

Prepared by and
when recorded return to:
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Court Hillsborough County

BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION, INC.

**RESOLUTION OF THE BOARD OF DIRECTORS
AMENDING VIOLATION AND FINE POLICY**

WHEREAS, Buckhorn Preserve Homeowners 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 governed by the Declaration of Covenants, Conditions and Restrictions of Buckhorn Preserve—Phase 1, recorded in Official Records Book 11291, Page 824, *et seq.*, of the public records of Hillsborough County, Florida, as amended from time to time (the “Declaration”); and

WHEREAS, Article VII, Section 1 of the Bylaws of Buckhorn Preserve Homeowners Association, Inc., recorded in Official Records Book 11291, Page 0873, *et seq.*, of the public records of Hillsborough County, Florida, as amended from time to time (the “Bylaws”), provides that the Board of Directors of the Association may exercise all powers, duties, and authority vested in or delegated to the Association and not reserved to the membership; and

WHEREAS, Article IV, Section 8 of the Articles of Incorporation of Buckhorn Preserve Homeowners Association, Inc., recorded in Official Records Book 11291, Page 0865, *et seq.*, of the public records of Hillsborough County, Florida, as amended from time to time (the “Articles”) provides that the Board of Directors may adopt, alter, amend, and rescind Rules and Regulations.

WHEREAS, Article III, Section 6, of the Declaration provides that no Owner or permitted user shall violate the reasonable Rules or Regulations for the use of the Common Area;

WHEREAS, Article V, Section 7, of the Declaration further provides that the Board of Directors may fine or suspend the right of an Owner, the Owner’s tenants or guests to use the Common Areas and facilities for the failure of the Owner, the Owner’s tenants or guests to comply with the provisions of the Declaration, the Articles, the Bylaws or Rules and Regulations;

WHEREAS, Section 720.305, Florida Statutes, provides that the Association may levy reasonable fines in the amount of one hundred dollars (\$100.00) per violation not to exceed one thousand dollars (\$1,000.00) in the aggregate for a continuing violation against any Owner or the Owner’s tenant, guest, or invitee for the failure of the Owner or the Owner’s tenant, guest, or invitee to comply with the Association’s Governing Documents; and

WHEREAS, the Board previously adopted a Violation and Fining Policy and has determined that it is in the best interest of the Association to amend it.

NOW, THEREFORE, BE IT:

RESOLVED, that the Board of Directors of the Association hereby approves and adopts the attached Amended Violation and Fining Policy in the form attached hereto as Exhibit "A";

RESOLVED, that notwithstanding the foregoing, any restrictions or guidelines set forth in the Declaration, Articles or Bylaws of the Association shall remain in full force and effect and shall continue to be followed and observed; and

RESOVLED, that all other Policy and Procedures of the Association shall remain in full force and effect to the extent not in conflict with the attached Amended Violation and Fining Policy.

IN WITNESS WHEREOF, the Board of Directors of Buckhorn Preserve Homeowners Association, Inc., at a duly noticed regular meeting of the Board of Directors at which a quorum was present, held on the 27 day of April, 2021, in the manner required by the Association's Governing Documents, by a vote of ___ to ___, voted to adopt the foregoing resolution.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal as of the date first written above.

BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation

Witnesses:

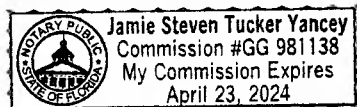
[Signature]
Print Name: Jamie Steven Tucker Yancey

[Signature]
Print Name: KAYIA BHABI MICHELE YANCEY

By: [Signature]
Marko Dowgal, President

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was sworn to and subscribed before me this 27 day of April, 2021, by means of [X] physical presence or [] online notarization, by Marko Dowgal, who () is personally known to me or (X) who has produced Florida DL as identification.



[Signature]

NOTARY PUBLIC

Print Name: **Jamie Steven Tucker Yancey**

My Commission Expires: 04/23/2024

Witnesses:

Jamie Steven Tucker Yancey
Print Name: Jamie Steven Tucker Yancey

Kayia Bhabhi Michele Yancey
Print Name: KAYIA BHABI MICHELE YANCEY

By: David Jeffers
David Jeffers, Vice President

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was sworn to and subscribed before me this 27 day of April, 2021, by means of [] physical presence or [] online notarization, by David Jeffers, who () is personally known to me or (X) who has produced Florida DL as identification.



Jamie Steven Tucker Yancey
NOTARY PUBLIC

Print Name: **Jamie Steven Tucker Yancey**

My Commission Expires: 04/23/2024

<Remainder intentionally left blank>

EXHIBIT A:

**AMENDMENT TO THE VIOLATION AND FINE POLICY FOR
BUCKHORN PRESERVE HOMEOWNERS ASSOCIATION, INC.**

*****SUBSTANTIAL REWORDING. SEE GOVERNING DOCUMENTS FOR CURRENT TEXT*****

The Violation and Fine Policy is hereby modified and amended as follows:

Exhibit A

**BUCKHORN PRESERVE HOMEOWNERS
ASSOCIATION, INC.
AMENDED VIOLATION AND FINE POLICY**

I. Violation Reporting and Verification

Violations will be reported in accordance with one or more of the following methods:

- 1) A resident or third party may contact the Association to report a violation;
- 2) A member of the Board of Directors may report the violation;
- 3) The Community Association Manager may note the violation during the Manager's inspection of Buckhorn Preserve.

The Association will review and verify all complaints. New complaints and active violations will be reviewed regularly. All violations will be added to the active violations spreadsheet (if one is maintained) and, to the extent possible, be digitally photographed with the date and time documented.

II. Violation Enforcement

A. Notices

All notices required by this policy will be sent to the Owner at the Owner's address on file with the Association and, if the Owner's address is not the property upon which the violation was identified, notices will also be sent to the Owner at the address of the property at issue. If the Association has knowledge that the property is occupied by tenants, notices may also be sent to the tenants.

B. First Notice of Violation (First Letter)

Upon verification of the violation, the Association will send a First Notice of Violation to the Owner (and where applicable to the tenant of the Owner). A sample First Notice of Violation is attached to this Violation and Fine Policy as **Exhibit 1**. The First Notice of Violation will include the following information:

1. Description of the violation.
2. At the option of the Association, a photograph of the violation.
3. Citation to the provision of the Association's Governing Documents to which the violation pertains.
4. The number of days provided to cure the violation.

C. Final Notice of Violation (Second Letter)

After expiration of the time frame set forth in the First Notice of Violation, the Community Association Manager, or other agent of the Board of Directors, will determine whether the violation has been corrected. If the violation has not been corrected, the Association will send a Final Notice of Violation (Second Letter) to the Owner. A sample Final Notice of Violation is attached to this Violation and Fine Policy as **Exhibit 2**. The Final Notice of Violation will include the following information:

1. Description of the violation.
2. At the option of the Association, a photograph of the violation.
3. Citation to the provision of the Association's Governing Documents to which the violation pertains.
4. The number of days provided to cure the violation before a fine may be levied or legal counsel may become involved.

D. Notice of Corrective Action Taken Form

A "Notice of Corrective Action Taken Form" shall be enclosed with the Final Notice of Violation. Owners may complete the Notice of Corrective Action Taken Form to indicate that the violation has been corrected. Alternatively, the Owner may use the Notice of Corrective Action Taken Form to request an extension and explain the reason the violation could not be timely corrected. The Board of Directors or its authorized agent may grant a reasonable request for extension of the time to comply, if such request for extension is timely made and is made in writing. A sample of the Notice of Corrective Action Taken Form is attached to this Violation and Fine Policy as **Exhibit 3**.

E. Notice of Fine and Fining Committee Meeting (Third Letter)

* This section is only applicable to the extent the Association is pursuing a fine.

After expiration of the time frame set forth in the Final Notice of Violation, the Community Association Manager, or other agent of the Board of Directors, will determine whether the violation has been corrected. If the violation has not been corrected, the Board of Directors may

levy a fine.

If the Board of Directors levies a fine, the Association will send a Notice of Fine and Fining Committee Meeting to the Owner. The Notice of Fine and Fining Committee Meeting will include the following information:

1. Description of the violation.
2. At the option of the Association, a photograph of the violation.
3. Citation to the provision of the Association's governing documents to which the violation pertains.
4. The amount of any fine levied.
5. Date, time, and location of the meeting at which the Fining Committee will determine whether to confirm or reject the fine levied by the Board.

The Fining Committee will review all fines. The Fining Committee's role is limited to confirming or rejecting a fine levied by the Board. A fine may not be imposed without at least 14 days' notice to the Owner sought to be fined and an opportunity to be heard before the Fining Committee. If the Fining Committee, by majority vote, rejects a proposed fine, it may not be imposed.

The Fining Committee will meet as necessary at a place and date to be determined and noticed by the Fining Committee. If the Owner engages a representative to appear at the Fining Committee hearing on his or her behalf, the Owner must notify the Association in writing prior to the Fining Committee hearing. A sample of the Notice of Fine and Fining Committee Meeting is attached to this Violation and Fine Policy as **Exhibit 4**.

If an Owner neither corrected a violation nor responded to the first two notices of violation, the Community Association Manager will verify a lot's current ownership prior to sending out the Notice of Fine and Fining Committee Meeting. The Community Association Manager will engage a vendor to facilitate this verification.

F. Limitation on Fines

* This section is only applicable to the extent the Association is pursuing a fine.

A fine may be up to \$100 per violation and may be levied for each day of a continuing violation, with a single notice and opportunity for hearing, except that it may not exceed \$1,000, unless otherwise provided in the Association's Governing Documents.

G. Fining Committee Decision (Fourth Letter)

* This section is only applicable to the extent the Association is pursuing a fine.

After the meeting of Fining Committee, the Association will send a notice to the Owner of the Fining Committee's decision. The Fining Committee's Decision will include the following information:

1. Description of the violation.
2. Date of the Fining Committee's meeting when the fine was considered.
3. The Fining Committee's decision.
4. If the fine is confirmed, the fine is due five (5) days after the date of the Fining Committee's meeting when the fine was confirmed.
5. Any imposed fines not paid within 30 days of the due date thereof may be sent to a collection agency or to the Association's legal counsel for collection efforts.

III. Time Period for the Correction of Certain Violations

A. The following violations shall be corrected within seven (7) days of the First Notice of Violation:

1. Removal of trash and debris from lot
2. Removal of vehicles parked in areas not permitted for parking vehicles.
3. Removal of trailers, campers, trucks, semitrailers, truck-tractors, recreational vehicles, travel trailers, camping trailers, truck campers, motor homes, boats or boat trailer which are not being concealed
4. Removal of commercial vehicles
5. Removal of garbage cans stored in view on non-collection days
6. Removal of unapproved signs and/or advertisements
7. Failure to remove pet waste
8. Failure to keep pets on a leash
9. Failure to maintain lot (mowing, edging, weeding, trimming of landscaping and trees)
10. Removal of holiday decorations more than thirty-five (35) days following completion of applicable holiday
11. Removal of portable basketball hoops from view street, sidewalk or easement

B. The following violations shall be corrected within fourteen (14) days of the date of First Notice of Violation:

1. Failure to submit Architectural Control Committee (ACC) application for exterior improvements requiring ACC approval
2. Discolored entrance sidewalk; or driveway or curb.

C. The following violations shall be corrected within thirty (30) days of the date of the First Notice of Violation:

1. Replacement of damages or diseased plantings
2. Failure to submit ACC application for installation of Florida Friendly Landscaping Design
3. Discolored house and/or roof

If the violations described in Part III are not corrected within the timeframes prescribed in Part

III, a Final Notice of Violation (Second Notice) shall be sent to the Owner via first class mail and certified mail, return receipt requested. The Final Notice of Violation shall require the Owner to correct the violation (s) within the same timeframe applicable to such violation (s) as prescribed in Part III.

The violations listed in Part III do not include all violations the Association is authorized to enforce. For violations not listed, the Association or its authorized agent will set a reasonable timeframe in the notices of violations within which the Owner should correct the violation. In addition, the Board of Directors may amend the timeframe listed in Part III above to correct a violation from time to time.

IV. Enforcement of Fine

If the Association seeks to impose a fine against a tenant, guest or invitee of a tenant, the Association shall provide notice and opportunity for a hearing, as set forth herein, to the owner and the tenant, guest or invitee of the tenant. If a fine is levied against a tenant, guest or invitee of a tenant and the tenant, guest or invitee of the tenant fails to pay the fine, the Owner shall be liable for payment of the fine. All fines and all legal fees and costs incurred by the Association in enforcing the Association's Governing Documents will be treated as an individual assessment under Article IV of the Declaration and added to the Owner's ledger account. All such amounts will remain on the Owner's account until paid in full. Once a fine is imposed, it is due five (5) days after the date of the Fining Committee meeting when it was imposed. An Owner shall have thirty (30) days to pay the fine or the file may be sent to the Association's legal counsel and a Claim of Lien may be placed against the Owner's property for failure to pay the fine if the fine amounts to \$1,000 or more, as permitted by Florida Statutes.

IV. Enforcement by Legal Counsel or Alternative Means

Notwithstanding anything herein, the Association has the right to take whatever legal action it deems necessary to enforce the Association's Governing Documents and to collect all fines and all legal fees and costs incurred by the Association in enforcing the Association's Governing Documents. This policy is in addition to, and not a condition precedent for, the Association, in its discretion, proceeding with injunctive relief or self-help options allowed by law, equity or the Association's Governing Documents. Such action may include the institution of litigation and any prerequisites thereto. These Policies and Procedures do not limit the Association's ability to pursue all available legal remedies upon the Association's determination that there has been a violation of the Governing Documents.