

PREPARED BY AND RETURN TO:

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**RESOLUTION OF THE DIAMOND COVE HOMEOWNERS ASSOCIATION, INC.
ESTABLISHING AN ENFORCEMENT AND COLLECTIONS POLICY**

WHEREAS, that certain, Amended and Restated Declaration of Covenants, Conditions and Restrictions for Diamond Cove was recorded at Official Records Book 07572, Page 0961, Public Records of Orange County, Florida, (hereinafter "Declaration"):

WHEREAS, Article IX of the Declaration addresses enforcement of the terms of the governing documents, including the Declaration, and sets forth the various remedies in connection therewith; and

WHEREAS, the remedies available to the Association are cumulative in nature and the Board of Directors has the discretion and authority to choose amongst the various remedies as appropriate under the circumstances; and

WHEREAS, the Board deems it in the best interest of the Association to establish policy in connection with the enforcement of the Amended and Restated Covenants, Conditions, Rules and Regulations set forth in the governing documents as defined by the Declaration and Florida Law; and

NOW, THEREFORE, the Board of Directors of the Diamond Cove Homeowners Association, Inc., hereby promulgates the following policy for the enforcement of the governing documents and the assessment collection process:

1. This policy shall apply to the enforcement of the use and maintenance restrictions set forth in the governing documents. By way of example and not by way of limitation, this policy shall apply to issues associated with an Owner's obligation to maintain their Lot in accordance with Article X, Section 15, the architectural control provisions of Article VIII, and the affirmative and restrictive covenants of Article X of the Declaration.

2. The Association's Licensed Homeowners Association Manager shall conduct routine inspections of the community no less frequently than on a monthly basis and forward it's finding to the board members via email or at the meeting of the Board of Directors. Management shall have the initial authority to identify which properties which Management believes are in violation of the governing documents for Diamond Cove.

3. The enforcement process shall consist of three letters making demand that the violations identified by Management be corrected, as follows:

- a) **Initial Notice:** The initial notice shall serve as a reminder of each homeowners' obligation to comply with the governing documents and shall make demand that the violation be corrected within such time as management deems reasonable, not to exceed 30 days. The correspondence shall be written in the nature of a "Friendly Notice".
- b) **Second Notice:** Management shall have the authority to determine whether a homeowner has corrected the violation identified by the Board of Directors. Failure to correct the violation following the initial notice will result in a second notice being provided to the homeowner without further Board action which shall a) identify all relevant provisions of the governing documents deemed to be in violation b) identify which specific action must be taken to correct the violations c) provide a specific timeframe for correction of the violations with management having the authority to determine a reasonable timeframe for the correction thereof, not to exceed 15 days d) advise the homeowner that, pursuant to Article IX, of the Declaration, the matter may be referred to Legal Counsel if the violation is not corrected and the homeowner will be held responsible for all attorney's fees and costs incurred.
- c) **Final Notice:** Management shall have the authority to determine if a homeowner has corrected the violation and failure to do so following the Initial and Second Notice will result in a Final Notice from Management without further Board action. The Final Notice shall set forth all information contained in the Second Notice but shall likewise specifically advise the homeowner that failure to correct the violation within the stated timeframe will result in the matter being referred to Legal Counsel without further notice and the

homeowner will be responsible for all attorney's fees and costs incurred pursuant to Section Article IX, Section 2 of the Declaration. Management shall have the authority to establish the final timeframe for correction of the violation, not to exceed 15 days.

4. All home owners of said properties determined to be in violation of the governing documents after the Final Notice time allowed to correct the violation shall be referred to the Board of Directors who must determine by majority vote to refer any particular homeowner to Legal Counsel for further enforcement action.

5. Management shall continue to monitor all violations during the routine compliance inspections being completed on a monthly basis. Management shall work directly with Legal Counsel in connection with all homeowners referred for enforcement action. Counsel shall have the authority to submit two initial demand letters to the homeowners, which may then be followed by a Statutory Offer of Mediation in accordance with 720.311, Fla. Stat. and a lawsuit if necessary to correct the violation.

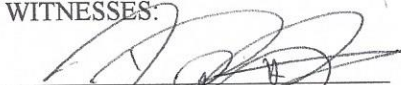
6. Pursuant to Article IX, Section 2, of the Declaration, the Association is entitled to recover all costs and expenses incurred in the enforcement of the Declaration or any of the Association's rules and regulations including any and all costs incurred by the Association in bringing a property into compliance with the terms of the governing documents, including legal fees, whether or not a lawsuit or other judicial proceeding are involved. Furthermore, Article IX, Section 2 of the Declaration grants the Association the authority to impose a Special Assessment against any Owner to reimburse the Association for all Enforcement Costs.

7. In accordance with Article IX, of the Declaration, the remedies available to the Association for enforcement of the governing documents are cumulative in nature. In no event shall this policy be interpreted to prohibit or prevent the Board of Directors from making the determination on a case by case basis that an alternative enforcement remedy would be more appropriate or effective, such as the imposition of a fine. Any such determination shall be within the sole and absolute discretion of the Board of Directors and shall be made on a case by case basis.

BE IT RESOLVED AS FOLLOWS:

The foregoing resolution of the Diamond Cove Homeowners Association, Inc. Board of Directors was duly adopted at an open meeting of the Board of Directors convened following 14 days' notice to the Members of the Association on this 21st of May, 2020.


WITNESSES:



(Signature)

Bruno PEREZ

(Print name)

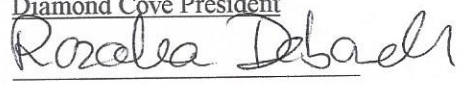


Signature

Bana Abdin

(Print Name)

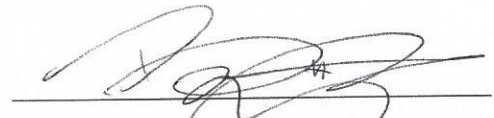
By: Rozalia Deborde,
Diamond Cove President




(Signature)

STATE OF FLORIDA:
COUNTY OF ORANGE:

The foregoing instrument was acknowledged before me this 21st day of JUNE, 2020, by ROZALIA DEBORDE who is personally known to me or produced FLORIDA DRIVER LICENSE as identification.



Signature of Notary Public

 Bruno Perez
State of Florida
My Commission Expires 04/06/2022
Commission No. GG 200879