

Prepared by: Sean Murrell, Esq.
35 Durbin Station Court, Unit 106
Saint Johns, FL 32259

[Space Above This Line for Recording Data]

CERTIFICATE OF RECORDING
FINING POLICY AND PROCEDURES FOR EAGLE LANDING

WHEREAS, Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc. ("Association") is the homeowners' association which governs the Eagle Landing community in Orange Park, Florida.

WHEREAS, the Association's governing documents provide that the Association may promulgate rules and regulations under the authority of its Board of Directors.

WHEREAS, the Association's Board of Directors has enacted a fining policy with specific procedures for the implementation of fines against homeowners with covenant violations.

WHEREAS, Section 720 of the Florida Statutes requires rules and regulations to be recorded in the county's Official Records to become effective.

NOW THEREFORE, the Association submits the attached rules and regulations (Fining Policy and Procedures) for recording in the Official Records of Clay County, Florida, so that they become immediately effective.

DATED: January 7, 2020

CERTIFICATION

I, Roger S. Arrowsmith, the President of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc., hereby certifies that the rules and regulations recorded with this certificate were approved and adopted by the Association's Board of Directors in accordance with the Association's governing documents and applicable law.

Witness: Marilyn D. Ayers

Print Name: Marilyn D. Ayers

Witness: Nancy J. Klock

Print Name: NANCY J. KLOCK

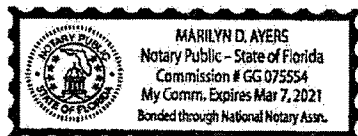
EAGLE LANDING AT OAKLEAF PLANTATION
HOMEOWNERS' ASSOCIATION, INC.

By: [Signature]
Roger S. Arrowsmith, its President

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing instrument was acknowledged before me this 7 day of January, 2020, by Roger S. Arrowsmith, President of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc., who is personally known to me or produced _____ as identification.



[Signature]
Notary Public State of Florida

**EAGLE LANDING AT OAKLEAF PLANTATION HOMEOWNERS'
ASSOCIATION, INC.**

**POLICY RESOLUTION 2019-01
(Violation and Fining Procedures)**

WHEREAS, Article XII, Section 2 of the Articles of Incorporation for Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc., provides that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the association and may do all such acts and things not prohibited by law, by the Declaration, or the Rules and Regulations; and,

WHEREAS, Article XII, Section 11, subparagraph (c) of the Declaration of Covenants, Conditions, Restrictions, Limitations and Easements empowers the Board of Directors to assess reasonable fines against any Member for any non-monetary breach of this Declaration or the Rules and Regulations for which such Member is responsible pursuant to Statutes, Section 720.305(2); and,

WHEREAS, it is recognized that there is a need to administer the guidelines for rules and regulations compliance.

NOW THEREFORE BE IT RESOLVED that the Board of Directors duly adopts the following Violation and Fining Procedures:

VIOLATION AND FINING PROCEDURES

1. Establish a Fining Committee
2. Ensure all residents/homeowners have access to the documents, rules and regulations and Policy Notes
3. Create a Policy Note outlining the Association's procedure
4. When a violation occurs:
 - A. Notify the homeowner of the violation via a Friendly Reminder Notice.
 - B. If not corrected, notify the homeowner via a Warning - 2nd Notice that the violation still exists.
 - C. If still not corrected upon expiration of the cure period in the 2nd Notice, a fine shall be levied in the amount of \$100.00 per day, not to exceed \$2,000.00 in the aggregate. The homeowner against whom the fine is levied shall be delivered a Fine Notice of the Board's action which provides at least fourteen (14) days' notice of the hearing by the Fines Committee to review the fine.
 - D. At the hearing, the Fining Committee presents the facts and the homeowner has a chance to respond. After presentations, the homeowner shall leave and allow the Committee to discuss and make their decision. Committee notifies the Management Company who in turn notifies the homeowner of the decision.

EAGLE LANDING AT OAKLEAF PLANTATION HOMEOWNERS' ASSOCIATION

Violation and Fine Procedure Policy

In accordance with Florida Statutes, Chapter 720.305(2) and the Declaration of Covenants, Conditions, Restrictions, Limitations and Easements of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc., the Board of Directors of the Association (the "Board") adopts the Violation and Fine Procedure Policy contained herein for the imposition of fines and other measures to compel members, owners, tenants, guests and invitees to comply with the governing documents and rules of Eagle Landing at Oakleaf Plantation Homeowners' Association.

1. Violation Identification.

- a. On-going Violations** such as failure to perform routine yard or home maintenance, should be captured through a clear photograph of the violation taken by The CAM Team Compliance Inspector, the Covenant Enforcement Committee, or by the complaining homeowner/resident for the Association's records. If this is not possible, written confirmation that the violation exists should be obtained by two of the following persons: Covenant Enforcement Committee, Management Company, a Board member, or a resident.
 - b. Occurrence Violations** such as loud music or dog barking, should have a sound recording of the noise taken by the complaining homeowner/resident for the Association's records. If this is not possible, written confirmation of the violation should be obtained by two of the following persons: Covenant Enforcement Committee, Management Company, a Board member, or a resident.
- 2. The Covenant Enforcement Committee.** The Committee members shall serve at the pleasure of the Board of Directors. The Committee members must number at least three (3). The Board shall have the power to fill vacancies on the Committee and, at any time, remove any member of the Committee with or without cause. The Board shall also have the power to dissolve such Committee. The Committee will assist with the determination of violations by the Board and the Management Company.
 - 3. The Fining Committee.** The Board shall appoint at least three (3) Members of the Association to serve at the pleasure of the Board as members of the Fining Committee. The Committee members may be removed or replaced on motion of the Board, documented in the minutes, without need for further resolution of the Board. The Committee shall among itself, elect a Chair and a Vice-Chair. The members of the Fining Committee will be pursuant of the Statutes, Section 720.305(2). The Board shall have the power to fill vacancies on the Committee and, at any time, remove any member of the Committee with or without cause. The Board shall also have the power to dissolve such Committee. The powers of the Fining Committee are discussed in Paragraph 4, below.

a. Fining Enforcement Procedure.

- It shall generally be the policy of the Association to issue a Friendly Reminder Notice to first time offenders for minor violations. The Friendly Reminder Notice will explain the violation and require that it be corrected or a plan for correction be submitted within the time frame prescribed. A sample Friendly Reminder Notice is attached as Exhibit A.

- It shall generally be the policy of the Association that where a person sought to be fined has violated the Governing Documents in the past, or where the alleged violation is sufficiently serious, as determined by the Management Company or the BOD, fining procedure may be initiated without a prior warning/opportunity to cure.
- If a violation is not corrected within the prescribed time frame, a Warning - 2nd Notice letter will be sent notifying the resident of a continued violation. Assuming that the Friendly Reminder Notice and/or the Warning - 2nd Notice does not result in the resolution of an alleged violation to the satisfaction of the Management Company, a fine shall be levied in the amount of \$100.00 per day, not to exceed \$2,000.00 in the aggregate. A sample Warning - 2nd Notice is attached hereto as Exhibit B.
- **Fine Notice.** The homeowner against whom the fine is levied shall be delivered a Fine Notice indicating the date the fine starts, and further be notified of a hearing before the Fining Committee where the fine shall be considered by the Fining Committee for confirmation or rejection of the fine. The homeowner will be given fourteen (14) days' notice of the meeting where the fine will be reviewed by the Fining Committee. The Fine Notice shall be delivered by certified and regular mail. E-Mail copies may also be sent, but are not required. A sample Fine Notice is attached hereto as Exhibit C.

4. Powers and Duties of the Fining Committee.

- a. Meeting.** The Fining Committee shall meet, as required, at a time and place determined by the chairman of the committee which shall afford the Violator a reasonable opportunity to be heard. In order to conduct Committee business, at least three (3) members must be present.
 - b. Review of Fines and Violations.** At each meeting of the Fining Committee, the Committee will review all fines levied by the Association through this process and approve or disapprove same. The Committee shall then send a notice to all Owners upon whom a fine was imposed (including those who do not attend the meeting) regarding whether the fine was approved or disapproved by the Committee ("Notice of Decision"). The Notice of Decision should inform the Owners who are fined that they have thirty (30) days from the date of the Notice of Decision within which to pay any outstanding fines. The Notice of Decision will state that the Association will pursue its legal remedies, including bringing a lawsuit to collect the fine and compel the Owner to correct the violation. A sample Notice of Decision is attached hereto as Exhibit D.
- 5. Legal Action.** If the fine, as approved by the Fining Committee (and affirmed by the Board, if applicable), is not paid and/or the violation not corrected, the Board or its delegate, will turn the file over to legal counsel for enforcement.

Exhibit A

**Friendly Reminder Notice
(Sample)**

Eagle Landing at Oakleaf Plantation Homeowners Association, Inc.
c/o The CAM Team
1008-120 Park Avenue
Orange Park FL 32073
Tel: 904-278-2338 Fax: 904-638-1435
candr@agentlink.net

Friendly Reminder Notice
<<picture_location_1>>

Date

Owner's Name & Address of Record
Tenant or Occupant's Name and/or Address

Property: Property Address
Violation: Rubbish and Debris - Trash Can Visible
Location: Front

Dear _____:

Owning a home in Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc. offers many advantages to the homeowner, but at the same time imposes some restrictions. These restrictions are not meant as an inconvenience or an invasion of freedom, but rather as a means of maintaining harmony, continuity, and property values throughout the community. This notice is a friendly reminder that a concern was noted during our most recent drive-through.

Please store trash receptacle and/or recycle bin out of view on non-trash days.

Rules and Regulations: Article V Section 42 of the Declaration - Maintenance: No trash, garbage, rubbish, debris or other unsightly objects shall be placed or allowed to remain anywhere on the property unless stored and screened. No items shall be allowed to be set out for pick-up prior to 7:00 p.m. the evening before any regular collection of trash, recycling or yard waste and any containers must be removed from the curb by 7:00 p.m. on the day of collection.

We understand that many times residents are simply unaware that a problem exists or the inspector may have observed a very temporary situation that will be taken care of shortly. Please remedy this situation in the next 0 days if you have not already done so. If you feel you have received this letter in error, please contact The CAM Team at 904-278-2338, or send an email to candr@agentlink.net.

We sincerely appreciate your time and attention to this matter. Thank you in advance for your cooperation.

Sincerely,

The CAM Team
On Behalf of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.

Exhibit B

**Warning – 2nd Notice
(Sample)**

Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.
c/o The CAM Team
1008-120 Park Avenue
Orange Park FL 32073
Tel: 904-278-2338 Fax: 904-638-1435
candr@agentlink.net

Warning – 2nd Notice
<<picture_location_1>>

Date

Owner's Name & Address of Record
Tenant or Occupant's Name and/or Address

Property: Property Address
Violation: Rubbish and Debris - Trash Can Visible
Location: Front

Dear _____:

As the managing agent for Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc., The CAM Team is responsible for the administration of the Association's governing documents and rules and regulations. The Association is committed to maintaining your neighborhood in a manner that is both aesthetically pleasing and protective of property values.

The purpose of this letter is to bring to your attention that on _____ (date) it has been observed that a previous instance of non-compliance has not been cured or has reoccurred. Please remedy this situation in the next 0 days.

Please store trash receptacle and/or recycle bin out of view on non-trash days.

Rules and Regulations: Article V Section 42 of the Declaration - Maintenance: No trash, garbage, rubbish, debris or other unsightly objects shall be placed or allowed to remain anywhere on the property unless stored and screened. No items shall be allowed to be set out for pick-up prior to 7:00 p.m. the evening before any regular collection of trash, recycling or yard waste and any containers must be removed from the curb by 7:00 p.m. on the day of collection.

If you feel you have received this letter in error, please send a written dispute to The CAM Team via mail, email or fax. If you have any questions concerning this notice, please contact our office at 904-278-2338 or via email at eaglelanding@agentlink.net. You may also submit a plan of action to correct the violation, including the proposed timeline for completion.

Thank you in advance for your help in preserving the integrity of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.

Sincerely,

The CAM Team
On Behalf of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.

Exhibit C
Hearing Notice (Sample)

<p>Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc. c/o The CAM Team 1008-120 Park Avenue Orange Park FL 32073 Tel: 904-278-2338 Fax: 904-638-1435 candr@agentlink.net</p>	<p><u>Hearing Notice</u></p>
<p>Date</p>	
<p>Owner's Name & Address of Record Tenant or Occupant's Name and/or Address</p>	
<p>Property: Property Address Violation: Rubbish and Debris - Trash Can Visible Location: Front</p>	
<p>Dear _____:</p>	
<p>You previously received correspondence referencing your covenant violation for having the following:</p>	
<p>Please store trash receptacle and/or recycle bin out of view on non-trash days.</p>	
<p>Florida Statue 720.305(2), as well as your governing documents, permit the Association to assess fines for non-compliance issues.</p>	
<p>Please be advised that a Fining Committee Meeting has been scheduled to hear your case at the below date and time. The meeting will be held at the Eagle Landing Residents Club, 3975 Eagle Landing Parkway, Orange Park FL 32065.</p>	
<p>Tuesday, November 5, 2019 at 6:30 p.m.</p>	
<p>You may be represented by legal counsel if you so choose. The Committee will receive evidence and hear argument on the violation in question and will either confirm or reject the fine imposed.</p>	
<p>A fine of one hundred dollars (\$100.00) per day up to a maximum of two thousand dollars (\$2,000.00) per occurrence has been recommended to the Committee. If you dispute the violation and fine, you must attend this hearing or a default decision against you may be made in your absence.</p>	
<p>A decision by the Committee will be made at the hearing. Any fine that is imposed by the Committee must be paid within thirty (30) days to avoid further legal action.</p>	
<p>Thank you in advance for your help in preserving the integrity of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.</p>	
<p>Sincerely,</p>	
<p>The CAM Team On Behalf of Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.</p>	

Exhibit D

Notice of Decision (Sample)

Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.
c/o The CAM Team
1008-120 Park Avenue
Orange Park, FL 32073
Tel: 904-278-2338 Fax: 904-638-1435
candr@agentlink.net

NOTICE OF DECISION

Dear _____:

The Fining Committee of the Eagle Landing at Oakleaf Plantation HOA met on Tuesday, November 5, 2019 at 6:30 p.m. at the Residents Club, and discussed the Fine that was imposed upon you by the Board. The Committee **[approves/disapproves]** the Fine.

TO BE USED IF THE COMMITTEE APPROVES THE FINE:

You have thirty (30) days from the date of this Notice of Decision within which to pay the Fine in the amount of \$_____, as described in the Violation Letter.

The Association will pursue its legal remedies, including bringing a lawsuit, to collect the Fine and compel you to correct the Violation.

Respectfully,

Fining Committee