

Procedures For Enforcement of Summer Brook of Melbourne HOA Governing Documents

1) Identify Violations

- A) Detect and document breaches of the governing documents.
 - Conduct regular inspections of the community.
 - The board or its appointee(s) shall conduct a monthly routine walk through of the community noting any items that may be in violation of the governing documents.
- B) Accept and investigate written complaints from homeowners, ensuring anonymity (if permitted under Florida Statute) if requested.

2) Document violations with specific details

A)

- A) Date and time of observation
- B) Nature of violation (e.g. unapproved exterior modification, failure to complete or alteration of approved modification)
- C) Photographic evidence, if applicable
- D) Reference to the specific provision violated (e.g., "Article VII, Section 7.1 of Covenants and restrictions)

3) Notify the homeowner of the violation, 1st Letter

- A) Mail a letter to the homeowner stating that this is the *first official notice* of a covenant violation. Content must include:
 - Clear description of violation observed and that this is the first official notice
 - Identification of the specific covenant being violated with reference to Article/Section
 - Description of required corrective action(s)
 - Timeframe to correct the violation (e.g., 10 days from mailing date)
 - HOA contact information for questions or clarifications that the homeowner may have or require
 - Suggest homeowner presence at the next monthly meeting where the violation will be discussed if not corrected within the time frame

Example Language

This letter serves as the **First Official Notice** of a Covenant Violation. The HOA has become aware of a violation of covenant (Article/Section) regarding (description of violation). Please correct this issue within 10 days of the date of this letter.

4) Final Violation Notice Before Legal Referral, 2nd Letter

- A) Mail if violation has not been corrected within the timeframe specified in the first letter. To be mailed certified and regular mail.
- State that this is the “*Second and final Official Notice*” of the covenant violation(s)
 - Reiterate clear description of the violation and corrective action required
 - A deadline to remedy by the next regularly scheduled HOA Board meeting.
 - Special Clause: If the next HOA Board meeting is within **15 days** of the letter’s mailing date, the corrective deadline is automatically extended to the following month’s board meeting.
- B) Inclusion of a “*Self Help*” letter
- Identify the property address
 - State that the property is not in compliance with Governing Documents
 - Stipulate that the HOA is willing to take up the repairs and that all costs, fees and expenses incurred by the HOA or the HOA’s agents will become an assessment on the property
 - State in the body of the “self-help” letter that the HOA requires the homeowner to sign off on agreement to peacefully allow the HOA, its agents/vendors on to the property to complete the work.
 - Failure to sign the self-help “Agreement to not Interfere or Obstruct”, or failure to complete the repair work within the allotted time will be basis for legal referral