

**AMENDED
PROCEDURE FOR FINES AND/OR PENALTIES, NOTICES AND HEARINGS
FOR
SUMMER BREEZE SUBDIVISION
PHASES I AND 11**

Pursuant to the By-Laws of Summer Breeze Homeowners Association, Inc., a Florida not-for-profit corporation ("Association") and the Declarations of Covenants, Conditions and Restrictions (collectively "Declaration") relating to Summer Breeze Subdivision, Phases I and 11 ("Properties"), as amended, the Board of Directors of the Association ("Board") hereby adopts the following in connection with fines and/or penalties to be imposed by the Association. Unless the context clearly dictates otherwise, all terms used herein shall have the same meaning as ascribed to them in the By-Laws and/or the Declaration.

1. An officer of the Association, a member of the Board or a person designated by the Board shall issue or cause to be issued a written notice ("Notice") to the owner/occupant of the property or their tenants, guests or invitees, or both, for the alleged violation of the By-Laws of the Association, as amended, the Declaration, as amended, and/or any rules and regulations promulgated by the Association (collectively "Documents") that exist, notifying them of the existence of the violation and requesting its correction within the time specified therein.

2. The Notice shall be in a form approved by the Board. The Notice shall be served by personal delivery or by Certified Mail, Return Receipt Requested, and when possible, with a copy conspicuously posted on the affected property.

The Notice shall include:

- A. An accurate description of the Lot involved.
- B. A statement providing an accurate description of the violation for which the Notice is issued.
- C. A specification of the provision and document upon which the Notice of violation is based.
- D. The name or names of the person(s) or entity(ies) or their tenants, guests or invitees (individually and/or collectively as contextually appropriate "Person") in violation upon whom the Notice is served for the violation.
- E. A statement advising that the failure to correct the matter set forth in the Notice shall, without further action or notice, result in a fine.
- F. Date by which violations must be corrected or date by which positive action must be initiated to correct violation.
- G. The amount of such fine if the offending condition or situation is not corrected.

- H. The fact that the Person may request a hearing before the appointed Committee to address the facts surrounding the alleged offending condition or situation within fourteen (14) days of the Notice. The Person waives any right to a hearing unless the Person serves a request for a hearing or a request for an extension of the time for compliance within fourteen (14) days after service of the Notice. Absent service of a hearing request or a request for an extension of time for compliance, the fine set out in the Notice shall be automatically deemed imposed fifteen (15) days after service of the Notice.
3. Depending on the nature of the offense, violators shall have not less than one (1) day nor more than fourteen (14) days from service of the Notice by mail or actual receipt, whichever occurs first, within which to correct the violation of the Documents. In the event it appears that the violator shall not, through no fault of his/her own, be able to rectify the violation within the prescribed period, the violator may file a written request with the President of the Association ("President") stating the reasons they have been or will be unable to complete correcting the violation and, if reasonable grounds are shown therefore, the President is authorized to issue an amended Notice authorizing an extension of time not to exceed an additional thirty (30) days within which to complete correction of the violation. The Board, upon a two-thirds vote of the entire Board, in exceptional cases and upon written request during the thirty (30) day period, may further extend the time within which to correct the violation; however, in no event shall the correction date extend beyond a maximum period of sixty (60) days from the date of the original Notice.
4. Within the period for correction set forth in the Notice, the affected Person to whom the Notice is directed may file a written request with the President for a hearing before a committee of at least three (3) individuals who are Owners that are appointed by the Board ("Committee") to respond to the contents of the Notice. Such Committee shall not consist of any officer, director, or employee of the Association, or the spouse, parent, child, brother or sister of any officer, director or employee. The hearing shall be held as soon as practicable, but not sooner than one (1) week nor later than two (2) weeks from the date the Committee receives the request for the hearing. The Person to whom the Notice is directed shall be advised in writing by the Committee Chairman of the time and place of the hearing. The proceeding before the Committee shall be an original fact finding proceeding and the Person shall have the burden(s) of proof and persuasion to contest the Notice and alleged violation. At the hearing, the Committee **must vote on** whether the content of the Notice is approved and the fine or suspension is merited. Such vote shall be announced at the meeting to the affected Person, and shall be reflected in the minutes of the Committee. In the event the Committee does not approve the fine by majority vote, the fine shall not be levied. Any affected Person may appear in person, by counsel, or by an agent possessing a power of attorney (provided the agency instrument appears in the Official Records of Bay County, Florida), but may not appear through any other person.

5. Any Person violating any of the Documents shall be fined Fifty and No/ 100 Dollars (\$50.00) for the first violation and One Hundred and No/100 Dollars (\$100.00) for each successive violation thereafter. In the event of a continuing violation based upon a single notice, each day of a continued violation shall constitute a separate offense or violation and shall subject the violator to additional fines and/or penalties. A single Notice and opportunity to be heard on one specific type of violation shall not result in a fine in the aggregate exceeding One Thousand and No/ 100 Dollars (\$ 1,000.00) in any one calendar year. Similar violations in successive years shall be considered to be new violations and treated accordingly.

6. Fines not paid in full will accrue interest thereafter at the greater of eighteen percent per year (18%) simple interest or the highest rate allowed by law, until paid in full. Levied fines must be paid in full within thirty days of final determination. Thereafter, the Association may use any lawful procedure to collect unpaid and levied fines.

7. The provisions of this instrument shall become effective as of the date adopted by the Board.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Summer Breeze Homeowners Association, Inc., in a duly called meeting thereof as of this 6th day of August, 2001 and Amended in a duly called meeting thereof as of this 29th Day of July, 2003.

SUMMER BREEZE HOMEOWNERS' ASSOCIATION
a Florida not-for-profit corporation
By: [signed] Evolina Williams, President
Evolina Williams, President

WITNESSES:

[signed] Neda A Biggs

Printed Name Neda A. Biggs

[signed] Christine L Pugh

Printed Name Christine Pugh