this Resolution shall not only apply to the imposition of fines but shall also apply to the imposition of proposed suspensions of Common Area use rights for violations of the Association's governing documents, all in accordance with the procedures and requirements set forth by Section 720.305, Fla. Stat., as same may be amended from time to time.

MILLPOND HOMEOWNERS ASSOCIATION,
INC.

Date: 11/20/2019

BY

[Signature] on behalf
of the Board of Directors [Signature]

Millpond HOA

Rules & Regulations Additions Effective 12/16/19

TREE REMOVALS:

Unauthorized Swale Tree removals: \$2000 per tree

Unauthorized Homeowner (yard) tree removal: \$1500 per tree

Unauthorized trimming, pruning, root damage, etc., unless otherwise authorized by law \$1,000

Fines/replacements shall be instituted in the following manner:

- 1) When ARB approval is sought IN ADVANCE of tree removal and ARB Committee determines a tree must be replaced:
 - a. Homeowner may have option to place on their property
 - b. If ARB committee agrees, homeowner MAY be given opportunity to pay into a Tree Fund established by the Board for future tree replacements.
- 2) When ARB approval is sought in advance and ARB Committee determines that NO tree replacement is needed (ie, Lot already has enough trees), no replacement or fine will be required.
- 3) If NO advance ARB approval was applied for:
 - a. There will be an automatic fine
 - b. ARB Committee MAY also require replacement of the tree.

TRASH VIOLATIONS:

The board of Directors has approved fining homeowners \$25 per day when trash, landscape debris, etc. is placed at the curb on days other than the Wednesday evening (after 6PM) before pickup. One warning letter shall be given, then subsequent events shall be fined as stated herein.