

## ITEM: 5.33 VIOLATIONS OF DEED RESTRICTIONS FOR CONDITION OF PROPERTY

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Adopted by Trustees – 10/20/2015

Modified for Adoption September 2020

- 1) Each step must be completed fully and documented in detail, as these actions could potentially result in litigation between District and the property owners. Upon receipt of complaint or observation of possible violation, the Park Manager or a Trustee will travel to property to inspect. If violation exists, a report showing detailed findings of the inspection, will be prepared. Digital photos to show and document conditions will be taken, printed and dated and attached to report (file)At the same time a written Violation Notice will be attached to the property on the front or side door. This written notice is considered the 1<sup>st</sup> Notice in notifying of a deed restriction violation.
- 2) Staff will determine ownership of property and review history of prior violations. Park Manager will then contact owner by telephone if possible, giving details of violation, and requesting correction within 3-30 days depending on the severity of the violation . At the same time he/she will explain our policies and costs if violation is not corrected by owner in a timely manner.
- 3) If no contact has been made by the owner, or the violation has not been corrected within the specified timeframe, the Park Manager will follow up with a letter outlining the violation as a 2<sup>nd</sup> notice. This letter will give a short timeframe to correct the violation and warn that if not corrected further action may be required.
- 4) After follow up on the property violation, and if corrections have not been completed within the specified timeframe, the Park Manager will consult with the Board Chair and/or Deed Restriction Trustee in order to move forward. The property can then be presented to the Board of Trustees for Fines & Suspensions (see Item 5.34).
- 5) For violations the District may correct itself, a Final Notice with a 72-hour notification will be posted on the property. If the violation still exists after the 72 hours the Park Manager will get a quote from a maintenance contractor to complete the required corrective work. The work will be completed by the maintenance contractor and the invoice will be paid by Tri-Par Estates. If projects that need to be corrected are unable to be done by the District by hiring a Contractor, legal action may be considered as an alternative by vote of the Board of Trustees.
- 6) Once the corrective work is completed, staff will prepare a detailed invoice, including a 10% overhead charge, and send same to owner at the property address. Invoice(s) are required to be paid within 30 days. Invoices not paid within 30 days will accrue interest at the rate of 18% per annum and will be added to any estoppel or closing statements. Invoices not paid within 60 days may become a lien against the property. At Tri-Par's fiscal year end, a statement will be sent to the owner at the property address reflecting the total amount remaining due including accrued interest. If amount owed

### SECTION 5: POLICY AND PROCEDURE

becomes excessive, the Park Manager or Board Chair may recommend that legal action to collect the debt be started. The Board of Trustees will be required to have an affirmative vote to proceed with Legal action.



## ITEM 5.34 FINE LEVYING PROCEDURES AND SUSPENSIONS

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Adopted by Trustees – 10/20/2015

Modified for Approval September 2020

- 1) **AUTHORITY:** The Board of Trustees has the authority to levy fines and suspend privileges against property owners and their tenant, guest or invitee of their mobile home who fail to comply with any provision of the deed restrictions or properly promulgated rules or regulations of the District.
- 2) **FINES AND SUSPENSIONS:** The Board of Trustees may levy fines according to the schedule of fines against any property owner, tenant, guest or invitee for the failure to comply with the rules and regulations of the District.

### a) Procedure for Fines & Suspensions

- (1) A property owner/tenant/guest/invitee that is in violation of the Deed Restrictions, rules or regulations can be recommended by the Park Manger or Trustees to be submitted to the Board for consideration of fines and/or suspensions. The Meeting may be a regularly scheduled Board Meeting or a Special Board Meeting.
- (2) The Chair will call a Special Trustee Board Meeting or place the item on the agenda for a regularly scheduled Board Meeting. Regular notification of the meeting will take place in either case. A fine may be levied by the Board for each day of a continuing violation but may not exceed a cumulative total maximum of \$1,000. A suspension of rights to use common areas or facilities may not exceed 10 days per violation. The Board's consideration may include: the nature and severity of the violation, previous occurrences, precedence setting and/or impact on Tri-Par Estates' ability to enforce future violations. Decisions at Special Trustee Board Meetings or Regularly scheduled Meeting will then be handed over to the Compliance Committee for further and final action.
- (3) A hearing will then be scheduled before the Compliance Committee to consider the proposed fine or suspension. A letter will be sent to the property owner/tenant/guest/invitee at least 14 days prior to the hearing.

### (4) PROCEDURES FOR THE Compliance Committee Meeting:

- (a) Minutes will be taken and a copy included in resident's file.
- (b) The Park Manager will explain the circumstances that led to the levying of the fine or suspension (5 minutes).
- (c) Question/Answer Period: The Committee members may pose questions to the Park Manager.
- (d) The respondent (owner, tenant, guest, or invitee) will provide (if desired) information to the Committee regarding the violation (5 minutes). If the respondent chooses not to attend the hearing, it will be held in absentia.
- (e) Question/Answer Period: The Committee members may pose questions to the respondent.
- (f) Resident Comment: Only those residents with firsthand knowledge of the violation will be allowed to comment. Such residents shall be given a 3-minute

opportunity to speak to the Committee regarding the violation. The Committee and respondent are allotted 3 minutes to examine each witness.

(g) Final Argument (3 minutes each segment):

(i) Park Manager shall summarize the violation and make a recommendation to the Committee.

(ii) The respondent may speak to the matter of the violation and proposed fine/suspension.

(5) Deliberation: The Committee will deliberate to determine whether to confirm or reject the fine or suspension levied by the Board.

(6) Final Notification: The Committee will send a written determination to the violator by certified letter or hand delivered mail. Payment is due within 5 days after receipt of the letter.

### **3) DELINQUENT PAYMENT:**

a) If an owner, tenant, guest or invitee is more than 90 days delinquent in paying a monetary obligation due to the District the Board of Trustees, at a scheduled Board Meeting, may suspend the rights of the property owner, tenant guest, or invitee to use common areas and recreational facilities until the monetary obligation is paid in full. This does not include that portion of common areas used to provide access or utility services to the property. Suspension does not impair the right of an owner or tenant of the property to have vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park. Suspension of rights includes all areas accessed by the keyless security system (FOB). The notice and hearing requirements identified in Subsection 2)a) above do not apply to suspension for delinquent payments.

b) Fines may not become a lien against the owners property in Tri Par Estates, however they may be added to the estoppel fees along with 18% interest These fees would then be paid when the property is sold or changes ownership.

i) **RESTORATION:** Restoration of rights that were suspended because of a delinquent monetary obligation to the District will be restored immediately upon receipt of payment in full of the amount due.

## ITEM 5.34.1 FINE SCHEDULE

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Violation	Fine
Purchase Property without approval by Trustees	\$100 per day
Owner occupancy without approval by Trustees	\$100 per day
Renter occupancy without approval by Trustees	Owner: \$100 per day; Renter: \$100 per day
Permitting underage occupant	\$100 per day
Visitor more than 30 days in 12 months	\$100 per day
Allowing persons rejected for occupancy to sleep in home or on property	\$100 per day
Unsightly carport and/or property, after 7-day notice	\$100 per day
RV parked at dwelling overnight	\$100 per day
Dog or cat in non-pet section	\$25 per day
Dog or cat off owner's property without leash	\$50 per occurrence
Dog or cat waste not picked up	\$50 per occurrence
Misuse of FOB	\$100 per occurrence
Pool Violations (Section 5.05)	\$50 per occurrence
Any other violation of Policies & Procedures	\$100 per occurrence
<b>All fines subject to a maximum of \$1,000.</b>	

## ITEM 5.35      LIEN PROCESSING FOR DEED RESTRICTIONS

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- 1) When charges have been incurred for lawn care or other services according to deed restriction requirements (see Item 5.33), and homeowner has not paid the invoice within 60 days of the date of the invoice, a lien shall be filed against the property.
- 2) The board of trustees must authorize the placement of the lien.
- 3) The District's attorney shall be given the information and authorization to file the lien in Sarasota County public records.
- 4) These liens are valid for one year only. Any charges remaining unpaid 120 days after the date of the invoice are subject to further legal action. Legal action must be authorized by the board of trustees prior to being instituted by the District's attorney.