

THE PINNACLE AT COBB'S LANDING HOMEOWNERS' ASSOCIATION, INC.

A RESOLUTION OF THE BOARD OF DIRECTORS
FOR THE ENFORCEMENT OF RESTRICTIONS AND IMPOSITION OF FINES

Whereas the Articles of Incorporation for The Pinnacle at Cobb's Landing Homeowners' Association, Inc. ("Association") and the Declaration of Covenants, Conditions, and Restrictions for The Pinnacle at Cobb's Landing ("Declaration") provide that the Association is the entity responsible for the oversight and operation of The Pinnacle at Cobb's Landing Community, and for enforcement of the covenants, regulations and restrictions governing the Community;

Whereas Section 720.305 of the Florida Statutes permits the imposition of fines for violations of the Declaration, Bylaws, and Rules and Regulations established and adopted by the Association from time to time (herein after "governing documents");

Whereas the Board of Directors ("the Board") wishes to adopt a policy regarding the procedures to be followed with regard to the imposition of fines; and

NOW, THEREFORE, the Board hereby resolves as follows:

1. Pursuant to Section 720.305(2) of the Florida Statutes, the Association by this action formally memorializes its decision to impose reasonable fines and/or use suspensions against an owner or tenant for violations of the Governing Documents, in accordance with the requirements and procedures set forth in the Homeowners' Association Act as amended from time to time. No fine may exceed \$100.00 per violation. However, a fine may be levied on the basis of each day of a continuing violation, of up to \$100.00 per day and may not exceed \$1,000.00 in the aggregate.
2. The Board or its appointed agent(s) are charged with determining whether there is probable cause that any of the provisions of the governing documents of the Association are being or have been violated, and shall be charged with determining the appropriate amount of the fine not to exceed the amounts stated in Paragraph 1.
3. In the event that a complaint is received by the Association, or a violation is otherwise determined to have occurred, the Association will have the right, but not the obligation, to send an initial notice of violation to the owner(s) (and alleged violator(s) if different from the owner) which will include the specific identification of the violation, the provision of the governing documents that has been violated, and a reasonable time period to cure the violation. Certain violations such as the disposal of trash or removal of objectionable items may require immediate cure upon receipt of the notice of violation.
4. Should the owner or alleged violator(s) fail to correct the violation(s) within the time permitted after the initial notice of violation, the Board or its agents shall be entitled to proceed with notifying the owner (and alleged violator(s) if applicable) of the violation, which notice shall include the following:
 - A. A short and plain statement of the violation(s) asserted by the Association;
 - B. A statement of the provisions of the governing documents, which have been violated;
 - C. A second opportunity for the violation(s) to be corrected within a reasonable time, but not less than fourteen (14) days absent an emergency situation or when the violation is such that immediate action is reasonable, warranted and appropriate;
 - D. Notice of the Association's intent to impose a fine or suspension if the violations are not cured within the stated period; and
 - E. Notice that a hearing before an impartial committee will take place in accordance with Paragraph 6 herein no sooner than fourteen (14) days from the date of the notice.
5. If the alleged violation is cured within the stated cure period, no fine shall be imposed.
6. If the alleged violation is not cured within the stated cure period as set forth in the notice described in paragraph 4 above, the Board of Directors shall appoint a Fining Review Committee ("Committee"), which shall consist entirely of at least three (3) owners other than officers, directors or employees of the Association, or the spouse, parent, child, brother or

sister of an officer, director or employee, of the Association. The Committee may either confirm or reject the fine or suspension following the hearing. The following hearing procedures apply:

- A. The hearing will be conducted as soon as reasonably possible, but in no event later than sixty (60) days from the date of the second notice described in Paragraph 4.
- B. Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing shall be open to attendance by all owners. In rendering a decision, official notice may be taken at any time of any generally accepted matter within the governing documents or the workings of the Association.
- C. At the conclusion of the hearing, or within a reasonable period of time thereafter, the Committee shall render a decision on the matter, and will prepare a written summary of the decision to the Board of Directors. If the decision of the Committee, by majority vote, is to uphold the fine, the fine shall be effective immediately upon written notice of the decision to the alleged violator(s) by mail or hand delivery.

7. Any approved fine is due five (5) days after notice of the approved fine is provided to the owner and, if applicable, to any tenant, occupant, licensee, or invitee of the owner. Any approved suspension will become effective immediately after notice of the approved fine is provided to the owner and, if applicable, to any occupant, licensee, or invitee of the owner.

8. If an owner is more than 90 days delinquent in paying a fee, fine, or other monetary obligation due to the association, the association may suspend the right of the owner or the owner's occupant, licensee, or invitee to use common elements, common facilities, or any other association property until the fee, fine, or other monetary obligation is paid in full.

9. The owner and/or any violator(s) will be responsible for interest, costs, and attorneys' fees incurred in the collection of any fine and/or enforcement of any suspension imposed pursuant to this Resolution.

10. All notices required herein shall be provided to the owner and alleged violator (if applicable) by regular mail, or via email to those owners who have consented to receive official notices via electronic delivery.

11. This Resolution shall hereby supersede any and all previously adopted policies, procedures, and/or resolutions relating to the imposition of fines by the Association.

12. Nothing contained herein shall impair or limit the Association's ability to bring legal action in law or in equity against a tenant or owner, including but not limited to an action for injunctive relief, damages, or a combination thereof; nor shall it impair any other right or remedy available to the Association pursuant to the Declaration or the Condominium Act, as amended from time to time.

IN WITNESS WHEREOF, the Board of Directors has adopted this resolution at a duly called, noticed and convened meeting held this 19 day of January, 2024, and shall become effective immediately.

THE PINNACLE AT COBB'S LANDING HOMEOWNERS' ASSOCIATION, INC.

BY:

Jackie Stubba
(Signature)

JACKIE STUBBA
(Printed Name)

BOARD PRESIDENT
(Title)

on behalf of
Pinnacle
at Cobb's
Landing