

## ENFORCEMENT PROCEDURE FOR SEASCAPE OWNER'S ASSOCIATION

A. Notification of Violation. Whenever the Board of Directors determines that probable cause exists as to a violation of the Association's Declaration, Bylaws or any adopted Rules and Regulations (hereinafter collectively referred to as the "governing documents"), it will send written notice to the owner at such address which is reflected on the Association's records. The written notice shall state:

1. The particular provision of the governing documents which has been violated;
2. The owner's conduct or action which violates the particular provision;
3. The action required to correct the violation; and
4. The type of violation, continuing or non-continuing.

a. A continuing violation consists of action or inaction taken by an owner or his or her guest, invitee, or resident which presents an ongoing uninterrupted violation of the Association's governing documents. For a continuing violation, the following procedures shall apply:

i) The initial cease and desist letter shall include a request that the violation be corrected within ten (10) days from the date of the letter, such other time period that the Board determines is reasonable, and a statement advising the owner that the failure to correct the violation within the time allotted will result in a hearing being scheduled by the Board of Directors to consider the matter. The letter shall further advise the owner that the Board of Directors may impose penalties for the violation, including fines, suspension of use of common areas, suspension of voting rights, action to correct the violation at the expense of the owner, and legal action to compel compliance.

ii) If the violation continues after the time period allotted in the cease and desist letter, the Board shall send a second letter to the owner advising him or her that a hearing will be held before the Board of Directors at a specified date, time and place. The hearing shall be scheduled at least ten (10) days from the date of the letter. The letter shall advise the owner that he or she may present evidence and cross-examine witnesses at the hearing in his or her defense of the alleged violation. In addition, the letter shall provide notice to the owner that the Board of Directors may impose sanctions against the owner for the violation. The sanctions imposed may include, but are not limited to the imposition of fines, the suspension of voting rights, the suspension of the use of the common areas and recreational facilities, the decision to take action to correct the violation at the expense of the unit owner, and the initiation of legal action to compel compliance with the Association's governing documents.

b. A non-continuing violation is an action or inaction of an owner or his or her guest, invitee, or resident which is a single occurrence and is not continuing or on-going in nature and is a violation of the Association's governing documents. For a non-continuing violation, the following procedures shall apply:

i) The initial cease and desist letter shall state the conduct which violated the provisions of the governing documents. The letter shall include a statement that should further violation of the same provision of the Association's governing documents occur again within the next twelve (12) months, the Board of Directors may take action to enforce the governing documents which have been violated and may impose sanctions after further notice and hearing.

ii) If a second violation of the same provision of the Association's governing documents recurs within twelve (12) months, the Board shall send a second letter to the owner which shall state:

- a. The Rule or Covenant which has been violated;
- b. The owner's conduct or action which violates the Rule or Covenant;
- c. The action required to correct the violation;
- d. The type of violation, continuing or non-continuing;
- e. A hearing has been scheduled at a specified date, time and place before the Board of Directors to consider the matter. Said hearing shall be scheduled at least ten (10) days from the date of the letter. The owner shall be advised that he or she may present evidence and cross-examine witnesses to defend himself or herself against the alleged document provision or Rule or Regulations violation.
- f. At the hearing, the Board of Directors may impose sanctions against the owner, which may include, but may not be limited to the imposition of fines, the suspension of the use of the common areas and recreational facilities, the decision to take action to correct the violation at the expense of the owner, the suspension of voting rights, and legal action to compel future compliance with the provisions of the governing documents.

B. Hearing.

1. At any enforcement hearing, the owner shall have a right to present evidence and to present and cross-examine witnesses. Proof of notice of the hearing shall be made a part of the hearing record. This proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer or director who delivered the notice. The notice required is deemed satisfied if the violator appears at the meeting. The minutes of the meeting shall contain a summary of the evidence presented and a written statement of the decision of the Board of Directors and the sanctions, if any, imposed.
2. If the Board determines that a violation of the governing documents has been committed, the Board will-send a letter to the owner within fifteen (15) days of the hearing stating the decision of the Board, including any action required to correct the violation and any sanction imposed by the Board. If the Board of Directors determines that there has been no violation, the owner shall be so advised by a letter from the Board within fifteen (15) days of the hearing.

C. Sanctions. If the Board of Directors determines that a violation has occurred, the Board may, upon its own discretion, impose one or more of the following sanctions:

1. Cease and Desist Order directing that the violation stop and that corrective action be taken;
2. Fines;
3. Suspension of Association voting rights;
4. Suspension of use of Common Areas and recreational facilities (not to exceed sixty (60) days); and

5. Legal action to enjoin the violation.

D. Schedule of Fines.

1. If the Board of Directors determines that the owner is committing a continuing violation of the Association's governing documents and that the violation has not been corrected by the date specified by the Board of Directors in the initial cease and desist letter sent to the owner, the following schedule will apply. Fines will continue to accumulate on the dates outlined below until the violation is corrected:

<u>Continual Violations</u>	<u>Fine</u>
30th day beyond Board deadline	\$ 50.00
60th day beyond Board deadline	\$ 100.00/ Additional
90th day beyond Board deadline	\$ 100.00/ Additional
Total after 90 days	\$ 250.00

Such fines and subsequent occurrences of same/similar violations shall be cumulative.

2. If the Board of Directors determines that the owner has committed a non-continuing violation of the Association's governing documents within the twelve (12) months subsequent to the initial cease and desist letter sent to the owner or tenant by the Board of Directors, then the Board of Directors may impose a fine in the amount of \$25.00 to \$200.00 upon the owner, depending upon the violation and the number of violations of the same Rule or Covenant that have been committed by the owner.

E. Collection of Fines. The Board of Directors shall collect all fines as authorized by the governing documents. All monies collected by the Association from an owner for any reason, including monies collected for regular and special assessments, shall first be applied to fines until satisfied and the balance, if any, toward assessments.

F. Delivery of Notices and Letters. All notices or letters required under the foregoing rules shall be delivered (1) by hand-delivery or (2) via certified mail.