

1. RULES AND REGULATIONS ESTABLISHING FINING/SUSPENSION COMMITTEE (“COMPLIANCE COMMITTEE”) AND CREATING FINING/SUSPENSION PROCEDURES

WHEREAS, Lely Country Club Property Owners Association, Inc. (“Association”) is the corporation charged with the operation, maintenance, management of Lely Country Club (“the Community”); and

WHEREAS, the day-to-day affairs of the Association are administered by the Board of Directors of the Association (“Board”); and

WHEREAS, Section 720.305(2), Florida Statutes (2019) provides:

The Association may levy reasonable fines. A fine may not exceed \$100 per violation against any member or any member’s tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(a) An association may suspend, for a reasonable period of time, the right of a member, or a member’s tenant, guest, or invitee, to use the common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days’ written notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner 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, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved. The Association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner; and

WHEREAS, the Board is desirous of empowering the Manager (“Manager”) with the authority to initiate the fining and/or suspension process by authorizing the issuance of required notices and otherwise administering the fining and suspension procedure; and

WHEREAS, the Board is also desirous of creating a Compliance Committee (the “Committee”), as contemplated by Section 720.305(2)(b), Florida Statutes.

NOW, THEREFORE, it is hereby resolved as follows:

1.1 The above recitations are true and correct and are hereby incorporated into this Rule.

1.2 The Committee shall consist of three (3) Members. The initial/current members of the Committee are _____, _____, and _____. The Committee members shall serve at the pleasure of the Board of Directors. The Committee members may be removed or replaced on motion of the Board, documented in the minutes, without need for further resolution of the Board. The Committee members must be 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. The Board shall have the power to fill vacancies in the Committee and, at any time, remove any member of the Committee with or without cause. The Board shall also have the power to dissolve such Committee. The Committee shall, amongst itself, elect a Chair and a Vice-Chair.

1.3 The Manager, in appropriate situations, shall initially address violations through the issuance of a “Notice of Violation,” generally in the form attached to this Rule as **Exhibit “1.”** The Manager may confer with the President and or legal counsel in attending to this function, but shall be delegated the general authority and responsibility to provide initial notices of violations of the Governing Documents (which shall include the Lely Country Club Declaration and General Protective Covenants, the Articles of Incorporation, the Bylaws, the Rules and Regulations), as well as violations of any policies, resolutions or lawful orders of the Board of Directors, or applicable provisions of law; all of which shall be referred to in this Rule as a violation of the Governing Documents. The Manager may confer with the President and or legal counsel, but shall be delegated the general authority (subject to an “always to contrary decision” direction by the President or the Board) to determine which violations shall be initially addressed through a warning letter first sent, and when fining and/or suspension process, and which such proceedings may be initiated without the provision of a prior warning through issuance of a Notice of Violation, referenced above. It shall generally be the policy of the Association to issue prior warnings to first time offenders for minor violations. It shall generally be the policy of the Association that where a person sought to be fined or suspended has violated the Governing Documents in the past, or where the alleged violation is sufficiently serious, as determined by the Manager or the President, fining/suspension procedure may be initiated without a prior warning/opportunity to cure.

1.4 Assuming that the Notice of Violation does not result in the resolution of an alleged violation to the satisfaction of the Manager, or in cases where no Notice of Violation is issued, the Manager, on behalf of the Board, shall be empowered with the authority to initiate the

fining and/or suspension process by placing on the agenda for a regular or specially scheduled meeting of the Board of Directors the consideration of levying a fine and/or suspension.

1.5 If at the meeting of the Board of Directors, a majority of the Board votes to levy a fine and/or suspension, the Lot(s) and person(s) against whom the fine and/or suspension is levied shall be delivered written notice of the Board's action levying the fine and/or suspension and further be notified of a hearing before the Committee where the fine and/or suspension shall be considered by the Committee for confirmation or rejection of the fine and/or suspension. The written notice shall be in a form generally equivalent to the "Notice of Hearing" attached here to as **Exhibit "2,"** and shall be delivered by certified mail, return receipt requested, with an additional copy by regular mail. E-Mail copies may also be sent, but are not required. If the fine and/or suspension is confirmed by the Committee, the fine and/or suspension may be deemed imposed without further action of the Board of Directors unless a contrary intention is reflected in the minutes of the Board meeting where the fine is levied.

1.6 The Committee shall be empowered with the authority to conduct fining/suspension hearings. At least two (2) Committee Members are required for a quorum of the Committee. Actions of the Committee shall be by vote of a majority of the Committee Members present. At said hearings, the Committee shall be empowered with the authority to either confirm or reject the fine and/or suspension levied by the Board.

1.7 If the Committee confirms the fine and/or suspension, the fine and/or suspension may be imposed by the Board of Directors. The Board of Directors may either hold a meeting of the Board following the Committee Meeting to impose the fine and/or suspension. Alternatively, a fine and/or suspension may be deemed imposed upon Committee's confirmation of the fine and/or suspension as provided in Section 1.5 above, and shall be deemed automatically imposed after the Committee's hearing unless the minutes of the Board meeting levying the fine state otherwise. Once the fine and/or suspension is imposed, the Board of Directors shall deliver a "Notice of Imposition of Fine and/or Suspension" in a form generally equivalent to **Exhibit "3"** attached hereto.

1.8 The hearing will be conducted by the Chairman of the Committee or the Manager. If the Board meets simultaneously with the Committee, members of the Board may be called to present evidence of violations, if applicable. Board members will not question or address the accused or witnesses nor otherwise participate in the conduct of the hearing. If the Committee hearing is held separately from the meeting of the Board where a fine/suspension is to be levied, the Committee shall send the Board a "Report of Compliance Committee" ("Report") in a form generally equivalent to **Exhibit "4"** hereto. The Chair or Vice-Chair of the Committee shall be required to sign the Reports, which signature shall be presumed to represent the decision of the Committee. If the Board meets simultaneously with the Compliance Committee, no Report shall be required and the decision of the Committee shall be reflected in the minutes of the Board meeting.

1.9 A suspension pursuant to this provision shall apply to the use rights in all of the Common Areas and Facilities, except that such suspension shall not apply to that portion of Common Areas used to provide access or utility services to the parcel and a suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. Suspension shall

specifically include (but not be limited to) prohibiting the use of the automated electronic transponder system to access the Community. Such suspension shall be for a reasonable time, as determined by the Board in its levy of the suspension, subject to confirmation by the Committee.

2.0 The Board may delegate such other powers and duties to the Manager or to such other person as may be necessary or appropriate under the circumstances. The Board may adopt additional policies and procedures for the Manager or such other persons to follow, or to be utilized in connection with the fining/suspension process, as amended from time to time.

2.1 General compliance with this Rule shall be sufficient, it being intended to be used as a guideline to ensure fairness in the fining/suspension process. It is the intention of this Rule and its exhibits that persons sought to be fined or suspended are given a reasonable notice to be heard before the imposition of a fine or suspension of use rights. The Manager, in consultation with the President, where appropriate, shall have the authority to disregard the provisions of this Rule in circumstances where the alleged behavior of a person constitutes a violation of criminal law, or poses a threat to the health, peace, safety, or welfare of the residents of the Community, or in other circumstances where the Association believes such disregard is justified. Compliance with this Rule and the imposition of fines or suspensions shall not be deemed a prerequisite to the initiation of legal proceedings or other remedies to enforce the Governing Documents.

NOTICE OF VIOLATION

_____, 2020 [*Date Sent*]

FIRST CLASS MAIL

TO: [*Parcel Owner's Address of Record, Name All Record Owners Per Deed*]

Dear Parcel Owner:

The following violations of the Governing Documents have been noted with regard to your property or the conduct of you, your Parcel's Occupants, Licensees, or Invitees.

[Insert violation(s) here including citation to Governing Documents.]

Please be advised that if this violation (*these violations*) is (*are*) not corrected by [*date**], or if further violations occur, the Association reserves the right to take further action against you to enforce the Governing Documents. You are required to [*fill in demanded relief here*].

If you fail to comply, further legal action may ensue without further notice or demand. Such legal action may include (but is not limited to): the imposition of a fine and/or suspension of certain use rights of Common Areas and Facilities following a proper notice and opportunity for hearing as required by law; and/or the filing of a lawsuit for damages in the court of appropriate jurisdiction; and/or the service of a demand for mediation pursuant to Section 720.311, Florida Statutes. In the event the Association takes any of the foregoing legal actions, the Association will seek to recover its attorney's fees and cost as permitted by the Governing Documents and the Florida Homeowners' Association Act, Chapter 720, of the Florida Statutes.

Very truly yours,

[*Association Manager*]

On behalf of the Board of Directors

cc: [*Parcel Owner by e-mail if Association has e-mail address, but optional*]
[*Board President*]

**EXHIBIT 1/OPTION A
(PARCEL OWNER OCCUPIED PARCEL– NOTICE OF VIOLATION)**

** In general 10 days notice will be given for correction of most violations. Other violations may result in the initiation of a proposed fine without a prior warning, and this letter would not be used. The Manager shall have the authority to require more timely compliance, including immediate compliance, in appropriate circumstances, as well as more liberal compliance deadlines, as determined in the discretion of the Manager in consultation with the President.*

NOTICE OF VIOLATION

_____, 2020 [Date Sent]

FIRST CLASS MAIL

TO: [Tenant, non-Owner Occupant or Guest at Parcel's Address]

Dear [Name Tenant]:

The following violations of the Governing Documents have been noted with regard to the Parcel you are renting or occupying at Lely Country Club.

[Insert violation(s) here including citation to Governing Documents.]

Please be advised that if this violation (*these violations*) is (*are*) not corrected by [date*], or if further violations occur, the Association reserves the right to take further action against you to enforce the Governing Documents. You are required to [fill in demanded relief here].

If you fail to comply, further legal action may ensue without further notice or demand. Such legal action may include (but is not limited to): the imposition of a fine and/or suspension of certain use rights of Common Areas and Facilities following a proper notice and opportunity for hearing as required by law; and/or the filing of a lawsuit for damages in the court of appropriate jurisdiction; and/or the filing of a lawsuit for an injunction in the court with appropriate jurisdiction. In the event the Association takes any of the foregoing legal actions, the Association will seek to recover its attorney's fees and cost as permitted by the Governing Documents and the Florida Homeowners' Association Act, Chapter 720, of the Florida Statutes.

This Notice is also being provided to the record Owner(s) of the Parcel. Pursuant to Florida law and the Governing Documents, the Parcel Owner is jointly and severally liable for the conduct of his or her Occupants of the Parcel, as well as their, Licensees, or Invitees. Accordingly, if the violation is not corrected, this letter serves as notice that the Association may also take the above-referenced actions against the Parcel Owner(s), either directly, or jointly and severally.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: [Tenant/Non-Owner Occupant by e-mail if Association has e-mail address, but optional]
[Parcel Owner Address of Record by regular mail and e-mail if Association has e-mail address, but optional as to e-mail]
[Board President]

**EXHIBIT 1/OPTION B
(TENANT OCCUPIED PARCEL – NOTICE OF VIOLATION)**

* In general 10 days notice will be given for correction of most violations. Other violations may result in the initiation of a proposed fine without a prior warning, and this letter would not be used. The Manager shall have the authority to require more timely compliance, including immediate compliance, in appropriate circumstances, as well as more liberal compliance deadlines, as determined in the discretion of the Manager in consultation with the President.

NOTICE OF HEARING

_____, 2020 [Date Sent – Must be at least 20 days before hearing]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Parcel Owner Address of Record, Name All Record Owners Per Deed]

Dear Parcel Owner:

Section 720.305(2), Florida Statutes and the Board’s Rules and Regulations Establishing Fining/Suspension Committee (“Compliance Committee”) and Creating Fining/Suspension Procedures authorizes Lely Country Club Property Owners Association, Inc. (“the Association”) to levy fines and/or suspend use rights for a reasonable time for failure of the Owner of a Parcel or its Occupants, Licensees, or Invitees to comply with any provision of the Governing Documents.

The violation described in the Association’s Notice of Violation dated _____, 2020, has not been corrected and/or has resumed. Accordingly, the Association’s Board of Directors has levied of a fine against you in the amount of [insert amount of fine/\$100.00 per day per violation, up to \$1,000 in the aggregate for a continuing violation].

[Use following suspension paragraph if applicable].

The Association has also suspended of your Parcel’s right to use certain Common Areas and Facilities, which include **[fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited]**.

Pursuant to Section 720.305(2)(b), a hearing before the Compliance Committee (the “Committee,” an impartial committee of parcel owners who are neither Board members nor employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. household), will be held on the [day] day of [month] 20[year], at [time] at [place, include address] to determine whether to confirm or reject the fine and/or suspension levied by the Board of Directors.

You have a right to attend the hearing to respond, to present evidence, and to provide written or oral argument. You shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You also have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association, in writing, no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present should it choose to do so.

If you fail to appear at the hearing, the fine and/or suspension will, if confirmed by the Committee, be imposed after a hearing has been conducted in your absence. If you have any questions about scheduling, please contact [Association Manager] at [phone number] or [e-mail address].

In the event that the Committee confirms the fine and/or suspension levied by the Board of Directors, the fine and/or suspension will be imposed. If the Committee rejects the fine and/or suspension, it will not be imposed. You will receive written notice of any fine or suspension imposed.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: *[Parcel Owner by regular mail w/ encl. and e-mail if Association has e-mail address w encl. but e-mail optional]*

[Board President]

***EXHIBIT 2/OPTION A
(PARCEL OWNER OCCUPIED PARCEL - NOTICE OF HEARING/NOTICE OF VIOLATION WAS PREVIOUSLY GIVEN) (SEND AT LEAST 20 DAYS IN ADVANCE OF HEARING)***

NOTICE OF HEARING

_____, 2020 [Date Sent – Must be at least 20 days before hearing]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Tenant, Guest or Invitee at Parcel's Address]

Dear [Name Tenant, Guest or Invitee]:

Section 720.305(2), Florida Statutes and the Board's Rules and Regulations Establishing Fining/Suspension Committee ("Compliance Committee") and Creating Fining/Suspension Procedures authorizes Lely Country Club Property Owners Association, Inc. ("the Association") to levy fines and/or suspend use rights for a reasonable time for failure of the Owner of a Parcel or its Occupants, Licensees, or Invitees to comply with any provision of the Governing Documents.

The violation described in the Association's Notice of Violation dated _____, 2020, has not been corrected and/or has resumed. Accordingly, the Association's Board of Directors has levied of a fine against you in the amount of [insert amount of fine/\$100.00 per day per violation, up to \$1,000 in the aggregate for a continuing violation].

[Use the following suspension paragraph if applicable].

The Association has also suspended of your Parcel's right to use certain Common Areas and Facilities, which include **[fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited]**.

Pursuant to Section 720.305(2)(b), a hearing before the Compliance Committee (the "Committee," an impartial committee of parcel owners who are neither Board members nor employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. household), will be held on the [day] day of [month] 20[year], at [time] at [place, include address] to determine whether to confirm or reject the fine and/or suspension levied by the Board of Directors.

You have a right to attend the hearing to respond, to present evidence, and to provide written or oral argument. You shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You also have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association, in writing, no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present should it choose to do so.

If you fail to appear at the hearing, the fine and/or suspension will, if confirmed by the Committee, be imposed after a hearing has been conducted in your absence. If you have any questions about scheduling, please contact [Association Manager] at [phone number] or [e-mail address].

In the event that the Committee confirms the fine and/or suspension levied by the Board of Directors, the fine and/or suspension will be imposed. If the Committee rejects the fine and/or suspension, it will not be imposed. You will receive written notice of any fine or suspension imposed.

This Notice is also being provided to the record Owner(s) of the Parcel. Pursuant to Florida law and the Governing Documents, the Parcel Owner is jointly and severally liable for the conduct of his or her Tenants, and the Occupants of the Parcel, as well as their Guests, Licensees, or Invitees. Accordingly, the fine may also be imposed against the Parcel Owner(s), either directly, or jointly and severally. In cases where only a Non-Owner (e.g. Tenant, Occupant or Invitee) is fined, the Parcel Owner shall be jointly and severally liable for payment of the fine. Parcel Owners shall likewise be suspended from common area and facility use during the period of a Non-Owner's suspension. Parcel Owners have the right to attend the Committee Hearing.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: *[Tenant/Non-Owner Occupant by regular mail w/ encl. and e-mail w/encl., if Association has e-mail address, but e-mail optional]*
[Parcel Owner Address of Record by Certified Mail (with tracking number) w/encl., regular mail w/encl. and e-mail w/encl., if Association has e-mail address, but optional]
[Board President]

***EXHIBIT 2/OPTION B
(TENANT OR OTHER NON-OWNER OCCUPIED PARCEL - NOTICE OF
HEARING/NOTICE OF VIOLATION WAS PREVIOUSLY GIVEN) (SEND AT LEAST 20
DAYS IN ADVANCE OF HEARING)***

NOTICE OF HEARING

_____, 2020 [*Date Sent – Must be at least 20 days before hearing*]

CERTIFIED MAIL # [*Fill in Tracking Number from Green Card Here*]

TO: [*Parcel Owner Address of Record, Name All Record Owners Per Deed*]

Dear Parcel Owner:

Section 720.305(2), Florida Statutes and the Board's Rules and Regulations Establishing Fining/Suspension Committee ("Compliance Committee") and Creating Fining/Suspension Procedures authorizes Lely Country Club Property Owners Association, Inc. ("the Association") to levy fines and/or suspend use rights for a reasonable time for failure of the Owner of a Parcel or its Occupants, Licensees, or Invitees to comply with any provision of the Governing Documents.

The purpose of this notice is to inform you that, due to the violation described below, the Association's Board of Directors has levied a fine against you in the amount of [*insert amount of fine/\$100.00 per day per violation, up to \$5,000 in the aggregate for a continuing violation*].

[*Use the following suspension paragraph if applicable*].

The Association has also suspended of your Parcel's right to use certain Common Areas and Facilities, which include [***fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited***].

[***Insert violation(s) here including citation to Governing Documents and as much detail as possible as to date(s), time(s) and place(s) of alleged violation(s).***]

Pursuant to Section 720.305(2)(b), a hearing before the Compliance Committee (the "Committee," an impartial committee of parcel owners who are neither Board members nor employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. household), will be held on the [*day*] day of [*month*] 20[*year*], at [*time*] at [*place, include address*] to determine whether to confirm or reject the fine and/or suspension levied by the Board of Directors.

You have a right to attend the hearing to respond, to present evidence, and to provide written or oral argument. You shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You also have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association, in writing, no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present should it choose to do so.

If you fail to appear at the hearing, the fine and/or suspension will, if confirmed by the Committee, be imposed after a hearing has been conducted in your absence. If you have any questions about scheduling, please contact *[Association Manager]* at *[phone number]* or *[e-mail address]*.

In the event that the Committee confirms the fine and/or suspension levied by the Board of Directors, the fine and/or suspension will be imposed. If the Committee rejects the fine and/or suspension, it will not be imposed. You will receive written notice of any fine or suspension imposed.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: *[Parcel Owner by regular mail w/ encl. and e-mail if Association has e-mail address w encl. but e-mail optional]*
[Board President]

EXHIBIT 2/OPTION C

(PARCEL OWNER OCCUPIED PARCEL-NOTICE OF HEARING/NO PRIOR NOTICE OF VIOLATION WAS GIVEN) (SEND AT LEAST 20 DAYS IN ADVANCE OF HEARING)

NOTICE OF HEARING

_____, 2020 [Date Sent – Must be at least 20 days before hearing]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Tenant/Non-Owner Occupant at Parcel’s Address]

Dear [Name Tenant/Non-Owner Occupant]:

Section 720.305(2), Florida Statutes and the Board’s Rules and Regulations Establishing Fining/Suspension Committee (“Compliance Committee”) and Creating Fining/Suspension Procedures authorizes Lely Country Club Property Owners Association, Inc. (“the Association”) to levy fines and/or suspend use rights for a reasonable time for failure of the Owner of a Parcel or its Occupants, Licensees, or Invitees to comply with any provision of the Governing Documents.

The violation described in the Association’s Notice of Violation dated _____, 20__, has not been corrected and/or has resumed. Accordingly, the Association’s Board of Director’s has levied a fine against you in the amount of [insert amount of fine/\$100.00 per day per violation, up to \$5,000 in the aggregate for a continuing violation].

[Use the following suspension paragraph if applicable].

The Association has also suspended of your Parcel’s right to use certain Common Areas and Facilities, which include **[fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited].**

[Insert violation(s) here including citation to Governing Documents and as much detail as possible as to date(s), time(s) and place(s) of alleged violation(s).]

Pursuant to Section 720.305(2)(b), a hearing before the Compliance Committee (the “Committee,” an impartial committee of parcel owners who are neither Board members nor employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. household), will be held on the [day] day of [month] 20[year], at [time] at [place, include address] to determine whether to confirm or reject the fine and/or suspension levied by the Board of Directors.

You have a right to attend the hearing to respond, to present evidence, and to provide written or oral argument. You shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You also have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association, in writing, no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present should it choose to do so.

If you fail to appear at the hearing, the fine and/or suspension will, if confirmed by the Committee, be imposed after a hearing has been conducted in your absence. If you have any questions about scheduling, please contact *[Association Manager]* at *[phone number]* or *[e-mail address]*.

In the event that the Committee confirms the fine and/or suspension levied by the Board of Directors, the fine and/or suspension will be imposed. If the Committee rejects the fine and/or suspension, it will not be imposed. You will receive written notice of any fine or suspension imposed.

This Notice is also being provided to the record Owner(s) of the Parcel. Pursuant to Florida law and the Governing Documents, the Parcel Owner is jointly and severally liable for the conduct of his or her Tenants, and the Occupants of the Parcel, as well as their Guests, Licensees, or Invitees. Accordingly, the fine may also be imposed against the Parcel Owner(s), either directly, or jointly and severally. In cases where only a Non-Owner (e.g. Tenant, Occupant or Invitee) is fined, the Parcel Owner shall be jointly and severally liable for payment of the fine. Parcel Owners shall likewise be suspended from common area and facility use during the period of a Non-Owner's suspension. Parcel Owners have the right to attend the Committee Hearing.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: *[Tenant/Non-Owner Occupant by regular mail w/ encl. and e-mail w/encl., if Association has e-mail address, but e-mail optional]*
[Parcel Owner Address of Record by Certified Mail (with tracking number) w/encl., regular mail w/encl. and e-mail w/encl., if Association has e-mail address, but optional]
[Board President]

***EXHIBIT 2/OPTION D
(TENANT OR OTHER NON-OWNER OCCUPIED PARCEL-NO PRIOR NOTICE OF HEARING/NOTICE OF VIOLATION WAS GIVEN) (SEND AT LEAST 20 DAYS IN ADVANCE OF HEARING)***

NOTICE OF IMPOSITION OF FINE AND/OR SUSPENSION

_____, 2020 [Date Sent]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: Parcel Owner Address of Record, Name All Record Owners Per Deed]

Re: Notice of Violation Dated [Fill In]; Hearing Held [Fill In]

Dear Parcel Owner:

The Compliance Committee (the “Committee”) confirmed the fine levied by the Board of Directors in the amount of \$_____ per day/\$_____ cumulative, as authorized by law. The Committee also confirmed that your right to use non-essential Common Areas and Facilities, as defined in the Association’s “Rules and Regulations Establishing Fining/Suspension Committee (“Compliance Committee”) and Creating Fining/Suspension Procedures,” including the [fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited], be suspended for a period of _____ () days, effective _____, 20____. As such, the Board of Directors has imposed a fine in the total amount of \$_____ and/or has imposed the suspension for a period of _____ () days, the suspension is effective beginning _____, 20____. **Payment of the fine is due (must be received by the Association) no later than fifteen (15) days from the date of this letter.** The suspension applies to all Parcel Owners, Tenants, Guests and Invitees.

You may remit payment of the fine at the Association office located at _____ Florida _____. Checks should be made payable to Lely Country Club Property Owners Association, Inc. If you fail to pay the fine, or violate the Association’s suspension order, the Association reserves all rights available under law to collect the fine and enforce the suspension. These include (but are not limited to) additional suspension of use privileges as may be permitted by law, additional fines as may be permitted by law, filing an action in a court of competent jurisdiction to recover the fine and/or enforce the suspension. Pursuant to the Association’s Bylaws, the prevailing party in any action to collect a fine is entitled to recover their attorneys’ fees from the non-prevailing party. Pursuant to Florida law, the prevailing party in other proceedings is likewise entitled to recover reasonable attorney’s fees and costs.

Thank you for your prompt attention to this matter.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: [Parcel Owner by regular mail and e-mail if Association has e-mail address, but e-mail optional]
[Board President]

**EXHIBIT 3/OPTION A
(PARCEL OWNER OCCUPIED - NOTICE OF FINE/NOTICE OF VIOLATION WAS GIVEN
PRIOR TO FINE/SUSPENSION)**

NOTICE OF IMPOSITION OF FINE AND/OR SUSPENSION

_____, 2020 [Date Sent]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Tenant/Non-Owner Occupant at Parcel's Address]

Re: Notice of Violation Dated [Fill In]; Hearing Held [Fill In]

Dear [Name Tenant/Non-Owner Occupant]:

The Compliance Committee (the "Committee") confirmed the fine levied by the Board of Directors in the amount of \$_____ per day/\$_____ cumulative, as authorized by law. The Committee also confirmed that your right to use non-essential Common Areas and Facilities, as defined in the Association's "Rules and Regulations Establishing Fining/Suspension Committee ("Compliance Committee") and Creating Fining/Suspension Procedures," including the **[fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited]**, be suspended for a period of _____ (____) days, effective _____, 20____. As such, the Board of Directors has imposed a fine in the total amount of \$_____ and/or has imposed the suspension for a period of _____ (____) days, the suspension is effective beginning _____, 20____. **Payment of the fine is due (must be received by the Association) no later than fifteen (15) days from the date of this letter.** The suspension applies to all Parcel Owners, Tenants, Guests, and Invitees.

This Notice is also being provided to the record Owner(s) of the Parcel. Pursuant to Florida law and the Governing Documents, the Parcel Owner is jointly and severally liable for the conduct of his or her Tenants, Occupants, Guests, Licensees, and Invitees and for fines and/or suspensions imposed upon them. Accordingly, this Notice serves as notice to the Parcel Owner(s) that he/she/they are jointly and severally liable for the payment of the fine.

You may remit payment of the fine at the Association office located at _____, Florida _____. Checks should be made payable Lely Country Club Property Owners Association, Inc. If you fail to pay the fine, or violate the Association's suspension order, the Association reserves all rights available under law to collect the fine and enforce the suspension. These include (but are not limited to) additional suspension of use privileges as may be permitted by law, additional fines as may be permitted by law, filing an action in a court of competent jurisdiction to recover the fine and/or enforce the suspension. Pursuant to the Association's Bylaws, the prevailing party in any action to collect a fine is entitled to recover their attorneys' fees from the non-prevailing party. Pursuant to Florida law, the prevailing party in other proceedings is likewise entitled to recover reasonable attorney's fees and costs.

Thank you for your prompt attention to this matter.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: [Tenant/Non-Owner Occupant by regular mail and e-mail, if Association has e-mail address, but optional]

[Parcel Owner Address of Record by Certified Mail (with tracking number), regular mail and e-mail, if Association has e-mail address, but optional]

[Board President]

**EXHIBIT 3/OPTION B
(TENANT OR OTHER NON-OWNER OCCUPIED PARCEL - NOTICE OF FINE/
NOTICE OF VIOLATION WAS GIVEN PRIOR TO FINE/SUSPENSION)**

NOTICE OF IMPOSITION OF FINE AND/OR SUSPENSION

_____ [Date Sent]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Parcel Owner Address of Record, Name All Record Owners Per Deed]

Re: Hearing Held [Fill In]

Dear Parcel Owner:

The Compliance Committee (the “Committee”) confirmed the fine levied by the Board of Directors in the amount of \$_____ per day/\$_____ cumulative, as authorized by law. The Committee also confirmed that your right to use non-essential Common Areas and Facilities, as defined in the Association’s “Rules and Regulations Establishing Fining/Suspension Committee (“Compliance Committee”) and Creating Fining/Suspension Procedures,” including the [fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited], be suspended for a period of _____ () days, effective _____, 20____. As such, the Board of Directors has imposed a fine in the total amount of \$_____ and/or has imposed the suspension for a period of _____ () days, the suspension is effective beginning _____, 20____. **Payment of the fine is due (must be received by the Association) no later than fifteen (15) days from the date of this letter.** The suspension applies to all Parcel Owners, Tenants, Guests and Invitees.

You may remit payment of the fine at the Association office located at _____, Florida _____. Checks should be made payable to Lely Country Club Property Owners Association, Inc. If you fail to pay the fine, or violate the Association’s suspension order, the Association reserves all rights available under law to collect the fine and enforce the suspension. These include (but are not limited to) additional suspension of use privileges as may be permitted by law, additional fines as may be permitted by law, filing an action in a court of competent jurisdiction to recover the fine and/or enforce the suspension. Pursuant to the Association’s Bylaws, the prevailing party in any action to collect a fine is entitled to recover their attorneys’ fees from the non-prevailing party. Pursuant to Florida law, the prevailing party in other proceedings is likewise entitled to recover reasonable attorney’s fees and costs.

Thank you for your prompt attention to this matter.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: [Parcel Owner by regular mail and e-mail if Association has e-mail address, but e-mail optional]
[Board President]

**EXHIBIT 3/OPTION C
(PARCEL OWNER OCCUPIED - NOTICE OF FINE/NO NOTICE OF VIOLATION WAS GIVEN
PRIOR TO FINE/SUSPENSION)**

NOTICE OF IMPOSITION OF FINE AND/OR SUSPENSION

_____, 2020 [Date Sent]

CERTIFIED MAIL # [Fill in Tracking Number from Green Card Here]

TO: [Tenant/Non-Owner Occupant at Parcel's Address]

Re: Hearing Held [Fill In]

Dear [Name Tenant/Non-Owner Occupant]:

The Compliance Committee (the "Committee") confirmed the fine levied by the Board of Directors in the amount of \$_____ per day/\$_____ cumulative, as authorized by law. The Committee also confirmed that your right to use non-essential Common Areas and Facilities, as defined in the Association's "Rules and Regulations Establishing Fining/Suspension Committee ("Compliance Committee") and Creating Fining/Suspension Procedures," including the **[fill in what you what common area and facilities use rights are to be suspended./except that utility services provided to the parcel and ingress and egress may not be prohibited]**, be suspended for a period of _____ () days, effective _____, 20___. As such, the Board of Directors has imposed a fine in the total amount of \$_____ and/or has imposed the suspension for a period of _____ () days, the suspension is effective beginning _____, 20___. **Payment of the fine is due (must be received by the Association) no later than fifteen (15) days from the date of this letter.** The suspension applies to all Parcel Owners, Tenants, Guests and Invitees.

This Notice is also being provided to the record Owner(s) of the Parcel. Pursuant to Florida law and the Governing Documents, the Parcel Owner is jointly and severally liable for the conduct of his or her Tenants, Occupants, Guests, Licensees, and Invitees and for fines and/or suspensions imposed upon them. Accordingly, this Notice serves as notice to the Parcel Owner(s) that he/she/they are jointly and severally liable for the payment of the fine.

You may remit payment of the fine at the Association office located at _____, Florida _____. Checks should be made payable to Lely Country Club Property Owners Association, Inc. If you fail to pay the fine, or violate the Association's suspension order, the Association reserves all rights available under law to collect the fine and enforce the suspension. These include (but are not limited to) additional suspension of use privileges as may be permitted by law, additional fines as may be permitted by law, filing an action in a court of competent jurisdiction to recover the fine and/or enforce the suspension. Pursuant to the Association's Bylaws, the prevailing party in any action to collect a fine is entitled to recover their attorneys' fees from the non-prevailing party. Pursuant to Florida law, the prevailing party in other proceedings is likewise entitled to recover reasonable attorney's fees and costs.

Thank you for your prompt attention to this matter.

Very truly yours,

[Association Manager]

On behalf of the Board of Directors

cc: [Tenant/Non-Owner Occupant by regular mail and e-mail, if Association has e-mail address, but optional]

[Parcel Owner Address of Record by Certified Mail (with tracking number), regular mail and e-mail, if Association has e-mail address, but optional]

[Board President]

EXHIBIT 3/OPTION D
(TENANT OR OTHER NON-OWNER OCCUPIED PARCEL – NO NOTICE OF FINE/NOTICE OF VIOLATION WAS GIVEN PRIOR TO FINE/SUSPENSION)

REPORT OF COMPLIANCE COMMITTEE

TO: Board of Directors, Lely Country Club Property Owners Association, Inc.

1. Date of Notice of Violation: _____, 2020, **OR**

N/A (No Notice of Violation Given)

2. Date of Fining/Suspension Hearing: _____, 2020

3. Lot Number: _____

4. Name(s) of Parcel Owner(s) and, if applicable, Tenant(s), Family Member(s), Occupant(s), Guest(s), Licensee(s) and/or Invitee(s): _____

5. Type of Alleged Violation [describe basic violation]: _____

6. Proper notice of hearing verified with Manager: Yes No

7. Alleged Violator(s) is/was (check all that apply):
 Parcel Owner Resident Family Member of Parcel Owner
 Tenant Resident Family Member of Tenant
 Parcel Owner's Invitee Tenant's Invitee
 Other (specify) _____

8. Names of those who appeared at hearing on behalf of Parcel: _____

9. Names of those who presented evidence at the hearing on behalf of Association: _____

10. Physical evidence (if any) presented other than testimony of verbal observations: _____

11. List any aggravating Circumstances: _____

12. List any mitigating Circumstances: _____

13. Other Comments from Committee: _____

14. Fine (if any) Confirmed or Rejected: _____
15. Suspension (if any), Confirmed or Rejected: _____
16. Identify those Common Areas and Facilities from which Use is Suspended: _____

17. Duration of Suspension: _____
18. If vote of Compliance Committee is not unanimous, list each vote here: _____

Signed: _____
Chair or Vice-Chair of Compliance Committee

Print Name: _____

Date: _____

EXHIBIT 4/Page 2 of 2