

MADISON GREEN MASTER ASSOCIATION, INC.

**RESOLUTION TO ESTABLISH A COVENANT ENFORCEMENT PROCESS
AND PROCEDURE FOR SUSPENSIONS FOR VIOLATIONS OF
THE MADISON GREEN MASTER ASSOCIATION GOVERNING DOCUMENTS**

A meeting of the Board of Directors of MADISON GREEN MASTER ASSOCIATION, INC. (the "Association"), was held on the 24 day of April, 2019, at 6:30p.m., at the Clubhouse located at 2003 Crestwood Blvd, RPB 33411 after duly noticing said meeting in accordance with the Bylaws and Florida law, at which time upon motion duly made, seconded and unanimously carried/majority approved, the following resolution was adopted:

WHEREAS, the Association is a Florida not for profit corporation created and organized for the purpose of managing and administering the community and common areas of the Association.

WHEREAS, the Board of Directors of the Association, pursuant to its Bylaws and Florida law, is authorized to adopt rules and regulations governing the details of the operation and use of the Common Areas and Association Property of the Association;

WHEREAS, Section 720.305, Florida Statutes, provides that the Board of Directors may suspend, for a reasonable amount of time, the right of an Owner, or an Owner's tenants, guests, or invitees to use the Common Areas and facilities for the failure of the Owner, his or her occupants, tenants, guests, or invitee to comply with any provision of the Governing Documents of a homeowners' association, including the rules and regulations adopted by the Board of Directors;

WHEREAS, the Board of Directors of the Association has determined that in furtherance of its efforts to create a harmonious and safe atmosphere at the Clubhouse and related facilities and to protect the general welfare of the Owners and residents of MADISON GREEN, it is in the best interest of the Association to adopt a suspension policy relating to the Clubhouse Use Guidelines, pursuant to Section 720.305, for enforcement against an Owner, or that Owner's tenants, guests, or invitees for violating the Governing Documents of the Association;

WHEREAS, the Board of Directors of the Association has determined that it is appropriate to establish a schedule of suspension times for more common violations occurring on or around the Clubhouse, Gym, and Tennis and Basketball Courts without the necessity of a board meeting to consider whether to levy a suspension for such common violations;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors adopts the Covenant Enforcement Process and Procedure for Imposing Suspensions, which shall apply to all Owners, and their tenants, invitees, licensees, guests and other visitors of the Association (hereafter the "**Clubhouse Use Guidelines Enforcement & Suspension Policy**"). A true and correct copy of the Clubhouse Use Guidelines Enforcement & Suspension Policy, as approved by the Board is attached to this Resolution as **Exhibit "A"**.

FUTHER BE IT RESOLVED that the Board hereby rescinds any prior covenant enforcement processes and procedures related to suspensions for violating the Clubhouse Use Guidelines that may have been previously adopted by the Board.

FURTHER BE IT RESOLVED that the Board shall cause this Resolution to be furnished to the Owners of record with the Association and recorded in the official records of Palm Beach County, Florida. The Clubhouse Use Guidelines Enforcement & Suspension Policy shall be effective 30 days after being recorded and furnished to the Owners.

IN WITNESS WHEREOF, this Resolution was hereby duly executed by the President of the Association and witnessed by its Secretary to certify the foregoing action taken by the Board of Directors this ____ day of _____, 2019.

MADISON GREEN MASTER
ASSOCIATION, INC.

By: _____


Charles Larsen, President

Attest:

By: _____


Maxine Yoss, Secretary

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COVENANT ENFORCEMENT PROCESS
AND
PROCEDURE TO IMPOSE SUSPENSIONS FOR VIOLATIONS OF
THE MADISON GREEN MASTER ASSOCIATION CLUBHOUSE USE GUIDELINES

On this ____ day of _____, 2019, these rules and regulations have been duly adopted by the Board of Directors of MADISON GREEN MASTER ASSOCIATION, INC. (the "Association") to establish a covenant enforcement process and procedure to impose suspensions for violations of the Clubhouse Use Guidelines of MADISON GREEN (hereafter the "**Clubhouse Use Guidelines Enforcement & Suspension Policy**"). This Clubhouse Use Guidelines Enforcement & Suspension Policy has been adopted and approved pursuant to the authority granted to the Board of Directors of the Association by Chapter 720, *Florida Statutes* and the Articles of Incorporation ("Articles"), Bylaws, and Declaration of Covenants, Restrictions and Easements for MADISON GREEN. This Clubhouse Use Guidelines Enforcement & Suspension Policy shall supersede all previously adopted enforcement processes and procedures related to suspensions for violating the Clubhouse Use Guidelines that may have been previously adopted by the Board. This Clubhouse Use Guidelines Enforcement & Suspension Policy may be further amended by the Board from time to time at a duly noticed meeting called for that purpose.

I. Objective & Overview:

The objective of the Clubhouse Use Guidelines Enforcement & Suspension Policy is to ensure compliance with the Association's Governing Documents and the Clubhouse Use Guidelines in a fair, consistent, and systematic manner. A formal process and procedure for handling violations will eliminate potential ambiguity and provide Owners the opportunity to be heard before an impartial committee, thereby affording Owners due process in accordance with Florida law.

Under Florida law, a suspension may not be imposed against an Owner without a minimum fourteen-day advance notice to the person sought to be suspended and an opportunity for a hearing before the Association's Fine and Suspension Committee ("Committee") of at least three members appointed by the Board. The Committee members cannot be officers, directors, or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee.

This Clubhouse Use Guidelines Enforcement & Suspension Policy is intended to encourage all Owners to enjoy the Clubhouse, Gym, Basketball and Tennis Courts and ensure compliance with the rules and regulations with the goal being to assure all Owners enjoy the community facilities in a safe and harmonious manner.

II. Reporting Violations:

For any person who witnesses a violation of the Governing Documents, the goal is to provide the specific violation, date, and time of occurrence to Clubhouse Staff, Management or the Board of Directors. Clubhouse Staff shall also collect information directly when they are present at the Clubhouse, Gym, Basketball and Tennis Courts and witness a violation or have been advised a violation has occurred or is occurring. Reports from other residents to the Clubhouse Staff, Property Manager or Board of Directors should be in writing (email permitted)

when practical. Clubhouse Staff can rely upon verbal reports from witnesses to issue verbal warnings.

Any member of the Board of Directors, the President or Management are hereby authorized to receive and review reported violations and recommend enforcement action based on the approved schedule of violations and proposed suspension penalties set forth in this Covenant Enforcement Process below. A recommendation by the President, a Director or Management shall be deemed Board action to levy a suspension pursuant to Florida Statutes and the suspension is to be considered by the Grievance Committee at a properly noticed Hearing.

Violations of the Governing Documents or the Clubhouse Use Guidelines not listed in the approved schedule will be considered by the Board of Directors to impose a suspension on a case by case basis at a duly called Board meeting.

III. Clubhouse Use Guidelines Enforcement Process:

1. As part of this Clubhouse Use Guidelines Enforcement & Suspension Policy, the Board adopts the uniform suspension periods and duration for specific violations set forth below and hereby delegates authority to any Officer, Director, or Management to levy and recommend the appropriate and commensurate fine and/or suspension to the Committee for imposition.

2. The Committee will assist with the enforcement process pursuant to Chapter 720, Florida Statutes. As such, the role of the Committee is limited to determining whether to approve or reject the suspension levied and recommended to the Committee, after hearing both sides of the issue from an Association representative and the Owner that the Association seeks to impose a suspension of rights.

3. Violations shall be categorized as follows: 1) common; and 2) serious. If a violation is a common offense, the Board of Directors will consider the suspension penalty on a case by case basis. If a violation is serious, the commensurate suspension is imposed for a longer duration of time and a verbal warning is not required to be provided prior to suspension being referred to the Committee. Clubhouse Staff will issue one verbal or written warning for common violations. If the violation occurs more than one time with a verbal or written warning being issued, Clubhouse Staff will report the violation to Management, an Officer or any Board Member to recommend a suspension be levied at a duly called Board meeting. If a violation is a serious offense, Clubhouse Staff is not required to issue a warning and may report the violation or incident to Management, an Officer or any Board Member to recommend a suspension be levied in accordance with the schedule set forth below and the suspension is to be considered by the Grievance Committee at a properly noticed Hearing.

4. **Committee Hearing Notice Letter** – The Committee Hearing Notice Letter informs the Owner that a suspension has been levied in accordance with the penalty schedule set forth below. The Committee Hearing Notice letter advises the owner he or she has a right to a hearing before the Committee before the suspension is imposed. The letter provides a minimum fourteen-day advance notice of the Committee hearing that states where and when the hearing will be held and is sent via certified mail, return receipt requested, and via regular mail.

5. At the Committee meeting, the Committee will approve or reject the suspension that the Board of Directors has levied. At the Committee meeting, the Owner may present statements or other evidence as to why there should not be a suspension imposed. If the Committee, by majority vote, does not approve a proposed suspension, then it may not be imposed.

6. **Notice of Decision Letter** - The Notice of Decision letter informs the Owner that the Committee has approved a suspension and will include the details of the suspension. Alternatively, the Notice of Decision letter will advise the Owner that the suspension was rejected and why for the Owners' records. If the Committee voted in favor of confirming a suspension the suspension will be effective five (5) days after the date of the hearing. The Notice of Decision letter will be sent via certified mail, return receipt requested, and via regular mail.

IV. **Additional Notes:**

1. The Committee Hearing Notice letter shall include a description of the alleged violation and evidence of the violation if available, including, but not limited to, any documentation, signed witness statements or other proof of the violation.

2. The Committee should establish a predetermined day, time, and location for its meetings.

3. The Committee should have a chairperson and co-chairperson appointed by the Board of Directors. There will be at least three Committee members.

4. After each case is heard, the Committee should make a motion to approve or reject the suspension imposed by the Board of Directors according to the schedule below. Pursuant to Florida law, the Committee does not have the authority to either reduce or increase the proposed days of suspension. The Committee will notify Clubhouse Staff or Management of the suspension and its effective date.

5. All references to Owner herein shall also refer to the Owner's family, occupant, licensee, guest or invitee if the suspension is to be levied against such other persons.

6. Any person who has their privilege to use the Clubhouse, Gym, Basketball Court and Tennis Courts suspended may appeal the decision of the Committee to the Board of Directors by submitting a request for appeal to the President or Secretary of the Board of Directors within 10 days of the date of the Notice of Decision Letter.

V. **Schedule of Suspension for Violations:**

The following Schedule of Days of Suspension is hereby adopted by the Board, which is designed to make the imposition of suspensions procedure consistent, fair, non-selective and easier to use. This schedule is designed to be used in conjunction with the violation process as established and modified by the Board of Directors from time to time.

Description	Common or Serious	1st Suspension	2nd Suspension	3 rd Suspension
Using Verbally Abusive, Offensive, Aggressive or Inappropriate Language directed at another person	Serious	Three Months	Six Months	Board Action
Physical assault or threat to physically assault another	Serious	Three Months	Six Months	Board Action
Trespassing on Clubhouse grounds during unpermitted hours or days	Serious	Three Months	Six Months	Board Action
Vandalism of property	Serious	Three Months	Six Months	Board Action

VI. Suspensions Apply to All Household Occupants:

To achieve greater compliance with the Clubhouse Use Guidelines and promote the general welfare of Madison Green and its homeowners, if a suspension has been imposed in accordance with this Clubhouse Use Guidelines Enforcement & Suspension Policy against an Owner, or an Owner's family member, tenant, occupant, guest, or invitee the suspension shall apply to all other occupants of the household.

VII. Additional Remedies; Attorneys' Fees and Costs:

If the Association incurs any expense or cost to enforce this Clubhouse Use Guidelines Covenant Enforcement & Suspension Policy, the legal fees and costs incurred to do so shall be chargeable to the Owner. The Association's right to suspend any person and/or Owner for any violation of the Clubhouse Use Guidelines is not intended to be an exclusive remedy, but rather shall be in addition to all other rights and remedies the Association may have under its Governing Documents and applicable law, including the Association's right to demand pre-suit mediation, and institute a lawsuit against any person the Association determines in its sound business judgment to have violated the Governing Documents and seek injunctive relief and/or monetary damages. All attorneys' fees and costs awarded to the Association shall be deemed a lien against the Owner's Lot in accordance with the MADISON GREEN Declaration.