

April 2011

**CROSS-CREEK PARCEL "O" HOMEOWNERS ASSOCIATION, INC.**

Dear Homeowners:

The Cross-Creek Parcel "O" Homeowners Association Board of Directors would like to inform you of a committee that has been established to better our community. This "Covenants Control Committee" is a committee of 3 to 9 members from the association that have been appointed by the Board of Directors to ensure that all members and tenants abide by the Rules and Regulations. Formation of this committee is allowed per Article V, Section 13 as amended of our Declaration of Covenants and Deed Restrictions and Florida Statute 720. Please read the following guidelines carefully.

In the event of a violation of the Association's Covenants or Rules and Regulations, the community manager for the association shall provide written notice(s) of violation(s) to the Member (and tenant if applicable) as provided in the Association's Guidelines for Covenant Enforcement.

The member will have 14 days to bring the violation into compliance. If not corrected, the member (and tenant if applicable) will receive a second notice from the community manager advising that a previous notice was issued regarding the current infraction observed on the property and that the condition must be rectified within 7 days or the fining process shall begin.

Member (and tenant if applicable) will receive a Final Notice (sent both via first class mail and certified mail return receipt requested) from the Community Manager advising that previous reminders regarding a current deed restriction violation have been issued and the Member shall have 14 days from the date of receipt of notice to request a hearing before the Covenants Control Committee. Said notice shall state with particularity the violation(s), what corrective actions shall be necessary, and the fine and/or suspension to be imposed, based upon the attached fining schedule and a notice that the fine shall be imposed 14 days from the date of receipt of said notice if a hearing before the Covenants Control Committee is not requested within that time.

Depending upon the outcome of the hearing, the matter may be dropped, a suspension of rights may occur and/or the Member may start to accrue the stated fine on a per day basis until either the matter is resolved (violation corrected) and/or the maximum fine has been incurred in which case the entire process shall start all over again.

Should the violation be repeated within a 3-month period of the owner's first opportunity for requesting a hearing date, the Association will not be required to provide the Member with notice and opportunity for hearing before the Committee.

**Non-payment of the fine within 5 days of the violation being corrected to the Property Manager's satisfaction shall accumulate until the total fines against a property total \$1000.00 shall result in a lien being placed upon the Member's property and could lead to foreclosure by the Association if payment of the fine and any associated attorney fees/costs to the Association are not paid within the legal time frames.**

## **COVENANT VIOLATION FINING SCHEDULE**

### **VIOLATIONS AND FINES:**

Antennas - \$25.00 per day

Nuisances - \$50.00 per day

Temporary Structures, Outbuildings, Athletic Equipment, Toys - \$50.00 per day

Commercial Trucks, Trailers, Campers, Boats, RV's - \$75.00 per day

Architectural Control – Unapproved application or non submittal of application for improvement. Fine based on value of improvement (see \*\*).

Garbage and Trash Disposal - \$25.00 per occurrence

Lot upkeep - \$100.00 per day

Home upkeep - \$100.00 per day

Animals - \$25.00 per occurrence

Vehicles - \$50.00 per occurrence

Signs - \$75.00 per day

Other covenant violations not listed – up to \$100.00 per day

\*\*Architectural changes performed without prior Architectural Control Committee (ACC) approval: Community Manager will send one notification to the Member along with an ACC exterior modification form which must be returned within 14 days. If a completed exterior modification form is not received by the property manager within said 14 days and/or a request to be heard by the Covenants Control Committee is not received in said 14 days, the one time fine as outlined below shall be assessed against the Member and his/her property.

A one time fine will be imposed for any changes requiring ACC approval made without such approval.

For modifications with a cost of up to \$1,000 the fine will be \$50.00

For modifications with a cost of over \$1,000 the fine will be \$100.00

The ACC has the right to request that modifications constructed without approval be removed as per the Covenants, Conditions and Restrictions.

Violations and fines may be changed with advance notice to homeowners.

If you have any questions, please feel free to contact me at the number below.

Sincerely,

Angela Hester,  
Community Association Manager  
813-980-1000

**PLEASE KEEP THIS LETTER WITH YOUR PERMANENT RECORDS**

## **CREEKWOOD COVENANTS CONTROL COMMITTEE MEETING GUIDELINES**

The purpose of the Covenant's Control Committee is to gain compliance of the Member/Tenant with the Declaration of Covenants, Conditions and Restrictions and the Rules and Regulations of the Cross Creek Parcel "O" Homeowners Association, Inc.

The Committee will elect a Facilitator and a Record Keeper. The Facilitator will conduct the meeting and ensure that the guidelines for the committee are followed in a fair and impartial manner. The Record Keeper will keep accurate minutes of the meeting and provide a copy of the committee's decision to the Community Manager within 24 hours of any meeting of the committee.

The Member/Tenant has the right to have legal counsel (provided the association receives notice that counsel will be attending the meeting with the Member at the time a hearing is requested so that the Association can have its attorney present at the proceedings, if necessary) and/or witnesses at the meeting.

The Member/Tenant will have the opportunity to state why he is not in compliance with the Covenants and/or Rules and Regulations of the Association and to negotiate, when reasonable, for an extension of the time period for coming into compliance.

The committee will listen to the case presented by the Member/Tenant. The Member shall be limited to ten (10) minutes to state his/her case and present any witness on his/her behalf. Committee members may question the Member/Tenant and any witnesses that may be present, but the Committee members shall not be required to answer any question from the Membership.

The Committee will review all of the information that has been presented by the Community Manager as well as interview any witnesses or complainants who may have been invited to attend the hearing in order to produce evidence to substantiate their complaint.

The Committee will review all of the evidence and listen to testimony from both sides at the hearing and then excuse both parties and render a decision. The Committee members will make a decision based upon the Fining Schedule that has been duly adopted by the Board of Directors. If confronted with a difficult enforcement situation or litigation possibilities, the Committee may refer the case to Alternative Dispute Resolution.

All decisions can be brought to the Board of Directors for an appeal.