

**CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.  
Covenant Violations Process**

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**CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC**  
**1577 CORNER CROSSING ROAD**  
**DELAND, FL 32720**

**Covenants Violation Process**

**Section 1. Complaint Receipt and Review:**

Upon receipt of a complaint filed using the Member Complaint Form (MCF) (Attachment A), the Architectural Review Board (ARB), referred to as the ARB Committee, will review the submission for completeness and inclusion of all necessary supporting information. The homeowner who filed the complaint will be notified if the submission is incomplete. If complete, the ARB Committee may conduct a non-contact site visit to observe the suspected violation first-hand.

The ARB Committee Chairperson will coordinate the review of all governing documents, applicable local codes and laws, Florida statutes, and any documentation provided by the Complainant or deemed pertinent. ARB Committee members will offer and note on the complaint form recommendations regarding the overall merits and remedies available.

**Section 2. First Notice of Violation:**

The First Notice of Violation (Attachment B) is intended to provide a reasonably simple and friendly notice to the homeowner that they are violating a certain Covenant, code, law, or the like that may lead to an imposed fine. This notification requests the homeowner correct the discrepancies within 14-days of receiving the notice of violation via regular US Mail. Effectively, this becomes a 21-day process, allowing 7-days for mail handling and 14-days for correction.

Important Process Steps are as follows:

- A. Before mailing the First Notice of Violation Letter, an ARB Committee member will record critical dates on the committee Status Report for timely tracking.
- B. A photo of the noted violation should be attached to the Notice of Violation letter. Violation photos will only be taken from public spaces, such as sidewalks or streets, and only on the owners' property if permission is obtained from the owner. If a photo is necessary to respond to a written complaint, it can be photographed by the property owner who submitted the written complaint.
- C. The ARB Committee will monitor the ARB Status Report weekly and update notification and response dates. Corrected violations will be deleted from the Report when notified of such or observed by the ARB Committee.
- D. Should the violation still need to be corrected, or the homeowner not contact the ARB Committee within the 14-days for reconsideration, the ARB Committee Chairperson will notify the BOD of the same. The BOD will advise the ARB Committee on whether or not to issue a Second Notice of Violation.

**Section 3. Second Notice of Violation:**

- A. Having completed the procedure identified in Section 2 without resolution, the Committee will issue a Second Notice of Violation (Attachment C) with the Board of Directors (BOD) concurrence. In this letter, the homeowner is reminded of the pertinent details of the First Notice of Violation letter, the date sent, and that the violation remains uncorrected. This notification requests the homeowner to correct the discrepancies within 14-days of receiving the Second Notice of Violation. Again, this becomes a 21-day process, allowing 7-days for mail handling and 14-days for correction.
- B. The Second Notice of Violation letter will be sent via regular and Certified US Mail (recommended by legal counsel). This letter also advises the homeowner that they have the right to appeal this Notice of Violation directly to the BOD and must do so within the same 14-day window for violation correction. Additionally, the homeowner may have their representative attend the BOD meeting to hear the appeal.
- C. Before mailing the Second Notice of Violation letter, the ARB committee member will record the same critical information listed in Section 2 under subparagraphs (A), (B), (C), and (D) for tracking.

**Section 4. BOD Meeting to Hear Appeal/Determine Action:**

Florida Law provides HOA homeowners the right to appeal an ARB Committee Second Notice of Violation directly to the BOD. Any appeal request must be received within the same 14-day allotted time to correct the violation. Homeowners desiring to appeal violations to the BOD should send their written request to the BOD email at [HOA@crosscreekdeland.com](mailto:HOA@crosscreekdeland.com), preferred, or by US mail to the HOA's mailing address listed at the top of page 1.

- A. Appeals Process: If the homeowner chooses to appeal the Second Notice of Violation letter, the BOD will determine when the matter will be discussed at either a special meeting or the next regularly scheduled meeting of the Board. The homeowner will be notified 14-days before the intent to hear their appeal.
- B. Post Appeals Decisions/Actions:
  - 1. Violations that remain open and the homeowner requests an appeal or does not appeal, the Board will hear the violations identified by the ARB Committee and the homeowner's appeal if requested.
  - 2. The violation is closed if the homeowner's appeal to the board establishes a fair, actual, and logical doubt in interpreting the governing documents. If the homeowner does not appeal or their appeal is unsuccessful, the BOD will select either a fine or penalty amount and task the Fining Committee to review.

**Section 5. Fining Committee Process/Hearing:**

The Fining Committee will have a minimum of three members and is established as an independent group of homeowners to review fines/penalties proposed by the BOD. The Fining

Committee may only confirm or reject the BOD's recommendation regarding a fine or penalty. The decision of the Fining Committee is final and binding upon the BOD solely regarding a fine or penalty.

- A. The Fining Committee will schedule a hearing date, time, and location regarding a specific violation and provide the homeowner, by Certified mail, with a Fining Committee Hearing Notice at least 21-days before the hearing date.
- B. The homeowner or their designated representative has the right to attend the Fining Committee Hearing. Furthermore, attendance is at the homeowner's discretion and may be in person, by their representative, by telephone, or by electronic means.

### **Section 6. Notice Of Decision**

After the Fining Committee hearing, the committee will provide the BOD with its final recommendation. The BOD will consider the Fining Committee's recommendation in determining fine amounts per violation (not to exceed \$100/day), commencement date, the total sum to be implemented (not to exceed \$1,000), and any potential penalty actions. The homeowner will receive a Final Notice of Decision identifying all impending fines or penalties to be imposed via certified mail. Furthermore, the homeowner will be notified that unpaid fines that accrue to the aggregate total may be converted into a lien(s) against their property or recovered directly.

Chargeable ancillary costs of filing, recording, legal fees, and interest may also be applied. Additionally, the BOD will notify the homeowner of any other remedies they choose to seek closure of any open issues. Any decisions outlined above will be provided via certified US Mail.

### **Section 7. Association Records:**

The ARB Complaint Procedure will be readily available (upon request) to all members of the Association. All ARB records shall be maintained for a minimum of 7 years, including the initial MCF and all Notice of Violations letters, BOD actions, and Fining Committee actions related to complaints.

## ARB Complaint Form

This Member Complaint Form (MCF) should be used by any member who wishes to report a suspected violation of our HOA Declaration of Covenants. Please complete this form and submit it to the following CCHOA email address: [arb@crosscreekdeland.com](mailto:arb@crosscreekdeland.com)

<b>Homeowner Reporting Suspected Violation:</b>	
Name:	Email Address:
Address:	Contact Phone:

<b>Property Violation Details</b>
Address of suspected violation:
Description of violation and related Covenant Articles: Covenant Article No: _____ Section: _____ Paragraph: _____

*\*ARB/BOD will make reasonable efforts to maintain confidentiality. If possible, please provide a photograph of the violation.*

<b>THIS SECTION COMPLETED BY THE ARB</b>	
Date Report Received:	Identifier #:
Date of ARB site visit to review complaint:	Signed Date
Determination by ARB Committee Members:	Signed Date
<input type="checkbox"/> Violation	Signed Date
<input type="checkbox"/> Not a Violation	Signed Date
<input type="checkbox"/> Civil Matter	Signed Date
ARB Recommendations:	
BOD Final Action:	

(ATTACHMENT A)

CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.  
1577 CORNER CROSSING ROAD  
DELAND, FL 32720

**Example**

**First Notice of Violation(s)**

Date

(Owner's Name and Address of Record)

Dear Homeowners:

In order to maintain the property values and aesthetic appeal of the Cross Creek Deland Homeowners Association, Inc., for all homeowners, the Board of Directors (BOD) and the Architectural Review Board (ARB) have the responsibility to uphold the Official Governing Documents of the community. This letter is being sent as a friendly reminder of an area of concern with your property.

The ARB requests that the following issue be corrected within the next fourteen (14) days from the date of this letter.

**Under Article VII, Paragraph 14, Vehicles and Boats: No trucks larger than a pickup truck, trailers, campers, or other habitable vehicles of any type shall be parked overnight or for more than forty-eight (48) daylight hours on the properties unless parked behind an enclosed fence or in an enclosed garage.**

Accordingly, failure to correct this issue could result in a fine.

Questions or concerns may be addressed to the ARB email at [arb@crosscreekdeland.com](mailto:arb@crosscreekdeland.com) or via mail at the address above.

Thank you for your attention to the above matter.

Kind Regards,  
CCHOA ARB

(ATTACHMENT B)

**CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.  
1577 CORNER CROSSING ROAD  
DELAND, FL 32720**

**EXAMPLE**

**Via Certified Mail  
Second Notice of Violation(s)**

Date:

**Ref(s): (a)**

(Owner's Name and Address of Record)

Dear Homeowners:

You are receiving this letter as a 2nd notice as your property remains non-compliant with the governing documents. Our first notice letter, reference (a), informed you of this matter and provided you with 14 days to correct the existing violation. This period has passed, and the violation still needs to be corrected. And you have not given a courtesy contact to the Architectural Review Board (ARB) on your planned resolution.

Florida Law provides that you have the right to appeal against an ARB Committee Second Notice of Violation directly to the BOD. Any appeal request must be received within the same 14-day allotted time to correct the violation. Homeowners desiring to appeal violations to the BOD should send their written request via email @ [HOA@crosscreekdeland.com](mailto:HOA@crosscreekdeland.com), preferred, or by US mail to the HOA's mailing address as listed above.

If you choose to appeal against the Second Notice of Violation letter, the BOD will determine when the matter will be discussed at either a special meeting or the next regularly scheduled meeting of the Board. The homeowner will be notified 14 days before the intent to hear their appeal.

For violations that remain open and the homeowner requests an appeal, the Board will hear the violations identified by the ARB Committee and the homeowner's appeal, if requested. The violation is closed if the homeowner's appeal to the board establishes a fair, actual, and logical doubt in interpreting the governing documents. If the homeowner does not appeal or their appeal is unsuccessful, the BOD will select either a fine or penalty amount and task a Fining Committee to review the same.

The Fining Committee will have a minimum of three members and is established as an independent group of homeowners to review penalties proposed by the BOD. The Fining Committee may only agree or disagree in part or in whole with the BOD's recommendation regarding a fine or penalty. The decision of the Fining Committee is final and binding upon the BOD solely regarding a fine or penalty.

The Fining Committee will establish a date, time, and location to meet regarding a specific violation and provide the same by certified mail notification, allowing at least 21 days' advanced notification. You or your designated representative has the right to attend the Fining Committee meeting in person, by their representative, by telephone, or by electronic means.

We appreciate and thank you for your willingness to help maintain the high standards beneficial to all homeowners in your community. If we can be of assistance, please email the HOA Board at the above-listed email address.

Thank you for your attention to the above matter(s).

Kind Regards,  
CCHOA BOD

(ATTACHMENT C)



**CROSS CREEK DELAND HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC**  
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**Fining Committee Hearing Notice**

**EXAMPLE**

Date:

Owner's Name:

Address:

Dear \_\_\_\_\_:

Florida Statute 720.305(2) and your governing documents permit your Homeowner's Association to assess fines for Non-compliance regarding covenant for violations. You have received correspondence regarding non-compliance with your governing covenants as follows:

**LIST EACH VIOLATION HERE:**

At the direction of the Board of Directors (BOD), the Fining Committee Meeting has been scheduled to hear your case at the date, time, and location listed below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

You have the right to attend this meeting in person or with a designated representative by telephone or other electronic means. This hearing is to determine the validity of the fine only.

A decision by the Fining Committee will be provided to the BOD. After the hearing, the BOD will consider the Fining Committee's decision, provide an overview of the fine amount, commencement date, and maximum aggregate value, and propose any other necessary action(s). The Notice of Final Decision Letter will provide this information via US mail. Any imposed fine(s) must be paid in full to avoid further legal action.

Kind Regards,  
CCHOA Board of Directors

(ATTACHMENT D)

**CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.**  
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**EXAMPLE**  
**Notice of Final Decision**

**Via Certified Mail**

Date:

(Owner's Name and Address of Record)

Refs:

Dear Homeowners:

You are receiving this letter to inform you that any appeal provided was unsuccessful regarding certain violations exhibited on your property. Additionally, by reference (), you were notified of the Fining Committee hearing meeting and invited to attend.

As you are aware, the Fining Committee held their hearing meeting on \_\_\_\_\_, 2023, and discussed the fine that the BOD imposed. The Fining Committee (agreed/disagreed) with the fine and presented their findings to the BOD.

The BOD has considered the Committee's recommendation regarding the fine (not to exceed \$100 per day), commencement date, the total sum to be implemented (not to exceed \$1,000), and any potential lien actions.

As a result of the above actions, you are hereby advised that effective \_\_\_\_\_, 2023, the fine in the amount of \$\_\_\_\_\_/day will commence on \_\_\_\_\_.

Furthermore, you are hereby notified that any unpaid fines that accrue to the aggregate total may result in a lien(s) against your property or recovered directly. Please note the filing of liens may also include associated ancillary costs such as recording fees, legal counsel fees, interest, and the like.

Additionally, the BOD may seek other legal action(s) to seek closure of this matter. If it becomes necessary, any additional actions will be identified under separate cover. As the homeowner, you may also be responsible for these expenses.

Regards,

CCHOA BOD

(ATTACHMENT E)