

**AVILA PROPERTY OWNERS ASSOCIATION**  
**PROPERTY MAINTENANCE COMPLIANCE POLICY AND PROCEDURES**

**POLICY**

Pursuant to the Revitalized, Consolidated, Amended, and Restated Declaration of Covenants, Restrictions, and Assessments for Avila Subdivision (“Declaration”) and other governing documents of Avila, the Landscape & Maintenance Committee is responsible for assuring that homes and landscaping in Avila are maintained to the high standards of the community. The Landscape & Maintenance Committee will apply the landscape and property maintenance provisions of the Declaration and other governing documents of Avila fairly and equitably and will endeavor to resolve landscape and maintenance issues that may arise through friendly and cooperative dialogue with its members. In the event that a landscape and maintenance issue is not resolved, the Declaration and other governing documents will be enforced in accordance with applicable law.

**PROCEDURES**

A general clean-up reminder will be sent via e-mail to all Avila property owners in the fall of each year. Three weeks after the general clean-up reminder, the Landscape & Maintenance Committee will perform a tour of the entire community, noting areas that require attention.

Additional periodic landscape and home maintenance tours will be conducted by the Landscape & Maintenance Committee during the year.

Courtesy Notice. In cases of noncompliance with Avila property maintenance standards, Courtesy Notices will be sent to the property owner requesting the property owner to correct the maintenance issue within 30 days.

1st Notice of Noncompliance. If the aforesaid 30 day cure period has expired and the maintenance issue is not corrected, a 1st Notice of Noncompliance will be sent to the property owner requesting the property owner to correct the maintenance issue within 30 days and notifying the property owner that if the maintenance issue is not corrected the Association may take any and all legal action to enforce its rights, including, without limitation, the imposition of fines and suspension of the use of common areas and facilities within Avila pursuant to Florida Statutes Section 720.305.

If the property owner disagrees with the 1st Notice of Noncompliance, the property owner should provide the Executive Director with a written or emailed statement within 14 days from the date of the 1st Notice of Noncompliance, briefly describing the issues with which the property owner disagrees. The Landscape & Maintenance Committee will reconsider the issues in question and the property owner will receive a written notice of the decision of the Committee.

2nd Notice of Noncompliance and Intent to Assess Fine and/or Suspend Rights. If the aforesaid 30 day cure period has expired and the maintenance issue is not corrected, a 2nd Notice of Noncompliance and Intent to Assess Fine and/or Suspend Rights will be sent to the property owner notifying the property owner of the Association’s intent to assess fines and/or suspend certain

community rights pursuant to Florida Statutes Section 720.305 if such maintenance issue is not corrected within 30 days following the date of the 2nd Notice.

Notice of Fine and/or Suspension of Rights. If the aforesaid 30 day cure period has expired and the maintenance issue is not corrected, a Notice of Fine and/or Suspension of Rights will be sent to the property owner to assess a fine and/or suspend rights, subject to the property owner's right to a hearing to contest the proposed fines and/or suspension of rights, as described below.

Extension of Cure Periods. The Landscape & Maintenance Committee may grant extensions of the aforesaid 30 day cure periods as it deems appropriate.

305 Hearing. Pursuant to Florida Statutes Section 720.305, the property owner will be entitled to 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 to contest a fine and/or suspension of rights ("305 Hearing") upon written notification to the Executive Director of the exercise of such right within 21 days following the date of a Notice of Fine and/or Suspension of Rights . If the property owner files a timely notice requesting a 305 Hearing, the Executive Director will schedule a hearing date and provide notice thereof to the property owner.

At the 305 Hearing, the property owner and the Association will present their perspectives to the hearing committee regarding the violation asserted by the Landscape & Maintenance Committee and the proposed fine and/or suspension of rights. The role of the hearing committee is limited to determining whether to confirm or reject the fine and/or suspension of rights levied. If the hearing committee, by majority vote, does not approve the proposed fine and/or suspension of rights, they may not be imposed. The property owner will be notified in writing of the decision of the hearing committee.

Effective Dates of Fines and/or Suspension of Rights.

If the property owner does not file a request for a 305 Hearing to contest a fine and/or suspension of rights within 21 days following the date of a Notice of Fine and/or Suspension of Rights, the fine will be effective and begin to accrue as of the date of the Notice of Fine and/or Suspension of Rights and a suspension of rights will begin upon the expiration of such 21 day period.

If the property owner does file a timely request for a 305 Hearing, and the hearing committee approves the fine and/or suspension of rights, the fine will be effective and begin to accrue as of the date of the Notice of Fine and/or Suspension of Rights, and the suspension of rights will begin on the date of the notification to the property owner of the decision of the hearing committee.

Levy of Fines. Pursuant to Section 720.305 (2), Florida Statutes, the Board hereby levies a fine for each violation of Avila property maintenance standards of \$100, which fine will accrue \$100 for each day of a continuing violation, with a single Notice of Fine and/or Suspension of Rights and opportunity for a 305 Hearing, except that the fine may not exceed \$1,000 in the aggregate.

Suspension of Rights. A suspension of rights pursuant to Section 720.305 (2) (a), Florida Statutes may be imposed on a case by case basis by the Board or by the Executive Committee on behalf of the Board as authorized by the bylaws of the Association.

Reservation of Rights and Remedies. If the Association initially foregoes either a fine or a suspension of rights pursuant to the foregoing, it may later take such action for the violation if uncorrected, subject to notice and an opportunity for a 305 Hearing as provided above.

The Association reserves any and all additional rights and remedies available pursuant to the Declaration and other governing documents and pursuant to law. The process can be abbreviated if the issue is a safety concern or for other reasons deemed appropriate.

Adopted by the Board of Directors March 2017