



## Architectural Control Committee (ACC) Violation Notification Procedure

- 1) A potential violation is identified by a neighbor or Board member and referred to the ACC by the Management Office or Board member.
- 2) The ACC attempts to confirm the violation by visual identification from the roadway, on the property by permission of homeowner, or from an adjoining property by permission of homeowner. Some violations may only be visible from a neighbor's lot but may nonetheless still be a violation.
- 3) A courtesy phone call and/or email will be attempted by an ACC member, contingent upon the availability of contact information for the homeowner.
- 4) A letter is sent by the Management Office, at the direction of the ACC, to the homeowner notifying them of the specific violation and informing them that they have 10 business days to respond to the ACC and/or bring the violation into compliance (if there is a violation).
- 5) The ACC will perform a visual inspection from the roadway, on the property by permission of homeowner, or from an adjoining property by permission of homeowner, within 14 days after the 1<sup>st</sup> notice to verify that the violation has been brought into compliance.
- 6) If the homeowner has not contacted the ACC to address the violation or brought the violation into compliance within the allotted time period, the ACC will request the HOA attorney to send a notice of violation to the resident. This letter notifies the homeowner that the matter has been turned over to the HOA attorney's office for enforcement, reiterates that the resident is in violation of the Association's covenants and restrictions and the informs the homeowner that the Association reserves any and all enforcement rights it may possess. The letter provides 10 days for the homeowner to contact the attorney or bring the violation into compliance.
- 7) Within 14 days after the attorney's notice of violation letter, the ACC will perform a visual inspection from the roadway, on the property by permission of homeowner, or from an adjoining property by permission of homeowner, to verify that the violation has been brought into compliance.
- 8) If the homeowner has not contacted the attorney or resolved the issue within the allotted time the HOA will request the HOA Attorney to send a second and final notice of violation with a draft complaint (lawsuit) attached, informing them that if the violation is not corrected within 10 days the HOA will proceed with legal action.
- 9) The ACC will perform a visual inspection from the roadway, on the property by permission of homeowner, or from an adjoining property by permission of homeowner, within 14 days after the attorney's final notice of violation letter, to verify that the violation has been brought into compliance.
- 10) If the homeowner has not contacted the attorney or resolved the issue within the allotted time, the HOA will request the HOA attorney proceed with legal action. The first step is to send the homeowner a Demand for Pre-Suit Mediation which is required under Ch. 720, Florida Statutes. The resident has 20 days to contact the HOA attorney to either address the issue or agree to the pre-suit mediation. (The mediation must be held within 90 days of the demand letter, unless extended by mutual agreement.)



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- 11) If the Homeowner agrees to pre-suit mediation, the mediation is held and the parties attempt to come to a resolution. If an agreement is reached, a Settlement Agreement is drawn up and all parties sign the agreement.
- 12) If the Homeowner does not contact the HOA attorney within the allotted timeframe or fails to participate in the scheduled mediation, or if mediation does not result in a settlement agreement, or if the homeowner fails to abide with the terms of the settlement agreement, the HOA may bring a lawsuit to enforce the restrictive covenants.
- 13) If the board agrees to a suit, it is filed and the suit process is managed by the HOA attorney with input from the board.