

Cappello II
At
Venetian Golf & River Club,
A Condominium
Compliance Policy

INTRODUCTION:

This Policy outlines the process for the Board to address non-compliance issues relating to the Declaration, the Bylaws, Association Rules and Regulations, and the Florida statutes. This policy is in accordance with the Declaration (Section 22), the Bylaws (Article VIII) of the Cappello II Homeowner's Association, and Section 718.303 of the Florida Statutes.

BACKGROUND:

Each owner and every occupant of a Unit shall be governed by the Association's Governing Documents described above. In the event an owner or occupant fails to maintain a Unit or fails to observe and perform all of the provisions of the Governing Documents, the Association has the right to commence a legal action in Court to seek damages; to compel performance by a Unit owner, and to assess fines.

PROCESS:

In the event that there is an act of non-compliance of the Governing Documents by a Unit owner or occupant, the following actions will apply.

Notification:

1. The Board is required to:
 - a. Notify the Unit Owner, in writing, providing the specific details of the breach;
 - b. Transmit said notification to the Unit Owner by mail or personal delivery.
2. If the violation continues thereafter for
 - a. A period of 30 days, if related to the alteration of structure; or

b. A period of 5 days for other violations,

the Board has the right to treat such violation as an intentional and inexcusable breach of the Governing Documents.

3. Non-Compliance:

In the event of non-compliance, the Association has the following options:

- a. Commence legal action to recover damages against a Unit Owner;
- b. Commence a legal proceeding in equity to require the performance of a particular action, or to enjoin an action, by a Unit Owner.

4. Fines:

In addition to the above actions, the Association may assess fines:

- a. Fines may be levied on the basis of a continuing violation with a single notice to the Unit Owner and an opportunity to be heard. Fines may not exceed \$100.00 per violation, or \$1,000.00 in the aggregate;
- b. Reasonable notice must be given to the Unit Owner. Reasonable notice must include:
 - a. A Citation which details the specific action or non action of the Unit Owner, and the manner in which it violates the Governing Documents of the Association;
 - b. The establishment of a date, time and place for a hearing to be conducted regarding the imposition of said fine.

5. Hearing:

- a. The Unit Owner, in violation, must be given at least 14 days advance written notice of the imposition of the fine, the amount thereof, and the establishment of a hearing date;
- b. The hearing shall be held before a Compliance Committee appointed by the Board and consisting of a least 3 and not more than 5 residents of the Cappello II community;

c. The role of the Compliance Committee shall be limited to determining whether to confirm or reject the fine levied by the Board;

d. At the hearing, the Unit owner shall have the opportunity to respond, to present evidence, and to review and challenge any material presented;

e. If the Committee does not approve the proposed fine, by majority vote, the fine may not be imposed;

f. If the fine is approved, the payment thereof is due 5 days after the date of the hearing when the fine was approved.

6. ADDITIONAL RESPONSIBILITY OF THE COMMITTEE: The Committee shall also have the additional responsibility to report any suspected violations in the Cappello II community to the Board of Directors.

BY ORDER OF THE BOARD OF DIRECTORS