

**MIRABELLE HOMEOWNERS ASSOCIATION, INC.
DECLARATION, COVENANTS, CONDITIONS AND RESTRICTIONS
VIOLATION ENFORCEMENT POLICY AND PROCESS**

Background, Tasking and Legal Authorities

The Mirabelle Homeowners Association, Inc (MHOA) is a voluntary Association of the property owners of the Mirabelle neighborhood. The Board of Directors are tasked by the Association Bylaws (Article VI, Powers and Duties of the Board of Directors, Section 1, subsection (j)), and authorized by the Declaration, Covenants, Conditions and Restrictions (D, CC&Rs) to "... enforce, by any proceedings at law or in equity, all restrictions, conditions and covenants imposed by the provisions ..." of those CC&Rs. (Article VI, General Provisions, Section 1, and Sections 2-4). Florida Statutes (Chapters 617 and 720) are also germane to this statement of policy and process.

Purpose, Policy and Process

In addition to the aforementioned direction and authorities, the core purpose of this policy and process is to protect the integrity, value and desirability of Mirabelle properties, as well as the right of enjoyment of all property owners.

This Enforcement Policy has been developed to standardize enforcement proceedings, and to improve property owners' understanding of the the need and process for enforcement.

The Board of Directors feels strongly that all proceedings should continue to be evenly and fairly administered. Property owners will be allowed sufficient time to cure violations. After repeated notifications, if property owners refuse to cure CC&R violations, legal proceedings will follow.

Architectural Control Committee (ACC)

The ACC acts by the authority of the Board of Directors and in accordance with the following step-by-step process flow to enforce the Mirabelle CC&Rs. The Chair, ACC will update the Board as to violations, and ongoing corrective activities.

Inspection

The Chair, ACC will direct visual inspections of properties, by at least two members of the ACC, sufficient to maintain an accurate database of violations. Following these inspections the ACC will prepare violation notices following a step-by-step process.

Notices

Step 1 – Friendly Notice. The property owner will receive a friendly letter/email from the ACC that they are not in compliance with the MHOA CC&Rs. The notice will be specific as to the violation, and request action as soon as possible. It is hoped that in most cases this will be sufficient to encourage neighbors to cure the violation within 30 days.

Steps 2 - 4 - Official Notices. The property owner will receive formal, written notice of the violation with a specified period of time to cure the violation (usually 30 days).

If the property owner is unable to cure the violation within the indicated timeframe, they may respond in writing within that specified time period to the Board of Directors to request an extension to cure the violation. The Board of Directors will review the property owner's request, and provide a response through the Chair, ACC.

If the period for property owner response passes, and/or the Board rejects the property owner request, and the violation continues, three additional Official Notices (2 - 4) will be sent at 30-day intervals.

Step 5 - Association Attorney Letter Notice. At the discretion of the Board of Directors, if all other methods of notification and corrective action fail, the Association attorney will be engaged to prepare a warning letter, noting the continuing violation and subsequent legal action. Once the violation has been turned over to the Association attorney, the homeowner in violation will be responsible for all legal fees per the CC&Rs (Article VI, General Provisions, Section 4)

Step 6 – Legal Action. At the discretion of the Board of Directors, the Association attorney will file suit in Escambia County to cure the continuing violation. The homeowner in violation will be responsible for all court costs, cure costs and legal fees per the CC&Rs (Article VI, General Provisions, Section 4).