

Prepared by and return to:
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Altamonte Springs, FL 32714

-----the space above this line is reserved for recording purposes-----

**NOTICE OF RECORDING OF
FINING/SUSPENSION PROCEDURES**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, as President and Secretary of INDIAN WELLS OSCEOLA COUNTY HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation ("Association"), pursuant to Florida Statutes and those certain Declarations as follows:

Restrictions on Real Estate for Indian Wells, Unit One, recorded in Official Records Book 749, Page 949, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Two, recorded in Official Records Book 749, Page 953, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Three, recorded in Official Records Book 797, Page 754, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Four, recorded in Official Records Book 837, Page 1041, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Five, recorded in Official Records Book 882, Page 1831, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Six, recorded in Official Records Book 912, Page 843, *et seq.*, of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Seven, recorded in Official Records Book 958, Page 1738, et seq., of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Eight, recorded in Official Records Book 1039, Page 165, et seq., of the Public Records of Osceola County, Florida.

Restrictions on Real Estate for Indian Wells, Unit Nine, recorded in Official Records Book 1039, Page 176, et seq., of the Public Records of Osceola County, Florida.

all as amended and supplemented from time to time (collectively referred to as the "Declarations"), hereby gives notice of recording in the Public Records of Osceola County, Florida, the Association's Fining/Suspension Procedures, a copy of which is attached hereto and by reference made a part hereof. Said Fining/Suspension Procedures were approved by the Board of Directors of the Association.

The Fining/Suspension Procedures are hereby being recorded to provide record title notice of the validity, binding nature, and enforceability of the Fining/Suspension Procedures, to ensure that record title notice of the provisions therein, which may be amended from time to time, will exist, and so that the context of changes which may be implemented will be self-evident in the public records.

The Association is a not-for-profit corporation created pursuant to Chapter 617, Florida Statutes, and a homeowners association subject to Chapter 720, Florida Statutes. All terms and conditions of the Declaration and the Fining/Suspension Procedures, as incorporated herein, shall remain in full force and effect.

IN WITNESS HEREOF, the Association has caused these presents to be executed in its name, this 14 day of April, 2020.

[Remainder of page intentionally left blank.]

Signed, sealed and delivered
in the presence of:

INDIAN WELLS OSCEOLA COUNTY
HOMEOWNERS' ASSOCIATION, INC.

[Signature]
(Sign - Witness 1)

Louder Ramos
(Print - Witness 1)

[Signature]
(Sign - Witness 2)

Didier Ortiz Velez
(Print - Witness 2)

[Signature]
(Sign - Witness 1)

Louder Ramos
(Print - Witness 1)

[Signature]
(Sign - Witness 2)

Didier Ortiz Velez
(Print - Witness 2)

By: Jeanne Staniel-Correll
(Sign)

Jeanne Staniel Correll
(Print)

President

Attest: [Signature]
(Sign)

Michelle Malesky
(Print)

Secretary

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me, by means of physical presence
or online notarization, this 14 day of APRIL, 2020, by
Jeanne Staniel, as President, and Michelle Malesky, as Secretary,
of INDIAN WELLS OSCEOLA COUNTY HOMEOWNERS' ASSOCIATION, INC., a Florida
not for profit corporation, on behalf of the corporation, who are personally known to me or who
have produced Driver License as identification.

NOTARY PUBLIC



[Signature] (Sign)

Fernando Gomez (Print)

State of Florida, At Large
My Commission Expires:

FINING/SUSPENSION PROCEDURES

INDIAN WELLS OSCEOLA COUNTY HOMEOWNERS' ASSOCIATION, INC.

WHEREAS, the INDIAN WELLS OSCEOLA COUNTY HOMEOWNERS' ASSOCIATION, INC. ("Association") is the corporation charged with the enforcement of the covenants and restrictions governing the properties subject to and encumbered by those certain Declarations recorded in the Public Records of Osceola County, Florida, as amended and supplemented from time to time, attached as Exhibit "A" hereto and by reference made a part hereof (hereinafter collectively referred to as the "Declarations");

WHEREAS, Section 720.305(2), Florida Statutes, provides that the Association may levy and impose reasonable fines for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the Association ("Governing Documents"), and that the Association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the Association;

WHEREAS, pursuant to Article IV, Section B of the Articles of Incorporation of Indian Wells Osceola County Homeowners' Association, Inc., filed with the Florida Secretary of State on April 25, 1986, and recorded in Official Records Book 5297, Page 2360, *et seq.*, of the Public Records of Osceola County, Florida, as amended from time to time (hereinafter the "Articles"), the Association has the power to enforce the Governing Documents;

WHEREAS, pursuant to Article XVII, Section 2 of the Bylaws of the Indian Wells Osceola County Homeowners' Association, Inc., recorded in Official Records Book 5297, Page 2373, *et seq.*, of the Public Records of Osceola County, Florida, as amended from time to time (hereinafter the "Bylaws"), the Association has the right to levy fines and suspend use rights in the Common Property and any recreational facilities for violations of the Governing Documents;

WHEREAS, the Association is desirous of creating a clear and streamlined procedure for levying such fines and suspensions pursuant to Section 720.305(2), Florida Statutes and the Governing Documents;

NOW, THEREFORE, it is hereby resolved as follows:

1. The Association, upon noting a violation, shall issue a Notice of Violation requesting the owners bring their parcel/behavior into compliance. Notices of Violation must include specific reference to the violation and provide an opportunity to cure the alleged violation.
2. If the Notice of Violation does not result in the resolution of the violation, the Association shall send a second Notice of Violation advising the matter is going before the Board of Directors at the next regularly scheduled Board of Directors' meeting to determine enforcement options.

3. At the next regularly scheduled Board of Directors' meeting, the Board may levy a fine, suspend use privileges, refer the matter to the attorney, or any other remedy available to the Association pursuant to Florida law and the Governing Documents.
4. If a majority of the Board of Directors votes to levy a fine and/or suspension, the parcel and person(s) against whom the fine and/or suspension is levied shall be delivered written notice of the Board's action levying the fine and/or suspension, and further be notified of a hearing before an Enforcement Committee where the fine and/or suspension shall be considered for confirmation or rejection. Such written notification shall require the following:
 - Description of the violations;
 - Fines and/or suspensions levied;
 - Date, time, and location of the hearing before the Enforcement Committee, which shall be scheduled for a date at least fourteen (14) days from the date of the letter levying the fine and/or suspension; and
 - The written notice shall be delivered by certified mail, return receipt requested, with an additional copy by regular mail. E-mail copies may also be sent but are not required.
5. A fine may be levied by the Board of Directors, with a single notice and opportunity for hearing, for each day of a continuing violation of the Governing Documents. A fine may not exceed \$100 per violation, per day, not to exceed \$1,000.00 in the aggregate.
6. A suspension pursuant to this policy may apply to the use rights in all of the Common Areas of the Association, except those used to provide access or utility services to the parcel. Such suspension shall be for a reasonable time, which will be defined by the length of time it takes to correct the violation, unless otherwise directed by the Board of Directors, and subject to confirmation by the Enforcement Committee, but in no event shall exceed sixty (60) days. Such suspension shall also apply, when appropriate, to all of the member's tenants, guests, or invitees, even if the violation that resulted in the suspension arose from less than all of the multiple parcels owned by the member, in accordance with Section 720.305(6), Florida Statutes.
7. The Board shall appoint the Enforcement Committee for the purpose of conducting a hearing pursuant to Section 720.305(2), Florida Statutes, which shall consist of at least three (3) members appointed by the Board of Directors who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.
8. The Enforcement Committee shall be empowered with the authority to conduct fining/suspension hearings for violation of the Governing Documents. At least a majority of the Enforcement Committee Members are required to establish a quorum of the Enforcement Committee. Actions of the Enforcement Committee shall be by vote of a majority of the Enforcement Committee Members present.

9. At said hearings, the role of Enforcement Committee shall be limited to either confirming or rejecting the fines and/or suspensions levied by the Board of Directors. The parcel owner and, if applicable, the party against whom the fine and/or suspension is sought to be imposed (if different from the parcel owner), shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved, and shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Enforcement Committee.
10. If the Enforcement Committee confirms the fine and/or suspension at the scheduled hearing, the fine and/or suspension shall be deemed automatically imposed by the Board of Directors upon the Enforcement Committee's confirmation of the fine and/or suspension as provided above, unless the minutes of the Board meeting levying the fine and/or suspension specifically state that the Board will hold an additional meeting following the Enforcement Committee hearing to impose the fine and/or suspension.
11. If a fine and/or suspension is imposed, the Association shall provide the violating person with a Notice of Imposed Fine/Suspension letter, with a description of the fines/suspensions approved by the Enforcement Committee. Any suspensions confirmed pursuant to these procedures shall immediately become effective upon confirmation by the Enforcement Committee. Fines imposed by the Association shall be paid within thirty (30) days from the date of the Notice of Imposed Fine/Suspension.

EXHIBIT "A"

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