SOLIVITA
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RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SOLIVITA COMMUNITY ASSOCIATION, INC.
ADOPTING A FINING POLICY, ESTABLISHING A COVENANT ENFORCEMENT COMMITTEE, AND ADOPTING COMMITTEE POLICIES & PROCEDURES

The undersigned, Anthony S. Iorio, hereby certifies that I am the duly elected and qualified President of Solivita Community Association, Inc., a Florida corporation not for profit (the "Association") and that the following is a true and complete copy of a resolution, adopted by at least a majority of the members of the Board of Directors at a meeting of the Board of Directors of the Association, duly convened and held in accordance with Section 720.303, Florida Statutes on the 26th day of April, 2018:

WHEREAS, the Association is authorized under Chapter 720, Florida Statutes and the Declaration of Covenants, Conditions and Restrictions for Solivita Community Association, Inc. (the "Declaration") to impose reasonable fines upon any Owner or any Owner's tenant, licensee, invitee or guest for the failure of the Owner or its tenant, licensee, invitee or guest to comply with any covenant, restriction, or rule or regulation adopted pursuant to the Declaration, including without limitation, those established or to be established by the Design Review Guidelines ("DRG") or the By-Laws ("By-Laws") (collectively, the "Governing Documents") of the Association.

WHEREAS, the Board may adopt a schedule establishing a range of fines for particular types of violations, which range may vary depending on the nature of the violation. A fine levied by the Board may not exceed $100.00 per day, per violation against any Owner or any Owner'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 Governing Documents, however, a fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing. There is no limit on the aggregate amount of any fine for a continuing violation.

WHEREAS, a fine may not be imposed without at least 14 days' notice to the person sought to be fined 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.

WHEREAS, the Board of Directors desires to adopt a policy imposing fines for violations of the Governing Documents, to delegate authority to the Association's property management company to implement the fining policy, and to appoint a committee to conduct hearings for purposes of confirming or rejecting a fine as imposed herein.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Directors hereby imposes fines in accordance with the Solivita Community Association, Inc. Fining Policy (the "Fining Policy") attached hereto as Exhibit "A", upon any Owner, Owner's tenant, licensee, invitee or guest for violation and/or noncompliance of the Governing documents.

BE IT FURTHER RESOLVED THAT, authority for implementation and enforcement of the Fining Policy is delegated to the property management company employed by the Association.

BE IT FURTHER RESOLVED THAT, a committee known as the Solivita Covenants Enforcement Committee (the "Fining and Hearing Committee") is hereby established for the purposes of conducting hearings and making determinations as to whether the fines as imposed herein shall be confirmed or rejected against an Owner or Owner's tenant, licensee, invitee or guest.

The Fining and Hearing Committee shall consist of five (5) or seven (7) members of the Association. No member of the Fining and Hearing Committee shall be an officer, director, or employee of the Association or AV Homes, nor the spouse, parent, child, brother, or sister of an officer, director, or employee.

The Fining and Hearing Committee shall at all times operate and perform its duties in accordance with the Solivita Covenant Enforcement Committee Policies and Procedures attached hereto as Exhibit "B".

The following individuals are hereby appointed as the initial members of the Fining and Hearing Committee, each of whom who shall serve in such capacity for terms of 2-years until such time as the Board of Directors replaces a member(s) by appointment of a new member(s), or such member(s) resign or cease to be members of the Association; provided that no Member may serve more than two consecutive 2-year terms unless a new member cannot be found:

Barbara Scherr, Homeowner

Donald Westervelt, Homeowner

Grace Chirco, Homeowner

Hank Stuart, Homeowner

John Holowiecki, Homeowner

Thomas Graney, Homeowner

Vinette Coan, Homeowner

SOLIVITA
AV HOMES

IN WITNESS WHEREOF, I have signed this certificate of corporate resolution on behalf of the Association on this 20th day of April, 2018.

Anthony S. Iorio, President

Chris Davis, Secretary/Treasurer

Exhibit "A"
COVENANT VIOLATION NOTICE, FINE APPLICATION POLICY
Effective April 1, 2018

FINE POLICY

Pursuant to the obligations contained in Section 24.7 of the Amended and Restated Declaration for Solivita Community Association, Inc. the Board of Directors hereby adopts the following Policy concerning covenant violations and fines, which shall be effective immediately:

- Upon inspection of the property, if a violation is apparent, the Association, or its agent, shall provide the owner(s) notice of said violation and provide said owner(s) fourteen (14) days to bring the property into compliance. No fine shall be applied at this time.
- If the violations have not been cured within the time provided after the first notice, as described above, the Association, or its agent, shall provide the owner(s) a second notice that includes the date and time of a hearing before the Violation Committee. Said meeting shall not be convened prior to fourteen (14) days from the date of this notice. No fine shall be applied at this time.
- The Board will receive a list with all the violations that are still outstanding for review and decision to impose or not the fine. A hearing shall be held by the Violation Committee, as comprised in section 24.7.52 of the Amended and Restated Declaration.
    - The Violation Committee shall permit the owner(s) to speak and present evidence concerning the violation, if in attendance.
    - After reviewing the testimony, if any, and all evidence, the Violation Committee shall determine if a violation exists on the subject property, by a majority vote of the committee members.

- If the Violation Committee determines a violation exists, the Violation Committee shall impose a fine a $ 100.00 per day, to begin the following day.
- Non-attendance by the owner(s) shall not prevent the Violation Committee from reviewing the evidence and rendering a decision concerning the violation and possible fine.

- If the Violation Committee imposes a fine, the Association, or its agent, shall provide the owner(s) with notice of the hearing results, informing the owner(s) that a fine is being imposed immediately.
- No appeal of the Fine Committee decision is permitted, as neither the Amended and Restated Declaration nor section 720.306, Florida Statutes, requires any such appeal process. Due process is satisfied by allowing the owner(s) the opportunity to present arguments, evidence, and challenges at the Fine Committee hearing.
- Each notice shall contain a clear description of the underlying violation and shall provide information to the owner(s). Separate notices shall be provided for separate violations.
- All notices are to be sent by regular, First Class mail to the owner (s) at the property address and any other address within the Association's records. Florida Law does not require notice to be sent by certified mail.
- Should any fine reach $ 1,000.00, the Association shall have the right to record a lien against the property to secure payment.
- The Association still have the right to seek collection of any fine imposed, whatever the amount, through any permitted collection activity as provided for by Florida Law. The owner(s) shall be liable for any collection costs incurred by the Association.

The Covenant Violation Notice and Fine Application Policy, as described herein, is hereby adopted by unanimous consent of the Board of Directors of Solivita Community Association, Inc. Pursuant to the applicable bylaws of the Association, the adoption of this Policy shall be binding and take effect immediately.

IT IS HEREBY RESOLVED, the Board of Directors of Solivita Community Association, Inc. adopts, approves, and installs the above-reference Covenant Violation Notice and Fine Application Policy, which the same is given effect immediately. Notice of the same shall be provided to all Owners/Members of the Association.

SOLIVITA
AV HOMES

The undersigned have acknowledged and agreed to the execution of the resolution by unanimous consent, as witnessed by the signatures below, on this 20th day of April, 2018

Anthony S. Iorio, President

Chris Davis, Secretary/Treasurer

Exhibit "B"

ADOPTED COVENANT ENFORCEMENT COMMITTEE POLICIES, PROCEDURES, AND RESPONSIBILITIES

EFFECTIVE APRIL 1, 2018

I. DEFINITIONS

a) *Design Review Guidelines* shall refer to the Design Review Guidelines adopted by the Solivita Community Association, Inc. Board of Directors on April 1st, 2018 and as amended from time to time.

b) *Association* shall refer to the Solivita Community Association, Inc.

c) *Board* shall refer to the Solivita Community Association, Inc. Board of Directors.

d) *Enforcement Committee or "Committee"* shall refer to the Solivita Covenant Enforcement Committee

e) *Declaration* shall refer to the Declaration of Covenants, Conditions and Restrictions for Solivita.

f) *Governing Documents* shall refer collectively to Declaration of Covenants, Conditions and Restrictions for Solivita Community Association, Inc., Articles of Incorporation of Solivita Community Association, Inc, By-laws of Solivita Community Association, Inc., the Solivita Design Review Guidelines, and any rules, regulations, or resolutions adopted by the Solivita Community Association, Inc. Board of Directors.

g) *Meeting Information Sheet* shall refer to the form used by the Enforcement Committee to record the Committee's findings after a Committee Meeting and/or Violation Hearing and shall be sent to and used by the Property Manager to provide notice to the Offending Party of the Enforcement Committee's decision.

h) *Members* shall refer collectively to the persons appointed to the Enforcement Committee by the Board and shall include any Alternates.

i) *Offending Party* shall refer to any Solivita homeowner and/or tenant who has violated any provision of the Governing Documents and has been properly noticed of the violations in accordance with the Solivita Fining Policy adopted by the Board.

j) *Property Manager* shall refer the licensed community association manager under contract with Solivita Community Association, Inc.

k) *Violation* shall refer to any failure by a Solivita homeowner and/or tenant to adhere to any provision of the Governing Documents for which no written waiver has been granted by the Board, State of Florida, or the United States Federal Government.

l) *Violation Hearing* shall refer to that portion of a meeting of the Enforcement Committee (3 Members must be present) in which the Offending Party shall have the right to be represented by counsel, cross examine witnesses, present evidence of compliance or demonstrate extenuating circumstances which to support a deviation from the Governing Documents.

II. ENFORCEMENT COMMITTEE a) Enforcement Committee Members. The Enforcement Committee shall have at least seven (7) active Members at all times. No member of the Enforcement Committee shall be an officer, director, or employee of the Association or, nor the spouse, parent, child, brother, or sister of an officer, director, or employee.

b) Appointment of Members. The Enforcement Committee shall be made up of resident volunteers in good standing with the Association who are appointed by the Board in accordance with its authority under the Bylaws.

c) Recusal. A Member shall be required to recuse themselves from an Enforcement Committee Meeting and/or

This appointment process shall exist until such time as the Board determines the need for the implementation of an election process.

Violation Hearing under the following circumstances:

1. If Member is related in any way to the Offending Party

2. If Member is a neighbor directly to the left or right of the Offending Party's home

3. If Member does not feel that they can objectively preside over the Violation Hearing for any reason.

d) Member Terms. Members shall serve for a period of two years, effective as of the date of his/her appointment. No Member may serve on the Enforcement Committee for more than two consecutive 2-year terms.

e) Dismissal. Any Member may be removed from the Enforcement Committee with cause via a written request to the Board by the other two Members of the Enforcement Committee. Cause shall include, but is not limited to: the failure to remain a resident in good standing with the Association, failure to attend Enforcement Committee meetings without notice, failure to attend Violation Hearings without notice; failure to recuse themselves under the conditions listed in Article II Section (c) above, failure to perform their role objectively in both the deliberation and decision making process; failure or refusal to work with the other Members of the Enforcement Committee or failure to adhere to any policies procedures, or responsibilities contained herein. The Board shall also have the right to remove any Member, with or without cause, by a majority vote of the Board.

f) Resignation. A Member wishing to resign from the Enforcement Committee shall give the Property Manager fourteen (14) days written notice of their desire to resign.

SOLIVITA
AV HOMES

III. POSITIONS & RESPONSIBILITIES

a) Enforcement Committee Chairman.

1. Responsibilities:

i. Periodically meeting with Enforcement Committee Members to review of all policies and procedures that pertain to the Enforcement Committee.

ii. Providing all written recommendations for changes to the policies and procedures to the Property Manager and Board.

iii. Preside over Committee Meetings and Violation Hearings using Robert's Rules

iv. Review list of Declaration and Design Review Guideline violations sent to the Enforcement Committee by the Property Manager or their assistant.

v. Notify the Property Manager should the Offending Party request more than one (1) hearing postponement.

vi. Submit a Meeting Information Sheet stating the Enforcement Committee's findings to the Property Manager for preparation of a notification letter to be mailed to the Offending Party.

vii. Returning all violation documents, whether from the Property Manager or Offending Party, to the Property Manger after the Enforcement Committee Meeting and/or Violation Hearing

b) Enforcement Committee Secretary.

Responsibilities: Keep minutes of all Enforcement Committee Meetings and/or Violation Hearings, including, but not limited to, the date and time of the meeting, type of violation, the Offending Party's name and address, the names of the Members present at the Enforcement Committee Meeting and/or Violation Hearing, whether the Offending Party was present at the Enforcement Committee Meeting and whether a hearing was held, the names of all individuals who spoke at the Violation Hearing, notation of all pertinent information from the Violation Hearing, record of how each Member voted, and record of Enforcement Committee's final decision (confirmation or rejection of fine).

c) Property Manager

Responsibilities:

i. In addition to the pre-hearing notices and obligations required of the Property Manager pursuant to the Fining Policy, the Property Manager will submit to the Enforcement Committee via e-mail no later than three (3) days prior to a scheduled Enforcement Committee Meeting and/or Violation Hearing, a list of the Violations to be considered at the meeting along with a list of Offending Parties who have notified Property Manager of their intent to appear at the Enforcement Committee Meeting and or participate in a Violation Hearing.

ii. Property Manager will submit all documentation and all correspondences concerning each Violation to be considered no later than forty-eight (48) hours prior to the scheduled Committee Meeting and/or Violation Hearing.

IV. PRE-HEARING

a) *Submittal of Documents*. All documentation by the Offending Party in defense of their Violation needs to be submitted to the Property Manager seventy-two (72) hours prior to the scheduled Enforcement Committee Meeting or it shall not be used as evidence in favor of the Offending Party.

b) *Document Review*. Members must review and take into account all properly submitted documents provided to the Enforcement Committee by the Offending Party and Property Manager before making their decision.

V. COMMITTEE MEETINGS AND VIOLATION HEARINGS

a) *Meeting Dates and Times*. All meetings and hearings conducted therein shall be held on the third Wednesday of the month at 11:00 PM in the Administration Building Conference Room, at 395 Village Drive, Suite C, Kissimmee Florida 34759 unless the location and/or time is changed by the Enforcement Committee and properly noticed. The Enforcement Committee should make reasonable efforts to accommodate requests for adjustments to dates and times of meetings to facilitate the attendance of an Offending Party that seeks a hearing before the Committee but is unable to attend at the regularly scheduled day and time as a result of work schedule or other similar conflict.

b) *Enforcement Committee Attendance*. No meeting and/or Violation Hearing shall occur unless five (5) Members of the Enforcement Committee are present. If a Member is unable to attend an Enforcement Committee Meeting and/or Violation Hearing, he/she must notify the Property Manager as early in advance of the hearing date as possible so that the Property Manager can contact an Alternate to fill in at that position. If no Alternates are available, the Violation Hearing shall be rescheduled for the next Enforcement Committee meeting date.

c) *Presentation of Evidence*. An Offending Party shall have the right to be represented by counsel, cross examine witnesses, present evidence of compliance or demonstrate extenuating circumstances which support a deviation from the Governing Documents, provided that written documents are submitted in accordance with Section IV(a), above.

d) *Tenant's Rights*. If a Tenant is the Offending Party against whom a fine is imposed, the Tenant is permitted to attend the Violation Hearing and shall be afforded the same rights at the Violation Hearing as an Owner. In all other instances a Tenant may be permitted to attend but may only be permitted to speak upon permission by the Committee Chairman.

VI. DELIBERATIONS

Deliberation Rules. The Enforcement Committee's deliberation(s) will commence immediately following the Violation Hearing, if one is held. The Offending Party shall not be present during the Enforcement Committee's deliberation, nor shall the Offending Party be told of the Committee's decision prior to the written notification of the Committee's decision. The Enforcement Committee shall weigh the evidence provided by the Property Manager and Offending Party and vote, in the Member's sole discretion, whether the evidence presented proves that the imposition of a fine for the purported violation(s) is supported. In the event that the Offending Party does not appear at the Committee Meeting and a Violation Hearing is not held, the Enforcement Committee may directly move to vote based upon the evidence provided by the Property Manager without any further deliberations.

VII. VOTING

Committee Member Voting Rights. Enforcement Committee Members shall vote on whether to uphold the fine or reject the fine. The role of the Enforcement Committee is limited to confirming or rejecting the fine levied