

DEL WEBB BEXLEY COMMUNITY ASSOCIATION, INC.
RESOLUTION ADOPTING COMPLIANCE POLICY

WHEREAS, Del Webb Bexley Community Association, Inc. (the "Association") is a not for profit corporation duly organized and existing under the laws of the State of Florida; and

WHEREAS, the Association is a homeowners association governed by Chapter 720, Florida Statutes, the Articles of Incorporation of Del Webb Bexley Community Association, as recorded at OR Book 9774, page 2725 *et seq.*, of the public records of Pasco County Florida, as amended from time to time (the "Articles of Incorporation"), the Bylaws of Del Webb Bexley Community Association, Inc., as recorded in Official Records Book 9774, Page 2734, *et seq.*, of the public records of Pasco County, Florida, as amended from time to time (the "Bylaws"), and the Community Declaration for Del Webb Bexley, as recorded in Official Records Book 9774, Page 2623, *et seq.*, of the public records of Pasco County, Florida, as amended from time to time (the "Declaration") in addition to other governing documents;

WHEREAS, § 720.305, Florida Statutes, authorizes the Association to levy fines and suspend common element use rights for violations of the Association's governing documents;

WHEREAS, Article 7 § (9) of the Articles of Incorporation also authorizes the Association to make and enforce rules and regulations governing the Association, the Common Areas, Lots, and Parcels and Homes;

WHEREAS, Section 9.16.5.2 and Section 20.6 of the Declaration authorizes the Association to suspend an Owner's or occupant's right to use the Common Areas for nonpayment of assessments or other violations of the Governing Documents; and

WHEREAS, Section 20.6 of the Declaration authorizes the Association to levy fines against an Owner or Occupant for any violation of the Governing Documents.

NOW, THEREFORE, BE IT

RESOLVED, that the foregoing recitals are true and correct; and

RESOLVED, that the Board of Directors of the Association hereby approves and adopts the Compliance Policy attached to this Resolution as **Exhibit A**.

IN WITNESS WHEREOF, the Board of Directors of the Association, at a duly noticed meeting of the Board of Directors at which a quorum was present, held on the 1st day of August, 2024, in the manner required by the Association's Governing Documents, has adopted the Compliance Policy attached as **Exhibit A**.

**DEL WEBB BEXLEY COMMUNITY
ASSOCIATION, INC.**

Sign: Gray Zimer

Print: Gray Zimer

Title: PRESIDENT

EXHIBIT A
DEL WEBB BEXLEY COMMUNITY ASSOCIATION, INC.'S
COMPLIANCE POLICY

I. Association Remedies for Non-Compliance

1. The Board's approved fines and suspensions may be levied up to \$100.00 per day, per violation. Fines levied will not be imposed unless and until the fine is approved by the Compliance Committee following a duly notice hearing. Pursuant to Section 20.6.1 of the Declaration, aggregate fines for continuing violations are not capped to any amount.
2. The Association may also suspend the use of common areas and facilities for the failure of the Owner to comply with any provision of the Governing Documents, including failure of the Owner or Occupant to comply with any provision of the Governing Documents.
3. Any fine or suspension levied or imposed does not absolve the Owner and/or Owner's tenant, guest, occupant, or invitee from remedying the violation. Additionally, notwithstanding any fine and/or suspension levied or imposed, the Board may proceed, in its discretion, with any other remedy it deems appropriate.
4. **Any fine imposed must be paid within thirty (30) days of the date of the notice of the fine.**
5. This process and timeframes provided in this Policy may be subject to administrative and processing delays; provided, however, any deviation from the process or timeframes shall not constitute a waiver of any rights or remedies of the Association in enforcing the Governing Documents. The Association may deviate from this Policy to the extent required to comply with current law or any change in the law which may occur from time to time.
6. Nothing in this Policy is intended to prejudice any of the Association's rights or remedies, including but not limited to, the Association proceeding with abatement, pre-suit mediation and institution of litigation, and the Association reserves the right to exercise any such rights and remedies should the Board deem it prudent to do so. In the event that any provision of this Policy is held unenforceable by any court or is deemed unenforceable by any change in the Florida Statutes, this Policy shall be deemed to have been implemented by the Association with such provision not having been included therein, and the remainder of the Policy shall not be rendered void thereby. In the event this Policy is found in conflict with the Association's Governing Documents, the Governing Documents shall control. Further, any failure to comply with the terms of this Policy shall not be a basis to invalidate actions taken by Association if such actions are compliant with the Governing Documents and Chapter 720, Florida Statutes.

II. Procedures For Non-Compliance Notifications and Cure

Violations of the Governing Documents or the Association's Rules and Regulations will be documented by the Property Manager or any member of the Association.

1. Notices of Failure to Comply:

- a. **1st Notice to Owner.** The Association will send written notice via US Postal Service and community portal email to the Owner (and the Owner's tenant, if applicable) advising that a condition or behavior constitutes a violation of the Association's Governing Documents and/or Rules and Regulations and requesting that the Owner (and the Owner's tenant, if applicable) confirm via the community portal that the violation has been corrected within the time set forth in the First Notice. The First Notice sent from the community portal email and will include the following:

1. Description of the nature of the violation;
2. At the option of the Association, a photograph or video recording of the violation with date and/or citation to the provision of the Association's Governing Documents to which the violation pertains; and
3. Request for correction of the violation within specified period of time, not less than seven (7) days.

Owners may request an extension and explain the reason the violation cannot be timely corrected. The Board of Directors or its authorized agent may grant a request for extension of the time to comply if such request for extension is reasonable, timely made, and in writing. A request for extension is made timely if received by the Association before the expiration of the deadline set forth in the First Notice to correct the violation. A request for extension of time is reasonable if, in the sole discretion of the Board or its representative, a justifiable reason(s) is provided to support the extension request.

b. Fine/Suspension Notice and Opportunity for Compliance Committee

Hearing: If the violation has not been corrected within the time allotted, or in the event of a serious violation that the Board determines does not warrant an opportunity for the violator to correct it, the Board may elect to utilize the fining and/or suspension remedies detailed below, and a Fine Notice or Suspension Notice may be issued.

The Fine Notice and/or Suspension Notice will advise the party to be fined and/or suspended that the Board has levied a fine and/or suspension against the Owner or Occupant and the imposition of the fine and/or suspension will be considered by the Compliance Committee at hearing no less than fourteen (14) days and no more than ninety (90) days after the notice is provided. The Notice of Fine and/or Suspension Notice will be sent by regular U.S. Mail to the address on record with the Association and the portal email address on record. The Notice of Fine and/or Suspension will include a description of the alleged violation, the specific action required to cure such violation, if applicable, the date and location of the hearing, and access information if the hearing is held by telephone or other electronic

means. A parcel owner has the right to attend a hearing by telephone or other electronic means.

If a violation has been cured before the hearing before the Compliance Committee or in the manner specified in the written notice of the hearing, the fine or suspension may not be imposed.

- c. **Notice of Compliance Committee's Decision:** Within seven (7) days of the hearing before the Compliance Committee, the Compliance Committee shall send a Notice of Decision in writing, by regular U.S. Mail to the address on record with the Association and the portal email address on record, to the Owner and, if applicable, the tenant setting forth the Compliance Committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfil a suspension or the date by which a fine must be paid.

If a violation and the proposed fine or suspension is approved by the Compliance Committee and the violation is not cured or the fine is not paid, reasonable attorneys fees and costs may be awarded to the Association. Nothing in this Policy shall impact the Board's ability to forward any matter to legal counsel at any time or otherwise take corrective action as set forth in Section 20.2.3 of the Declaration.

III. Inspections and Responses:

1. It is the responsibility of an Owner to immediately notify the property manager, management company, and/or Association in writing of any address change. Accordingly, the Owner is obligated and responsible for providing accurate, current and updated contact information to the property manager, management company, and/or Association.
2. The Owner and/or tenant, if applicable, is responsible for notifying the Community Association Manager via the Del Webb Bexley portal that the violation(s) have been corrected and failure to do so implies the violation still exists. The property manager will conduct an inspection to validate.
3. All responses from the Owner (and the Owner's tenant, if applicable) shall be in writing within the community portal to the property manager or via personal emails to the property manager. If a homeowner needs assistance in responding on the portal, they must schedule an appointment with the property manager for assistance within the required response time.
4. All hearings with the Compliance Committee will be scheduled and communicated to the Community Association Manager, and the Community Association Manager shall have the discretion to provide reasonable time for correcting the violation, upon good cause shown by the Owner (and the Owner's tenant, if applicable) in writing.

IV. Notes on Violations

1. **The following examples of possible violations and fines are in no way all inclusive.** It is the responsibility of the homeowner to read the Governing Documents, and Rules and Regulations as amended from time to time, to ensure compliance. Contact the Del Webb Bexley ARC if you do not see your issue addressed.
2. **Never assume that certain permissible conditions or behaviors that were permitted in the past to another homeowner comply with the Governing Documents as amended.** The Association may amend its Governing Documents in the manner specified therein, impacting whether certain conditions or behaviors constitute a violation of the Governing Documents.

V. Categories of Violations and Examples

C1. Violations that are incident related and should not be repeated. Examples include trash cans visible from the street, parked vehicle that blocks the sidewalk, parking on the street overnight, unleashed or aggressive dogs, negligent pet waste collection, garage doors left open

C2. Violations that occur over time and take time to correct. Examples include roofs or driveways that need to be cleaned, exterior painting needed, repair of weather shutters. On violations in this category, the first violation notice will state that the homeowner has 45 days to enter a into a contract with a vendor to cure the violation, before fines are assessed.

C3. Failure to comply with consequential regulations such as safety, ARC rules and tenant/lease requirements, disruptive or threatening behavior in community facilities such as courts, clubhouse, pool area, dog park and gardens.

CATEGORY	1ST VIOLATION	2ND REPEAT VIOLATION	3RD REPEAT VIOLATION
C1	\$100 per day	\$100 per day	\$100 per day
C2	\$100 per day	\$100 per day	\$100 per day + possible suspension
C3	\$100 per day	\$100 per day + possible suspension	\$100 per day + possible suspension