

KINGS RIDGE

COMMUNITY ASSOCIATION, INC.

May 2015

Neighborhood Board of Directors

Re: Underage Child Violation Procedures

Dear Neighborhood Board Members:

Our Kings Ridge Community is a wonderful place to live with amenities specifically designed for our residents, ages 55+. It is essential that residents adhere to the 55+ age restriction requirement in the Kings Ridge Covenants in order to protect the status provided by Federal and State statutes for age restricted communities.

The Kings Ridge Community Association and the Association Attorney have created a policy with recommended procedures for all Kings Ridge Neighborhoods to use to resolve an Under Age Child Violation.

Should you, as a Board member, become aware of an underage child residing in any Kings Ridge neighborhood more than the allowable time period set forth in the governing documents (overnight stay of 30 days in any calendar year), it is your responsibility to notify your property manager and/or members of your board to begin the procedures outlined below.

The following is the recommended procedure whether your neighborhood association employs a property manager or is self-managed. This will ensure all necessary steps are taken and provide property documentation should legal proceedings be required.

Utilize the enclosed templates and follow the steps outlined below:

1. Mail the two (2) enclosed documents (Underage Child Violation Letter and the Underage Child Violation Response Form) via USPS and Certified Mail to the homeowner of record in violation of the age restriction covenants.
2. Immediately notify, in writing, the Kings Ridge Community Association (KRCA) manager of a possible under age child restriction violation in your neighborhood.
3. Provide the KRCA manager with a copy of the Violation Letter sent to the resident with the notification as well.
4. After the 10 day time period to respond to the violation has expired, notify KRCA manager of the status including copies of all documentation received.
5. If the violation exists after the 10 day notice without the homeowner responding or providing a plan to rectify the violation, contact the KRCA manager requesting the Code Enforcement Committee (CEC) to consider assessing the homeowner with fines and/or liens on the property until the violation is resolved

6. If the owner submits the Under Age Child Violation form but denies having a child in violation or has made arrangement to correct the violation with removal of the child, provide a copy of that form to the KRCA manager.
7. If the owner does not respond within the designated time frame, proceed with legal action.
8. Maintain communication with the KRCA manager until the issue is resolved.

When the above procedures are followed and proper documentation is submitted, then the Kings Ridge Community Association and the Neighborhoods working together will be more successful in rectifying the violation.

Sincerely,

Richard Combs, President
Kings Ridge Community Association

Attachments:

- Underage Child Violation Sample Letter
- Underage Child Violation Response Form
- Covenant Enforcement Review Board and Covenant Enforcement Committee Charter

Date

CERTIFIED MAIL:

Homeowner's name
Address

Subject: Under Age Child Violation

Dear

The name Neighborhood Association has received information that you may have an underage child residing at _____ in excess of the allowable time period set forth in the governing documents. Article IX, Section 2 of the Amended and Restated Community Declaration of Restrictive Covenants Kings Ridge at Clermont provides in part as follows.

Article IX - Use Restriction, Section 2 - Age of Residents:

'...No person under the age of eighteen (18) may be a permanent Occupant of any Home, except that persons under the age of Eighteen (18) may be permitted to visit and temporarily reside for periods not to exceed thirty (30) days total in any calendar year...'

It is essential that residents adhere to the age restriction requirements in the Kings Ridge Covenants in order to protect the status provided by Federal and State statutes for age restricted communities. Consequently, this age restriction must be enforced rigorously by the Neighborhoods and the Kings Ridge Community Association. An alleged violation of this restriction must be dealt with vigorously and promptly.

Therefore, upon receipt of this notice and within 10 days of the date of this letter, you must take the following steps:

1. Complete the enclosed Under Age Child Violation Response Form and concisely detail the procedures you are taking to remove the child from your premises;
2. Sign, date and have the document notarized;
3. Return the signed, dated and notarized document to the name and address below.

If, however, you believe you have received this letter in error and you do not have an underage child residing in your home, please complete, sign, notarize and return the document clearly stating you are in compliance.

By ignoring and not responding to this letter, you are placing yourself in possible jeopardy of incurring fines imposed by the Kings Ridge Community Association and all legal costs associated with actions to achieve your compliance of all Kings Ridge covenants.

Neighborhood Board of Directors/ Community Association Manager
Office address
Clermont, FL 34711

cc: Kings Ridge Community Association
Attachments: Under Age Child Response Form

UNDER AGE CHILD VIOLATION RESPONSE FORM

I/we (owners' name) residing at (address), located in the neighborhood of (name of neighborhood) are in receipt of the Under Age Child Violation letter attached.

Indicate your response to the violation by checking the appropriate box below:

☐ I am in violation of the Underage Child residency requirement. COMPLETE SECTION A BELOW

☐ I am not in violation of the Under Age Child residency requirement. COMPLETE SECTION B BELOW

A - Describe your plan of action to comply with the covenant governing Under Age Child restriction - use additional paper if necessary and attach to this form.

B - Describe in detail why you are not in violation of the covenant governing Under Age Child restriction - use additional paper if necessary and attach to this form.

Signature of Owner

Date _____

Signature of Owner

Date _____

STATE OF FLORIDA

COUNTY OF

Sworn to (or affirmed) and subscribed before me this ____ day of ____, 20__, by

Name of Person making statement

and

Name of Person making statement If two (2) Owners sign

NOTARY SEAL

Signature of Notary Public-State of Florida

(Name of Notary Typed, Printed or Stamped)

Personally Known _____ OR Produced Identification _____ Type of Identification
Produced _____

Return to: (Your neighborhood property manager
City, Town, Zip)

3/2015

KINGS RIDGE COMMUNITY ASSOCIATION, INC.

COVENANT ENFORCEMENT REVIEW BOARD AND COVENANT ENFORCEMENT COMMITTEE

CHARTER

ARTICLE I

Section 1. Actions of the Board of Directors:

The Board of Directors shall adopt a Resolution approving this Covenant Enforcement Review Board and Covenant Enforcement Committee Charter. Further, the Board of Directors shall appoint a Covenant Enforcement Review Board ("CERB") and delegate its powers to the CERB as set forth herein. The Board shall also appoint a Covenant Enforcement Committee ("CEC").

Section 2. Membership of the CERB and Jurisdiction:

The CERB shall be appointed by the Board of Directors and shall be made up of not less than three (3) and not more than five (5) members of the Board of Directors.

In general, the CERB shall be responsible for reviewing the existence of any violations of the provisions of the Amended and Restated Community Declaration of Restrictive Covenants Kings Ridge at Clermont ("Declaration"), the Community Association's Amended and Restated Articles of Incorporation and By-Laws, and the Community Association's rules and regulations. The CERB shall also be responsible for reviewing the existence of any violations of the provisions of the Neighborhood Declarations; provided a Request for Enforcement or a Covenant Enforcement Complaint Report has been filed by a representative of the Neighborhood Association's Board. The review of these violations can include violations of the Kings Ridge Architectural Guidelines and the Neighborhood Architectural Guidelines. Except with regard to violations regarding an Underage Child or an Underage Resident residing in the community, the CERB shall review all Requests for Enforcement by the Neighborhoods and determine if a demand letter should be sent to the violator by the Association for the violation. Further, the CERB shall also determine if there is a violation or violations that should be referred to the CEC. If the CERB refers the matter to the CEC, it shall recommend fine(s) to be imposed and use rights to be suspended in accordance with Schedule "A".

Section 3. Membership of the CEC and Jurisdiction:

The CEC shall consist of not less than three (3) members and not more than seven (7) members. Members of the CEC must be Members of the KRCA, but shall not be officers, directors, or employees of the KRCA, or the spouse, parent, child, brother, or sister of an officer, director, or employee of the KRCA, nor persons serving on the KRCA Architectural Control Committee (ACC). Members may serve on the Neighborhood Architectural Review Committee (NARC), but must recuse themselves if the alleged violation(s) occurred in their Neighborhood, or if the violator resides in their neighborhood.

The CEC shall be responsible for holding a hearing as to the violation(s) and to review the evidence presented as set forth below. The CEC decides whether to impose the fine(s) or suspend use rights recommended by the CERB.

Section 4. Meetings:

The CERB shall meet on an "as needed" basis upon notification from the Manager that a violation matter must be reviewed by the CERB. The purpose of these meetings is to review reports from the Association Manager with regard to any written complaints that the Manager has received concerning violations. At this meeting, the CERB will determine whether violators should be sent a demand letter from the KRCA or if the violation(s) should be addressed at a CEC hearing. If the matter is referred to the CEC, the CERB will recommend any fine(s) and suspensions of use rights to be imposed by the CEC in accordance with Schedule "A".

ARTICLE II

Section 1. Filing of Complaints:

Written complaints must be filed at the Association's Management Office. Complaints must not be anonymous and must be filed on forms provided by the Association Manager. (See attachment, Covenant Enforcement Complaint Report.) If the complainant is the Association Manager, a Covenant Enforcement Complaint Report must still be filled out.

Section 2. Verification of Complaints:

If the complainant is the Association Manager, the ACC or individual residents, complainant shall provide available evidence which may include photographs, videotapes, and/or written statements from witnesses.

If the complainant is a representative of the Neighborhood Association's Board, the complainant shall provide evidence that the violation has continued after the violator

was sent a letter from the Neighborhood Association and/or the KRCA. Such evidence shall include updated photographs, videotapes, and or written statements from witnesses showing or stating that the violation continues to exist.

ARTICLE III

Section 1. Notice of Hearing:

If the CFRB decides to refer the issue to the CEC to proceed with a hearing, it shall direct the Association Manager to send written notice to the alleged violator of the infraction(s). The violator shall also be notified that a hearing will be held concerning the violation(s). The notice shall include:

- (a) A description of the alleged infraction(s);
- (b) The date, time and location of the hearing; and
- (c) A statement that the violator or his/her representative may appear at the hearing to address the violation(s) and to present reasons why the fine(s) or suspension of use rights should not be imposed.

The notice shall be served on the violator by regular and certified mail (return receipt requested) at least 14 days prior to such hearing.

Section 2. Hearings:

A full hearing will be held by the CEC at the date, time, and place provided in the notice to the violator. The Association's Manager or the representative of the Neighborhood Association shall present evidence that proper notice was served, and shall then present the case to the CEC. The violator may represent him/herself or shall have the right to be represented by another party. Both the Association's Manager/ Representative of the Neighborhood Association and the violator or his/her representative shall have the right to present such evidence as they deem appropriate and may present and cross-examine witnesses.

- (a) The CEC has the right to continue any hearing for such a period of time that it deems necessary in order to ensure that all pertinent information is presented.
- (b) If notice is provided to the violator as required, the failure of the violator or his/her representative to appear at the hearing shall in no way delay or postpone the completion of the hearing and a decision by the CEC.

(c) A violator may request one (1) postponement of the hearing until a jointly agreed upon date, but the date of such postponement shall be no more than sixty (60) days from receipt of notice by the violator.

(d) If, after a full hearing, the CEC determines by a majority vote that the violation or violations have occurred, then the CEC shall impose the fine(s) or suspend use rights that it deems appropriate. If the CEC determines that a violation has not occurred, then no fine(s) shall be imposed and use rights will not be suspended.

Section 3. Penalties:

(a) The CERB shall recommend fines and/or suspension of use rights in accordance with **Schedule A**, to the extent applicable, which is attached hereto and incorporated into this procedure by reference. If multiple violations have been alleged, the CERB may recommend one, some, all, or none of the applicable fine(s).

(b) Fines for all other violations, not included within **Schedule A**, must comply with Section 720.305(2), Florida Statutes. The CERB may not recommend a fine in excess of one hundred dollars (\$100.00) per violation, per day. Further, for violations of a continuing nature, such fines may be levied on the basis of each day of such continuing violation as long as the proposed fine does not exceed one thousand dollars (\$1,000.00) in aggregate.

(c) The CEC shall determine, by a majority vote, as set forth above, whether to impose fine(s) and/or suspend use rights recommended by the CERB. The CEC shall not have the right to impose a different fine amount or suspend a different use right other than what was recommended by the CERB.

(d) After the fines or suspension of use rights have been imposed by the CEC, the CEC shall direct the Association Manager to notify the homeowner, and if applicable, the tenant, of such fine(s) or suspension of use rights by mail or hand delivery.

(e) The violator shall have fifteen (15) days, after the mailing of the written notice from the CEC of fine(s), to submit payment to the KRCA c/o of the Association Manager or to file a written request for an appeal to the KRCA Board of Directors.

(f) If the violator does not file a request for an appeal and does not submit complete payment to the Association within the time frame required by the KRCA Board of Directors, then the KRCA Board of Directors may take any remedy legally available in order to recover the amount of the fine(s) and all documented expenses owed to the KRCA in order to obtain compliance with any outstanding violations, including the filing of a lien.

ARTICLE IV

Section 1. Appeals

(a) Any appeal hearings by the KRCA Board of Directors shall take place at a time specified by the Board of Directors.

(b) The decision by the KRCA Board of Directors is final.

SCHEDULE A

FINES and/or CORRECTIVE ACTION

FOR SPECIFIC VIOLATIONS

A. Parking Violations and violations of other provisions of the KRCA or the Neighborhood Governing Documents.

(Parking Violations - Rules and Regulations for KRCA, Rule No. 27)

1 st offense	\$25.00
2 nd offense	\$50.00
3 rd offense	\$100.00 initially, then one hundred dollars (\$100.00) per week, and a letter of notice from attorney

B. Operating a visible business in home.

(Rules and Regulations for KRCA, Rule No. 31 Commercial Activity)

1 st offense	\$25.00 per week until corrected
2 nd offense	\$50.00 initially and then \$50.00 per week until corrected
3 rd offense	\$100.00 initially, and then one hundred dollars (\$100.00) per week, and a letter of notice from attorney

C. Failure to meet residential requirements (55 and older)

\$100.00 initially, and then one hundred dollars (\$100.00) per day, and a letter of notice from attorney

D. Underage persons who reside in the community for more than 30 days in a calendar year. *\$100.00 initially, and then one hundred dollars (\$100.00) per day, and a letter of notice from attorney*

E. Violation of Kings Ridge Declaration, Article XV Architectural Control or the Neighborhood architectural control. Only violations of Architectural Guidelines that require ACC or Neighborhood Architectural Review Committee ("NARC") approval will be considered by the CEC:

1. Not obtaining written approval of ACC or NARC before changes are made insofar as the changes conform to current ACC or NARC guidelines *\$25.00 initially and \$25.00 per week until an architectural application is submitted to and approved by the ACC or the NARC*
2. 2nd offense *\$100.00 initially, and \$100.00 per week until an application is submitted and approved by the ACC or NARC*
3. Making changes that violate ACC or NARC Guidelines or changing project specifications after ACC or NARC approval has been obtained *Restore property to the original state or change the specifications to conform to current ACC or NARC Architectural Guidelines. Time to complete corrective action to be determined by the Executive Committee and the CEC. A fine of \$100.00 per week until corrected.*

******A fine for a continued violation shall not exceed one thousand dollars (\$1,000.00) in the aggregate******