

TUSCANY SUBDIVISION AT TAMPA PALMS
OWNERS ASSOCIATION, INC.
FINING RULES/PROCEDURES

One of the enforcement remedies available to the Association is the ability to levy a fine for the violation of the Governing Documents. In the event a fine is being considered, the Association will appoint a Hearing Committee, which shall be charged with receiving and investigating reports and complaints concerning violations of the Association Governing Documents. All reports/complaints must be in writing, and signed by the individual making the report, and sent to the Management Company. If possible, photographs should accompany the complaint. The Committee shall review written complaints received by the Management Company at the request and on behalf of the Board of Directors, and shall determine whether there is a basis for considering the levying of a fine. If so, the next step will be to send a letter to the Owner or Owner's guest, lessee or other person who is violating the Documents, providing that person with fourteen (14) days in which to correct the violation. Upon failure of a person to comply, the Committee may follow the procedures for levying a fine.

The Association has the power to levy fines against an Owner or an Owner's guests, lessees or any other person(s) who violate the provisions of the Declaration, the Articles of Incorporation and By-Laws of the Association or the Rules and Regulations of the Association, as adopted or amended from time to time. The fines will be levied in the amount of \$100.00 per violation, with each day on which a violation continues being considered a separate violation up to a maximum of \$1,000.00 per violation, or in such other amounts as may be set forth by the Board of Directors, as amended from time to time, in keeping with applicable law, and according to the following procedures:

a. From time to time, on an as-needed, or on a standing basis, the Board will appoint a Hearing Committee, made up of owners who have no connection to the violation in question, which will determine whether there is probable cause to assert that an Owner or other person is violating, or has violated, any of the provisions of the Declaration, the Articles of Incorporation, the By-Laws, or the Rules and Regulations of the Association. In the event the Hearing Committee determines that such probable cause exists, it will make a report to the Board.

The Board, Management Company or the Committee will then provide written notice to the person alleged to be in violation, and the owner of the Unit which that person occupies, or in which that person is a guest, if that person is not the owner, of the specific nature of the alleged violation, including a statement setting forth the provisions of the Association Documents allegedly violated and a short and plain statement of the matters asserted by the Association, and advising of an opportunity for a hearing before the Hearing Committee upon a written request delivered to a Board member or designated agent within fourteen (14) days of the date of the notice of the violation or violations. The notice will include the date, time and place of the hearing to be held if the hearing is requested.

The notice will also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which the violation continues is deemed to be a separate offense, subject to a separate fine. The actual amount of the fine may be according to the Schedule adopted by the Board, as amended from time to time. The Board notice will further specify, that an alternative procedure is available only for first time violations and not for recurring violations, that in lieu of requesting a hearing, the alleged violator or Owner may respond in writing to the notice, within fourteen (14) days of its date, acknowledging that the violation or violations occurred as

alleged, correcting the violation if appropriate, and promising that the violation or violations will cease and will not recur. Such acknowledgement and promise and performance in accordance therewith will terminate further enforcement activity by the Association with regard to the violation and no fines will then be levied.

b. If a hearing is timely requested, the Hearing Committee will hold the same on the date and time and at the place set forth in the notice, and will hear and receive the response of the violator and Owner, including written and oral argument on all issues involved and will hear any witnesses that the alleged violator, the Owner, or the Hearing Committee, or its agents, may produce. Any party at the hearing may be represented by counsel.

c. Subsequent to any hearing, or if no hearing is timely requested and if no acknowledgement and promise are timely and properly made, the Hearing Committee will determine whether there is sufficient evidence of a violation or violations as provided herein. If the Hearing Committee determines that there is sufficient evidence to support a finding that a violation or violations occurred, it will send a written recommendation to the Board. The Board will send a written notification to the violator, and the Owner, if other than the violator, announcing the finding that a violation or violations occurred and notifying the violator, and Owner, if other than the violator, that fines will be assessed and levied as provided herein unless the violation is corrected within three (3) days from the notice from the Board. No further notice or hearing will be necessary to enable the Board to levy fines for an uncorrected violation, or violations, or for recurring violations substantially similar to violations for which a hearing opportunity was previously provided.

d. A fine pursuant to this section will be assessed against the Unit which the violator occupied or was visiting at the time of the violation, whether or not the violator is an owner of that Unit, and will be promptly paid to the Association by the owner of that Unit. Fines of \$1,000 or more are subject to lien and foreclosure proceedings. The Owner will be liable for attorney's fees and costs incurred by the Association incident to the levy or collection of the fine, including appellate proceedings.

e. Nothing herein will be construed as a prohibition of or a limitation on the right of the Board to pursue other means to enforce the provisions of the various Association documents, including, but not limited to, legal action for damages or injunctive relief. In the event such other means are pursued, the Association will not be required to comply with the procedures and provisions of this fining language.

Approved this 15th day of July, 2014, by the Board of Directors.