

**DAYBREAK WOODS HOMEOWNERS' ASSOCIATION, INC.**  
**2008 INSPECTION & ENFORCEMENT PROCEDURES**

Effective June 1, 2008 the Board of Directors implemented the procedures listed below to clarify and standardize the measures in ARTICLE 7.8, Enforcement of Covenants of the Covenants, Conditions and Restrictions of Gentle Woods. These new procedures ensure compliance with Florida Statutes 720.305 as enacted by the State Legislature in July 2007.

STEP	PROCEDURE	FEE
1.	Conduct routine inspection of community. If violation or problem is noted with an individual owner's property during this inspection, the Association will send the property owner or their designated representative, a letter by First Class Mail giving the property owner 30 days to correct the problem or 10 days to submit a written rebuttal or written plan to correct the problem(s) identified.	None
2.	Re-inspect the property after the 30 day period specified in Step 1 above. If problem(s) still exists or have not been satisfactorily corrected, the Association will send the property owner or their designated representative, a 2 <sup>nd</sup> letter by First Class Mail explaining the problem and requesting they take steps to immediately correct the problem or submit written rebuttal or plan to correct the problem(s) identified within 10 days. The property owner will be granted an additional 30 days to make the necessary corrections.	None
3.	Re-inspect the property after the additional 30 day period specified in Step 2 above. If problem(s) still exists or have not been satisfactorily corrected, the owner or their designated representative will be sent a 3 <sup>rd</sup> letter by Certified and First Class mail explaining the problem and advising them of their right to appear before a Committee appointed by the Association in accordance with Florida Statutes 720.305. The owner will have 14 days to petition to and appear before the appointed Committee.	Certified & First Class Mail Fee Plus \$25.00 Re-inspection Fee
4.	Re-inspect the property at the end of the 14 day appeal period specified above. If problem(s) still exists or has not been satisfactorily corrected the association will decide to go forward with further legal actions. The owner will be responsible for a minimum of \$245.00 in up-front legal and processing fees, up to \$250.00 in re-inspection fees and any other required court or notification fees. The owner will be contacted by the Association's attorney.	All Legal & Court Costs plus Re-Inspection Fees.
5.	PARKING OF RVs, BOATS, TRAILERS, and other prohibited vehicles. Owner will have 24-hours to remove the vehicle. If not removed they will receive the required 14-day Notice as in 3 above.	Fees Specified in Step 3 above

**FINES & SUSPENSION OF MEMBER PRIVILEGES**

**The following is directly from the Florida Statutes governing homeowner associations. It is provided for your information. If you would like to read the entire statute, go to [www.flsenate.gov](http://www.flsenate.gov) and enter "homeowner association" in the "Search the Statutes" block.**

**720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights--**

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the

association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against: (a) The association; (b) A member; (c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and (d) Any tenants, guests, or invitees occupying a parcel or using the common areas. The prevailing party in any such litigation is entitled to recover reasonable attorney's fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney's fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

(2) If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 per violation, against any member or any tenant, guest, or invitee. A fine may be levied on the basis of each day of a continuing violation, with a **single notice** and opportunity for hearing, except that no such fine shall exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine shall not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to collect its reasonable attorney's fees and costs from the non-prevailing party as determined by the court.

(a) **A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.**

(b) The requirements of this subsection **do not** apply to the imposition of suspensions or fines upon any member because of the failure of the member to pay assessments or other charges when due if such action is authorized by the governing documents.

(c) Suspension of common-area-use rights shall not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(3) If the governing documents so provide, an association may suspend the voting rights of a member for the nonpayment of regular annual assessments that are delinquent in excess of 90 days.

Once the matter has been turned over to the Association's attorney for action, the Association will follow all directions ordered by the Court and will be prepared to make all necessary corrections to an offending owner's property if so ordered by the court. The owner of the property will reimburse the Association for all fees associated with bringing their property into compliance.