



AMENDED COMPLIANCE/COVENANT ENFORCEMENT POLICY

1. Incidents, activities, and non-compliance with the governing documents of University Park Community Association, Inc. (hereinafter referred to as "UPCAI" or "Association", interchangeably), and non-compliance with approvals or disapprovals granted by the Architecture and Landscape Committee (hereinafter referred to as "ALC"), may rise to the level of a violation. Alleged violations may be reported through a variety of sources, including Park Boulevard Management (hereinafter referred to as "PBM"), neighborhood or committee Chairs, members of the Board of Directors (hereinafter referred to as "Board"), Board- appointed committee members, homeowners and other residents, and by vendors. Alleged violations are to be reported to the Association through PBM (as its "Manager"), as more fully described in the Management Agreement between PBM and UPCA, who, after determining that a violation exists, in turn, will report it to the Board, or any representative appointed by the Association or Board (hereinafter referred to as "Association representative"). The report shall be recorded on a form provided by the Manager, and it shall include the description of the violation, the date and address, or location at which the violation occurred, and shall be kept with the official records of the Association.
2. The Owner in violation and, if applicable, any Owner's family, guests, tenants and invitees (hereinafter collectively referred to as "Owner") will receive a First Notice of Violation from the Manager, clearly noting the violation and the expected corrective action, via e-mail for those Owners who have consented to receive official notifications via e-mail; otherwise, the letter will be sent via USPS regular mail. The Owner should be given time to correct the violation (usually anywhere from ten to thirty (10-30) days from the date of the First Notice, depending on the violation). The Owner may submit a written request for a grace period for compliance, which may be granted or denied by the Manager or Association representative, as determined by the circumstances and severity of the situation.
3. After the allotted period of time has expired, the Manager or Association representative shall determine if the violation has been remedied.



4. If the violation has not been remedied, the Owner in violation will receive a Second Notice of Violation from the Manager, reiterating the violation and the expected corrective action, via e-mail for those Owners who have consented to receive official notifications via e-mail with a “read receipt”; otherwise, the letter will be sent via USPS regular and certified mail. The Owner should be given additional time to correct the violation (usually anywhere from ten to thirty (10-30) days from the date of the Second Notice, depending on the violation).
5. After the allotted period of time has expired, the Manager or Association representative shall determine if the violation has been remedied.
6. If the violation has still not been remedied, the Board will place the issue on the agenda of a duly-noticed Board meeting and vote to levy a fine and/or sanctions, including the suspension of the right to use the Common Areas and the suspension of voting rights. If a fine is levied, the Board will also vote on the amount of the fine to be levied, up to the amount allowed by Article 18 of the Amended & Restated Declaration of Covenants, Conditions and Restrictions for UPCA (hereinafter referred to as “Declaration”) as follows:
 - A. A fine not in excess of \$1,000 per day from the date of the Owner’s violation until the violation ceases, if the violation threatens the health or safety of other Owners, or constitutes a violation of:
 - i. any provisions of the Declaration applicable to the Surface Water Management System;
 - ii. any provisions of the Environmental Preservation Guidelines; or,
 - iii. any provisions of governmental laws and regulations applicable to the Surface Water Management System or the Association.
 - B. A fine not in excess of \$250 per day from the date of the Owner’s violation until such violation ceases for any other type of violation.



7. If the Board levies a fine and/or sanctions, the Owner will receive a notice via USPS regular and certified mail advising that a hearing has been scheduled before the Hearing Committee, and that the Owner has the right to appear to dispute the imposition of the levied fine and/or sanctions. The notice of a Hearing Committee hearing must be mailed at least fourteen (14) days prior to the hearing date.
8. The Hearing Committee will meet on the previously-noticed date and will vote to “confirm” or “reject” the imposition of the levied fine and/or sanctions, after providing time of no more than one hour to the Owner to present an argument. If a majority of the members of the Hearing Committee votes to impose the fine and/or sanctions, the Owner will receive notice via USPS regular and certified mail that the fine and/or sanctions have been imposed. If a fine was imposed, the notice must include the amount of the fine and state that the fine payment is due five (5) days after the date of the Hearing Committee hearing.
9. In addition, or as an alternative, to paragraphs 7 and 8 above, the matter may be referred to the Association’s attorney for necessary action to enforce compliance. Such action may be a demand letter from the attorney or the commencement of pre-suit mediation or legal action, as referenced in Article 18 of the of the Declaration and/or Florida Statute 720.311.