

NORTH FORK PROPERTY OWNERS ASSOCIATION, INC.

Non-compliance Resolution Procedures

(Amended - Effective March 1, 2007)

Violation Compliance: Since the North Fork documents do not permit fining, legal counsel was consulted for alternatives to fining in order to assure compliance to the rules and regulations. Article XIV, paragraph 5 of the North Fork POA Declaration of Covenants and Restrictions provides for the recovery of attorney's fees by the prevailing party in the enforcement of the Declaration. Article XIV provides in pertinent part as follows:

Enforcement of Declaration. The enforcement of this Declaration may be by proceeding at law for damages or in equity to compel compliance with its terms to be sought by the Association or any individual and should the party seeking enforcement be the prevailing party then the person against whom enforcement has been sought shall pay all costs and reasonable attorneys' fees incurred prior to trial and at all trial and appellate levels.

The procedure to be employed regarding non-compliance matters is as follows:

- 1) A first letter will be sent to an owner stating the matter in non-compliance and a time period of 30-days in which to resolve the matter.
- 2) At the end of this period, if the matter was not resolved, a second letter will be sent advising that they have 10-days to comply with the rules and regulations of the community before legal action is taken by the Association.
- 3) If, after the ten (10) days, nothing had been done by the owner to resolve the matter, all documentation would be turned over to legal counsel for their action.
- 4) Legal counsel will send the owner a letter in a final effort to resolve the matter in non-compliance within a specified period of time.
- 5) If the owner fails to resolve this dispute, the Florida Statutes 720.311 requires that the case be turned over to the Division of Land Sales, Condominiums and Mobile Homes, in the Dept. of Business and Professional Regulation for mandatory Mediation, before any court action. Applying for mediation carries a \$200.00 filing fee, along with attorney's fees for both the owner in non-compliance and the Association.