

Important

Please read and review all enclosed documents
carefully as they will affect all owners and tenants at
Whispering Woods

NOTICE OF MEETING OF THE BOARD OF DIRECTORS OF
WHISPERING WOODS HOMEOWNERS ASSOCIATION, INC. OF PINELLAS COUNTY

NOTICE IS HEREBY GIVEN of a meeting of the Board of Directors of Whispering Woods Homeowners Association, Inc. of Pinellas County (the "Association") to be held on the following date, time and place:

Meeting Date: Wednesday April 18th, 2018
Meeting Time: 6:00 p.m.
Meeting Location: The Pool Area
Whispering Way, Whispering Woods, Tarpon Springs, FL 34689

The primary purpose of this Board of Directors meeting is to adopt the Board's proposed rules and regulations, a copy of which is attached hereto.

AGENDA

The meeting agenda is as follows:

1. Calling of Meeting to Order
2. Proof of Notice of Meeting
3. Confirmation of a Quorum
4. Reading and Disposal of Unapproved Minutes
5. Vote to Approve Proposed Rules and Regulations
6. Vote to Adopt Resolution Establishing Association Violation Committee
- 6 Old Business
7. New Business
8. Adjournment

If you have any questions or comments about the upcoming Board meeting or the enclosed rules and regulations, please contact the Association's property manager, Patrick Kochenour by phone: (727)-942-4755 or via email: Patrick@proActiveFL.com.

This notice was posted this 30th day of March, 2018 by order of the Association's Board of Directors and in full compliance with Florida Statutes.

Board of Directors
Whispering Woods Homeowners Association, Inc. of Pinellas County

Rules, Restrictions, Responsibilities, and Remedies
Whispering Woods Homeowners Association, Inc.
of Pinellas County

Revised 4/18/2018

TABLE OF CONTENTS

1.0 Introduction

2.0 Remedies

3.0 Parking and Vehicle Rules

4.0 Unit Occupancy Rules

5.0 Pet Rules

6.0 Unit Rental/Lease Rules

7.0 Other Rules and Restrictions

7.1 Signs, Flags, Notices, Advertisements

7.2 Garbage/Trash Collection

7.3 Construction or repair work

7.4 Porches, Lanais, Decks, and Patios

7.5 Miscellaneous

7.6 Pool and Tennis Court Usage Rules (Attached and Posted)

8.0 Owner Responsibilities

9.0 Architectural Control

9.1 Building Exteriors

9.2 Satellite Dish (FCC Regulations Compliant)

9.3 Landscaping

9.4 Decks

9.5 Patios

ATTACHMENTS

Pool Usage Rules

Tennis Court Usage Rules

Owner/Tenant Census Form

Request for Architectural Review

Notice of Violation

Notice of Determination

1.0 INTRODUCTION

These Rules, Restrictions, Responsibilities and Remedies of Whispering Woods Homeowner's Association, Inc. of Pinellas County (the "Association") have been prepared to provide all owners with a reference for their obligations and responsibilities under the Declaration of Covenants, Conditions and Restrictions for Whispering Woods (the "Declaration"), the By-Laws of Whispering Woods Homeowner's Association, Inc. of Pinellas County (the "By-Laws"), Chapter 720 of the Florida Statutes (the "Act"), and the Association's Rules, Restrictions, Responsibilities and Remedies (the "rules"), as adopted and amended from time to time by the Association's Board of Directors (the "Board").

These rules are reasonably intended to promote and preserve the health, safety and general welfare of all owners, their household members, tenants, invitees and guests and further to preserve the esthetics of the Property.

For the purposes of these rules, the word "owner" is taken to mean any person(s), bona fide beneficiary of a trust, shareholder or executive officer of a corporation, or partner of a partnership, holding legal title to a unit ownership.

Each owner (or member), and their household members, tenants, invitees and guests, are governed by these rules.

Owners are responsible for informing their household members, tenants, invitees and guests of these rules.

All rules and restrictions adopted by the Board cannot conflict with the Declaration or the Act. In the event of conflict, the Declaration supersedes these rules and the Act supersedes the Declaration. For architectural violations, city, county and state ordinances (if more restrictive) shall prevail.

Suggestions, recommendations, or corrections should be submitted in writing to the Whispering Woods Homeowners Association, Inc. of Pinellas County, Ameri-Tech Community Management, Inc, Clearwater, FL 33763 (the "Management Company")

A copy of these rules must be provided with all sales and rent/lease agreements.

2.0 REMEDIES

In Accordance with the Act, the Association may levy reasonable fines for failure or refusal (violation) of a member or his or her tenant, invitee or guest to comply with the Declaration, the By-Laws or these rules.

The Association can also suspend owner voting rights and the use of common areas and facilities for the member, household members, tenants, invitees and guests.

in accordance with the Act, each violation is limited to maximum fines of \$100 per day of continuing violation with a maximum of \$1,000 per continuing violation. Violation limits and maximums are separate for EACH violation and are not limited in the aggregate.

In addition to levying fines, the Association is authorized to proceed with filing legal action against an owner to redress alleged failure or refusal to comply the Association's governing documents. The Association is entitled to recover its reasonable attorney fees and costs incurred in the legal proceeding against the violating owner.

As more fully provided in Fla. Stat. § 720.305, a fine or suspension may not be imposed by the Board without at least 14 days' notice by mail or hand delivery to the member sought to be fined or suspended with an opportunity for a timely request (within the 14 days) for review by a committee of at least three (3) members appointed by the Board and who are not members of the Board or family members of a Board member (the "Association Violation Assessment Committee"). The role of the Association Violation Assessment Committee is limited to determining whether to confirm or reject the fine or suspension levied by the Board. The determination of the Association Violation Assessment Committee to confirm the fine or suspension must be delivered to the member by mail or hand delivery and if applicable to any tenant, licensee or invitee of the member. Fines must be paid within 10 days of receipt of the Committee's confirmation notice.

Schedule of Fines

Fire lane (side of street with no sidewalk) parking violations	\$100 per occurrence
Architectural Control Violations	\$100 per day
Failure to provide required forms to the Management Company	\$100 per day per occurrence

All Other Violations

First offense	Warning
Second offense	\$ 50 per day per occurrence
Third and subsequent offenses	\$100 per day per occurrence

For fire lane and overnight parking violations, vehicles are subject to towing at owner expense

3.0 PARKING and VEHICLE RULES

Due to Whispering Way being a narrow street, improper street parking represents a significant potential safety hazard, as traffic can be restricted to one lane with blocked visibility to oncoming traffic.

Improper parking may not only be a violation of these rules but in the event of an accident associated with improper parking, the unit owner can be held legally responsible for any damage or injury.

Owners have the responsibility to ensure that their household members, guests, and invitees are properly parked.

If you have an event at your home, you are required to have your guests follow the parking rules to avoid safety hazards.

In fairness to everyone, events involving numerous vehicles for parking should not occur on a frequent basis and will be considered a nuisance under the Declaration if the frequency is disruptive to the neighborhood. Club meetings, organized group meetings, and meetings for activities or 'sport are prohibited.

It is recommended that the Management Company be notified of the date and time for any personal event in order to avoid potential conflict with other owners that would create unsafe circumstances.

Overflow parking on a temporary basis is located in front of the club house and should be used for guest parking when owners have special events. This area cannot be used as a permanent parking area.

Residents must park their vehicles in their garage or driveway at all times.

Additional Parking Restrictions

- " The side of the street with NO sidewalks is an emergency fire lane and parking is prohibited at ALL times.
- " Parking within 20 feet of the Carlton or Klosterman intersections is prohibited.
- " Overnight street parking is prohibited.

- " Parking on any grass area is prohibited.

- " Parking on or across the sidewalk (do not block sidewalks) or in front of driveways is prohibited.
- " Parking in front of mailboxes and fire hydrants is prohibited.
- " Parking on your neighbor's driveway unless you have received express permission from your neighbor is prohibited.
- " Other than 3rd party vehicles present on business, **No** trucks, commercial vehicles, trailers, motor homes, campers, boats, boat trailers or any other recreational vehicles shall be permitted to be parked or stored anywhere within the Property, including owner driveways.
- " Commercial signs on owner vehicles are prohibited.

4.0 UNIT OCCUPANCY RULES

The units at Whispering Woods have been developed as and are designated as single family residences with specific use guidelines. The units in Whispering Woods have either two or three bedrooms with a maximum design of no more than two people per bedroom. Villas are designed to have only two bedrooms. Two story town homes may have either two or three bedrooms. Adding bedrooms to a unit in excess of original design, such as garage conversions, are expressly prohibited.

Each owner shall occupy his/her unit as a single family residence for said owner and/or the owner's immediate family members (whether related by blood, marriage/significant other, or adoption).

By way of illustration but not limitation, units may not be used for the purpose of any professional trade, employment, service, manufacture or business of any description, nor as a school, hospital, or other charitable institution, nor as a hotel, apartment house, rooming house, boarding house or place of public resort, nor arrangements, individual room rental arrangements, student dormitory arrangements, transient occupancy for compensation arrangements, nor for any purpose other than as a private single family residence. (See Article VII, Section of the Declaration)

5.0 PET RULES

Pets are limited to two (2) dogs and/or cats per household (unit) weighing less than 25 pounds each at full maturity, providing that they are not kept, bred, or maintained for any commercial purpose, and must be licensed in accordance with all local government regulations.

No other animals, livestock or poultry of any kind are permitted.

Approved pets when outside are not permitted or allowed to be unattended and must be on a leash or appropriate restraint at all times when upon any street, sidewalk, walkway, or other common grounds and areas including the pool and tennis court.

Pets may not be staked on a leash or chain outside and left outside unattended.

It is the responsibility of the owner to immediately remove and dispose of any pet waste.

Unattended dogs on lanais that bark excessively shall be considered annoying noxious or offensive behavior and a nuisance in violation of the Declaration Article 7 Section 4

6.0 UNIT RENTAL/LEASE RULES

The rental, leasing or occupancy of a unit may NOT violate Section 4, Unit Occupancy Rules.

Seasonal rentals are prohibited

All Rental or Lease contracts/agreements for a unit must be for a minimum period of one (1) year and a copy of the agreement must be provided to the Management Company.

All Tenants (renters/lessees) must complete the Association Census form. In addition to the census information this form provides for acknowledgement that the renters/lessees have received copies of the Declaration and the Rules and Regulations and agrees to abide by them.

The Association Census form may be obtained from the Management Company.

7.0 OTHER RULES AND RESTRICTIONS

7.1 Signs, Flags, Notices, Advertisements

Other than **one US or State Flag not to exceed 4'5" by 6'**, no sign or flag or banner or notice or advertisement of any kind shall be displayed to the public for

Error! Unknown document property name.

view in windows or on any unit or common area, except one For Sale sign placed in the front window of the unit. Security signs may be placed within 10 feet of a unit entrance.

There is a bulletin board in the Pool Room for display of Notices or advertisements

72 Garbage/Trash Collection

Garbage/Trash containers must be stored inside until the day of pickup. When placed outside for pickup, trash bags should be securely tied and containers covered with a lid to prevent "critter" activity.

Containers must be removed from outside on the same day after pickup.

If you have large items for removal such as furniture, appliances, carpeting, etc., please call the Waste Management and arrange for a separate pickup at owner's expense.

Recycling of newspapers, cans, glass is strongly encouraged; however, this service is not provided for by the Association, but personal use of the recycling containers located at the Water Works facility entry on Alternate 19 east of Klosterman is recommended. Plastic and Styrofoam can be recycled at most Publix locations.

7.3 Construction or repair work

Due to potential noise and parking concerns Construction and for Repair Work must be carried on between the normal working hours of Monday 4 Friday: 8:00 a.m. - 6:00 p.m. Advance notice to your neighbors would be considerate and is recommended.

7.4 Porches, Lanais, Decks, and Patios

These areas must be used for their intended purpose and cannot be used for general storage and must be litter free and maintained in a neat and orderly fashion. Only appropriate furniture and flower pots or flower boxes are allowed.

75 Miscellaneous

No Separation of yards is allowed other than existing driveways

No outdoor storage is allowed front or back, including gardening materials and tools.

No collection of rain water

Exterior clothes lines or drying racks are prohibited

7.6 Pool Usage Rules and Tennis Court Usage Rules (Attached and Posted)

8.0 OWNER RESPONSIBILITIES

Owners are responsible to ensure that they and their household members, guests and invitees adhere to the Rules, Restrictions, and Responsibilities.

Owners are responsible for insuring their unit for physical damage and personal liability. Proof of insurance must be sent to management prior to move-in date.

Owners are responsible for all exterior maintenance to their unit, including exterior painting in required colors, roof replacement in required type and color.

Owners are responsible for ALL interior maintenance of their unit.

Owners/Tenants are responsible for insurance on ALL personal property.

Owners are responsible to ensure that stereos, compact disc players, televisions, radios, pianos, and any and all sound equipment be located away from common walls and played at a level so as not to disturb neighbors.

9.0 ARCHITECTURAL CONTROL RULES AND RESTRICTIONS

Member property ownership extends four (4) feet in front of the unit and 4 feet in back of the units. These areas are the responsibility of the owner to maintain in compliance with these rules.

No Building, fence, wall, or other structure shall be constructed nor any exterior addition to, change of, or alteration of a unit be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to uniformity of aesthetics and harmony of external design and location in relation to surrounding structures and topography by the Architectural Review Committee. (Article V, Section 1 of the Declaration)

In accordance with the Act, in 2011, the Association adopted specific architectural standards. At that time, any existing variances were grandfathered in, excluding a freestanding deck in a common area.

9.1 BUILDING EXTERIORS

9.1.1. Awnings, radio or TV antennas, shutters, canopies, air conditioning units or other equipment are not permitted to be installed in, through or upon the exterior of the building, or any door, window or roof.

9.1.2. Trim coloring for any new windows or doors must conform to existing exterior trim colors.

9.1.3. Exterior Paint Colors must match the Association color requirements,



9.1.4. Roof Shingle requirements

Type: Timberline 30 year
 Color: Driftwood

9.2 Satellite Dish Requirements (Compliant with FCC Regulations)

- Dish must be 20" diameter or less, 39.37" with mounting
- Dish must be installed on the rear backside of the unit
- Dish must be out of plain view from public streets or common right of way (sidewalks, etc.)

93 Landscaping

Landscape maintenance, including new and/or replacement plants, in the four (4) foot ownership areas at the front and rear of each unit is the sole responsibility of the owner.

Plants and landscape materials must conform to the esthetics of the neighborhood, cannot encroach of adjoining units and CANNOT be classified as invasive, Vines that attach to the building exterior are prohibited. Florida friendly plants are recommended.

Extending landscaping into the common areas beyond the four (4) foot owner area requires Association (Architectural Committee and Board) review and approval and the agreement of owner(s) of shared peninsula areas. The Request for Architectural Review Form should be used for this purpose. NO ornamental

statues, bird baths, decorative flags or ornaments are allowed in the common areas.

9.4 Decks

All new or replacement decks require Association (Architectural Committee and Board) review and approval prior to construction. The Request for Architectural Review Form must be used for this purpose. Upon Association approval, a Pinellas County building permit is required prior to commencement of construction and a copy provided to the management company.

Requirement for Deck Approval by the Association

Decks must be attached to the unit. Free standing decks are not permitted.

Support structures may be built out to a maximum of six (6) feet from the unit and Deck surfaces may extend a maximum of eight (8) feet from the unit.

Deck railings must be 42" in height and must complement the deck.

Decks may be the length of the unit screened lanai.

Decks must be painted to match the building colors.

Decks are not permitted to be screened or covered by a roof.

Decks may have a non-solid privacy divider that matches the deck design.

9.5 Patios

Patios can only be at the rear of the unit and must abut to the unit. Free standing patios are not permitted

Patio surfaces may extend a maximum of eight (8) feet from the unit. Note: Patios over 4' beyond the unit extends into common areas where utility easements may exist. This could result in damage to the patio if easement access is required. Any damage resulting from easement access is the owner's responsibility.

Patios may be the length of the unit screened lanai.

Patio materials must complement the building colors.

Patios are not permitted to be screened or covered by a roof.

Owner/Tenant Census Form
Whispering Woods Homeowners Association Inc., of Pinellas County

Revised 4/18/2018

Unit Number _____ Whispering Way, Tarpon Springs, FL 34689

Name of Person(s) on Deed, Rent/Lease Agreement

1. _____

Telephone (day) _____ (evening) _____

2. _____

Telephone (day) _____ (evening) _____

Person to be billed for Monthly Assessment (Fee)

Name _____

Billing Address (if different from above)

Street _____

City/State/Zip _____

Telephone (day) _____ (evening) _____

Names of Owner(s)/ Tenant(s) and any other Persons who will occupy unit:

Total Occupancy is limited to 4 persons including Owner(s) and Tenant(s)

1. _____ Relationship _____

2. _____ Relationship _____

3. _____ Relationship _____

4. _____ Relationship _____

Owner/Tenant Vehicles (Limit 2)

1. Year _____ Brand _____ Model _____ License _____

2. Year _____ Brand _____ Model _____ License _____

Owner(s)/Tenant(s) acknowledgement of receipt and agreement:

I (We) have received, read, and agree to abide by the terms and conditions of the Whispering Woods Homeowners Association Inc., of Pinellas County Declaration and Bylaws and current Rules, Restrictions, Responsibilities and Remedies

Signature _____

Print Name _____ Date _____

Signature _____

Print Name _____ Date _____

For Tenant(s), a copy of Rent/lease agreement must be attached.

For purposes of this document the term Tenant(s) applies to Renter(s) under Rent Agreement(s) and Lessee(s) under Lease Agreement(s)

Notice of Violation
Whispering Woods Homeowners Association Inc., of Pinellas
County

Revised 4/18/2018

Unit: _____, Whispering Way, Tarpon Springs FL 34689

Owner:

Mailing address if different: Street _____

City, St, Zip _____

Based on information and documentation received and/or observed, The Whispering Woods Homeowners Association Inc., of Pinellas County (Association) Board of Directors (Board) has determined that you are in violation of the Association Rules, Restrictions, and Responsibilities (Rules).

Date of violation: _____ Continuing Violation: YES () NO ()

Violation of Rules Table of Contents Section _____

Description _____

Additional Information: _____

This is the First () Second () Third or More () violation of this section of the Rules.

Based on the Remedies stated in the Rules, the Board has determined that you be assessed a fine in the amount of: Warning () \$50 () \$100 ()

If the violation is continuing and not immediately corrected additional fines in the amount of \$100 per day are hereby assessed.

In addition: YES () NO () Suspension of use of Common Areas, Pool and Tennis Court
YES () NO () Suspension of Voting Rights

In accordance with Florid Statute 720 (Homeowners Association Act), you have the right within 14 days of receipt of this Notice to request a review by the Association Violation Assessment Committee.

Notice of your request for review must be sent to Whispering Woods Home Owners Association, c/o Ameri-Tech Community Management, Inc, 24701 US Highway 19N, Clearwater #102, FL 33763 (the Management Company) within 14 days of this notice.

You must provide the Committee with a narrative and any documentation in support of your claim that the Fine and/or Suspension should not be assessed.

The role of the committee is limited to determining whether to confirm or reject the fine and/or suspension levied by the Board.

You will be notified of the decision of the Committee and if confirmed, payment of the fine(s) must be made within ten (10) days of receipt of the confirmation.

Suspensions will continue until the violation has been corrected and the Fines have been paid.

Sincerely,

Board of Directors, Whispering Woods Home Owners Association

Architectural/Landscaping Modification Request
Whispering Woods Homeowners Association Inc., of Pinellas County

Revised 4/18/2018

All necessary governmental Permits must be obtained and ALL construction must be to "code".

Unit: _____ , Whispering Way, Tarpon Springs FL 34689

Owner: _____

Mailing address if different: Street _____

City, St, Zip _____

Exterior Addition, Alteration, or Improvement Modification

Deck () Patio () Windows () Front Door () Garage Door () Other ()

Brief Description, including paint or trim color(s), attach plans, drawings, etc.

Permit Required: Yes () NO ()

Decks, Windows and Doors require a Permit which must be attached

Contractor Information if applicable: Occupational License: _____

Company Name _____

Street _____

City, St, Zip _____

I have read and agree to abide by the Whispering Woods Homeowners Association Inc., of Pinellas County (Association) Declaration and ByLaws, Rules, Restrictions, Responsibilities and Remedies, I further agree that no work will be commenced without the approval of the Association.

Signature _____

PrintName _____ Date _____

Association Review Status:

Approved () Disapproved () Returned for Additional Information ()

Date: _____

All approvals for improvement or modification of the properties are valid for six months from the date of approval and must be completed before expiration.

Pool Usage Rules
Whispering Woods Homeowners Association inc. of Pinellas County

Revised 411812018

The Whispering Woods Homeowners Association Inc., of Pinellas County (Association) Pool is an Association amenity open to all Members (Owners) and Tenants and their invitees and guests, unless there is an Association Violation Assessment Committee confirmation of fines and/or suspension of privileges for which the violation has not been corrected or the fines have not been paid.

Every effort is made to maintain the Pool facilities in a condition that is safe and pleasurable; however, if there is a violation, concern or question, please direct the inquiry to Whispering Woods Home Owners Association, Ameri-Tech Community Management, Inc, 24701 US HWY 19 N, Suite 102, FL 33763 (the Management Company)

1. The Pool facilities are available for use between the hours of 8:00 AM until 10:00 PM
2. Members, Tenants and their invitees and guests use the Pool facilities at their own risk. The Association is not responsible for any injury, damage or loss of personal property.
- 1 Members, Tenants and their invitees and guests will be held responsible for any damage to the pool facility, equipment, and furnishings.
4. Children under 14 years of age must be accompanied by a parent or supervising adult.
5. Diving, running, horseplay, loud use of any sound device, or any conduct that may interfere with the safe and enjoyable use of the pool facility by others is strictly prohibited.
6. Pets are not allowed in any part of the pool area.
7. Glassware of any kind is not permitted in the pool area. Plastic products are approved.

Detail Pool Usage Rules are also posted at the Pool facility

Tennis Court Usage Rules
Whispering Woods Homeowners Association Inc., of Pinellas County

Revised 4/18/2018

The Whispering Woods Homeowners Association inc., of Pinellas County (Association) Tennis Court is an Association amenity open to all Members (Owners) and Tenants and their invitees and guests, unless there is an Association Violation Assessment Committee confirmation of fines and/or suspension of privileges for which the violation has not been corrected or the fines have not been paid.

Every effort is made to maintain the Tennis Court facilities in a condition that is safe and pleasurable; however, if there is a violation, concern or question, please direct the inquiry to Whispering Woods Home Owners Association, Ameri-Tech Community Management, Inc, 24701 US HWY 19 N, Suite 102, Clearwater, FL 33763 (the Management Company)

1. The Tennis Court facilities are available for use between 8:00 AM until Dusk
2. Members, Tenants and their invitees and guests use the Tennis Court facilities at their own risk. The Association is not responsible for any injury, damage or loss of personal property.
3. Any wet spots on the Tennis Court need to be removed with the squeegee before play.
4. Members, Tenants and their invitees and guests will be held responsible for any damage to the Tennis Court facility.
5. Children under 14 years of age must be accompanied by a parent or supervising adult.
6. Court time is limited to 2 hours per day unless there are no others waiting to play.
7. Only Tennis players are allowed on the court.
8. Proper Tennis shoes (no black soles), attire, and etiquette are required.
9. No food, glassware, toys, bikes, skateboards, chairs or any other objects are not allowed inside the fenced Tennis Court area.
10. Any conduct that may interfere with the safe and enjoyable use of the Tennis Court facility by others is strictly prohibited.
11. Pets are not allowed in any part of the Tennis Court area.

Detail Tennis Court Usage Rules are also posted at the Pool facility.

WHISPERING WOODS HOMEOWNER'S ASSOCIATION, INC. OF PINELLAS COUNTY

**RESOLUTION ESTABLISHING A VIOLATION ASSESSMENT COMMITTEE
AND RELATED FINING POLICIES AND PROCEDURES**

WHEREAS, Whispering Woods Homeowners Association, Inc. of Pinellas County (the "Association") by and through its Board of Directors (the "Board"), is charged with the responsibility of enforcing the Declaration of Covenants, Conditions and Restrictions for Whispering Woods (the "Declaration"), the Association's By-Laws, Articles of Incorporation and/or Rules and Regulations (collectively referred to as the "Association's Restrictions"); and

WHEREAS, from time to time owners and their guests, invitees and occupants may, either intentionally or unintentionally, violate the Association's Restrictions; and

WHEREAS, the Board deems it to be in the best interest of the Association to adopt a uniform **and** systematic procedure for dealing with violations of the Association's Restrictions in a timely manner to ensure consistent compliance with same throughout the community; and

WHEREAS, the Board has retained the Association's attorneys to protect the Association's legal and financial interests, including those interests related to owners' and residents' compliance with the Association's Restrictions; and

WHEREAS, Fla. Stat. §720.305 authorizes the Association to enforce the Association's Restrictions by levying reasonable fines against an owner and/or an owner's tenant, guest, or invitee for a violation of any provision of the Association's Restrictions committed by such owner or the owner's tenant, guest, or invitee; and

WHEREAS, Fla. Stat. §720.305 provides that a fine may not be imposed by the Board without at least 14 days' notice to the person sought to be fined and an opportunity for a hearing before a committee of at least three (3) owners appointed by the Board who are neither board members nor persons residing in a board member's household (the "Violation Assessment Committee"); and

WHEREAS, if the Violation Assessment Committee, by majority vote, does not approve a proposed fine, it may not be imposed; and

WHEREAS, the role of the Violation Assessment Committee is limited to determining whether to confirm or reject the fine levied by the Board; and

WHEREAS, if the Board levies a fine, the Association must provide written notice of such fine by mail or hand delivery to the owner and, if applicable, to the owner's tenant, guest and invitee; and

NOW, THEREFORE, BE RESOLVED THAT, the Violation Assessment Committee shall be created consisting of at least three (3) owners, subject to the conditions set forth herein.

BE IF FURTHER RESOLVED THAT, the following Policies and Procedures shall be adopted and adhered to by the Violation Assessment Committee, which shall serve at the pleasure of the Board;

GUIDELINES FOR ENFORCEMENT

The following are procedures to be followed for the failure of an owner (and the owner's tenant, guest or invitee, if applicable) to abide by the Association's Restrictions. The Board is not obligated to follow this process or procedure in every case, and it may alter the process or procedure on a case-by-case basis depending on the facts, including, but not limited to, skipping immediately to the Final Notice in the case of time sensitive or serious matters. Therefore, the following should only be used as a general guide:

1st Notice of Violation: The Association's management company, Ameri-Tech Community Management, Inc (the "Management Company") will send written notice to the owner (and the owner's tenant, guest or invitee, if applicable) advising that a condition or behavior constitutes a violation of the Association's Restrictions and requesting that the owner (and the owner's tenant, guest or invitee, if applicable) confirm that the violation has been corrected within a specified period of time (i.e. 14 days or such other appropriate time frame as necessitated by the violation). The First Notice shall be sent by regular first class mail and shall include the following:

- " Description of the nature of the violation;
- " Photograph of the violation with date, if available and practicable;
- " Citation to and/or copy of the applicable sections of the Association's Restrictions being violated;
- " Description of the work needed to correct the violation;

- " Request for correction of the violation within specified period of time;

2. 2nd Notice of Violation and Notice of Intent to Levy Fine at Upcoming Board Meeting: If the violation has not been corrected within the designated time set forth in the First Notice or such other time determined by the Association, the Management Company shall send a Second Notice to the owner (and the owner's tenant, guest, or invitee, if applicable), advising that a recommendation to impose a fine will be made to the Board at an open and noticed Board of Directors meeting, at which time the Board may do one or more of the following: levy a fine; agree to exercise the right of abatement; refer the matter to the Association's attorney; approve other action to enforce the Association's Restrictions. The maximum amount of a fine shall be \$100.00 per day per violation, up to a maximum of \$1,000.00 per violation. The Second Notice shall be sent by regular first class mail and shall include the following:

- " Date the property was inspected;
- " Description of the nature of the violation;
- " Photograph of the violation with date, if available and practicable;
- " Citation to and/or copy of the applicable sections of the Association's Restrictions being violated;
- " Description of the work needed to correct the violation;
- " Date and Time of the Board Meeting.

3. Notice of Intent to Impose Fine and Violation Assessment Committee Hearing : After the fine is levied by the Board at the meeting set forth in the Second Notice, the Management Company shall send a written Notice of Intent to Impose Fine and Violation Assessment Committee Hearing ("Violation Assessment Committee Notice") to the owner (and owner's tenant, guest or invitee, if applicable). The Violation Assessment Committee Notice shall be sent to the address of record for the owner (and the owner's tenant, guest or invitee, if applicable) on file with the

Association, and shall provide the party to be fined with at least fourteen (14) days' notice of an opportunity to be heard by the Violation Assessment Committee. The notice will contain a notice of the date, time, and location of the Violation Assessment Committee hearing, for the purpose of approving fine levied by the Board pursuant to § 720.305, *Florida Statutes*. The Violation Assessment Committee Notice will include an opportunity for the owner (and the owner's tenant, guest or invitee, if applicable) to show that the violation has been corrected and will not be repeated in the future. The Violation Assessment Committee Notice shall be sent by regular and certified mail. The owner (and the owner's tenant, guest or invitee, if applicable) need not sign the certified mail receipt for the Violation Assessment Committee Notice to be considered valid and enforceable.

4. *Violation Assessment Committee Hearing Procedure:* The owner (and the owner's tenant, guest or invitee, if applicable) sought to be fined shall be given the opportunity for a hearing before the Violation Assessment Committee to contest the fine that may be imposed. The Violation Assessment Committee will be created at the direction of the Board and will consist of at least three (3) members of the Association who are to be appointed by the Board and who are not officers, directors or employees of the Association or the spouse, parent, child, brother or sister of an officer, director or employee of the Association. At the hearing, the owner (and the owner's tenant, guest or invitee, if applicable) sought to be fined shall have the right to be represented by legal counsel and have an opportunity to produce any statement, evidence and witnesses on his or her behalf. If the Violation Assessment Committee does not approve the proposed fine by majority vote, the fine may not be imposed. The role of the Violation Assessment Committee is limited to determining whether to confirm or reject the fine levied by the Board. Written minutes of the Violation Assessment Committee hearing shall be taken and shall include the results of the hearing and any fine that is imposed.

5. *Notice of Fine Imposed:* If a fine is imposed, the Association shall provide written notice of such fine to the owner (and to the owner's tenant, guest or invitee, if applicable). The Notice of Fine shall be sent by regular first class mail and shall state the amount of the fine, the purpose of the fine, the due date, and the address and addressee for payment.

6. *Attorneys' Fees and Costs:* The owner (and the owner's tenant, guest or invitee, if applicable) shall be responsible for all attorney's fees and costs incurred by the Association in pursuing the violation and collecting any fine imposed. The Association may use all means provided by the Association's Restrictions and Florida Statutes to collect the fines and attorney's fees and costs.

7. *Referral to Association's Attorney:* If the violation is not cured by the date of the Violation Assessment Committee Hearing or the fines imposed are not paid by the date provided in the Notice of Fine Imposed, the Board may refer the matter to the Association's legal counsel for enforcement. The Association's legal counsel shall issue a pre-suit mediation notice and demand, as provided for in Chapter 720, *Florida Statutes*, as amended from time to time. Additionally, notwithstanding anything herein to the contrary and notwithstanding these policies and procedures, the Association may refer any matter to its legal counsel at any time, as determined by the Board.

8. The Board is not obligated to follow this process or procedure in every case, and it may alter or deviate from the process whenever it has a reasonable basis to do so, as determined exclusively by the Board.

The failure of the Association to strictly comply with the policies and procedures herein shall not be a defense to any proposed or levied fine against any person.

VIOLATION ASSESSMENT COMMITTEE MEETING GUIDELINES

Purpose

The purpose of fines imposed by the Association is to gain compliance by the owner or (and the owner's tenant, guest or invitee, if applicable) to ensure that he or she is following the Association's Restrictions.

Members and Officers

The Violation Assessment Committee (the "Committee") shall elect a Chairperson and a Recording Secretary from among its members. Members of the Committee shall be appointed by the Association's Board of Directors with a minimum of three (3) members. The Committee members will serve one-year terms. Committee members may be removed and/or replaced as determined by the Board. Owners who are more than 60 days delinquent in the payment of any assessments, fines or other amounts owed to the Association or who have been fined by the Association for any reason within the past year (even if such fine was timely paid and any violation corrected) are not eligible to participate on the Committee.

The Chairperson of the Committee shall administer each meeting, assure that respect and proper decorum are observed at all times, and ensure that the policies and procedures for the Committee are followed in a fair and impartial manner.

The Recording Secretary shall keep accurate minutes of the Violation Assessment Committee Meeting and a summary of the decisions made with respect to each Owner or Property. This information shall be provided to the Management Company within twenty-four (24) hours after the meeting is adjourned and shall be maintained with the Association's Official Records.

Testimony and Evidence

An owner (and the owner's tenant, guest or invitee, if applicable) may submit a request to the Management Company for an opportunity to speak to the Committee regarding a fine that was levied by the Board of Directors. The owner (and the owner's tenant, guest or invitee, if applicable) shall have the right to be represented by legal counsel at the Violation Assessment Committee Hearing and have an opportunity to produce any statement, evidence and witnesses on his or her behalf. The owner (and the owner's tenant, guest or invitee, if applicable) shall have the opportunity to state why he or she is not in compliance with the Association's Restrictions and may offer defenses or mitigating information for the Committee's consideration.

The Committee shall listen to the case presented by the owner (and the owner's tenant, guest or invitee, if applicable). Committee members may also question the owner (and the owner's tenant, guest or invitee, if applicable), as well as any witnesses who may be present. In addition, the Committee shall review all of the information presented by the Management Company or other approved Association representative in order to produce evidence to substantiate the Board's proposed fine. The Management Company shall physically view the outstanding violation prior to the meeting and present photographic evidence, if possible and practicable. Committee members may also independently visit the property prior to any hearing to view conditions, if appropriate in the Committee member's discretion. Committee members shall not, however, engage in any other investigation about an alleged violation, including discussions with an Owner or Occupant, outside of the Committee meeting.

Deliberation and Decision

After reviewing all evidence and listening to information presented at the hearing, the Committee

shall deliberate and render a final decision in an open forum. Committee members shall make each decision based upon the evidence and information presented and the Association's Governing Documents and reasonable inferences that may be made based upon the Association's Governing Documents. If the Committee, by majority vote, does not approve a proposed fine, it may not be imposed. The role of the Committee is limited to determining whether to confirm or reject the fine levied by the Board.

Duly adopted at the Board of Directors Meeting on the day of _____ 2018.

Print Name: _____
Secretary



40347 US HWY 19 N. STE 129, Tarpon Springs, FL 34689
Phone: 727.942.4755 Fax: 727.934.7000

April 26, 2018

Whispering Woods Owners,

On behalf of the Whispering Woods Board of Directors we are writing to inform you of the results of April's Board of Directors meeting. The Board voted and approved the Proposed Rules and Regulations and also adopted the Resolution Establishing Association Violation Committee.

The Board also voted to revise the following two Rules and Regulations:

Overnight Parking: To be considered a violation the vehicle must be parked on the street during the hours of midnight to 5:00AM.

Garbage/Trash Collection: Owners and/or residents can place garbage out the night before a scheduled garbage pick-up day after 11:00PM in a container with a secure cover.

While the Board hopes to never need to fine anyone the proper notices and documents are in place should the need arise. If you have any questions regarding the newly adopted Rules and Regulations, please feel free to call our office at 727-942-4755.

On Behalf of the Board of Directors,

Patrick Kochenour, LCAM