

, 2015

Rotonda West, FL 33947

Dear Mr. & Mrs. :

Our Community is striving to continue to be a first class residential community in which to reside harmoniously with our neighbors. It is the obligation of Rotonda West Association, Inc. to ensure that each Lot/Tract Owner in our Community is adhering to the Deed Restrictions, as we are all bound to conform to them. The Association endeavors to address violations of the Deed Restrictions in an amicable manner and, as such, would like to bring your attention to the following violation that exists on the property located at , Rotonda West, Florida

(the "Violation")

The foregoing is a violation of the following provision of the Deed Restrictions:

Section 15. NUISANCE: Nothing shall be done on a Lot/Tract or the Common Areas which is or may become an unreasonable annoyance or nuisance to any person or which would not be consistent with the maintenance of the highest standards for a first class residential community. No illegal, noxious, obnoxious, unpleasant, dangerous or offensive activity shall be carried on, nor shall anything be done which can be reasonably construed to constitute a nuisance, public or private in nature, or a source of embarrassment, discomfort or annoyance. No Owner, guest of such Owner, or lessee shall permit loud or disturbing noise within a Dwelling, and shall not play any sound equipment (radio, TV, musical instrument and the like) so as to be heard outside of the Dwelling between the hours of 10:00 P.M. and 8:30 A.M. At all other times the volume of such equipment shall be maintained at a level which indicates respect for neighbors. Any question with regard to the interpretation of this Section 15 shall be decided by the Association, whose decision shall be final. The use of each Dwelling shall be consistent with existing leases and the Governing Documents, and occupants shall at all times conduct themselves in a peaceful and orderly manner. No solicitation will be allowed at any time within the community.

1. According to the Association's records, this is not the first violation of the above-referenced provision of the Deed Restrictions. As noted in the Association's letter of _____, 20__, a copy of which is enclosed for ease of reference, any repeat violation of the same Deed Restriction, regardless of whether a fine was previously imposed, will result in the Board levying a fine of \$100.00 per day starting on the first day of the subsequent violation and continuing until the violation is remedied, up to \$5,000 in the aggregate for a continuing violation.

2. Based on the foregoing, this matter will be brought before the Rotonda West Compliance Committee (the "Committee"), an impartial committee of non-Board owners, on _____, _____, 20__, at __:__ _M at the **Rotonda West Community Center** located at 3754 Cape Haze Drive, Rotonda West, Florida 33947. At such meeting, the Committee will consider

whether to confirm or reject a fine of \$100.00 per day per violation, up to \$5,000 in the aggregate for a continuing violation, as levied by the Board pursuant to Section 34 of the Deed Restrictions and the Deed Restriction Violations Fining Structure.

You have a right to attend the hearing to respond, to present evidence, and to provide written and oral argument. You shall have an opportunity at the hearing to review, challenge, and respond to any material considered by the Association. You also have a right to be represented by counsel at the hearing. If you intend to appear with counsel, please notify the Association no later than seven (7) days prior to the hearing so that the Association has sufficient time to arrange for its counsel to be present.

Please note that you are not required to attend nor present evidence. However, if you or your attorney fails to appear at the hearing, or fails to provide an alternative, mutually acceptable date and time for the hearing in advance, the hearing will proceed without you and the Committee may still confirm the fine based on the evidence presented at the hearing.

3. In the event that the Committee confirms the fine levied by the Board, the Board of Directors will thereafter vote whether to impose a fine at the Board Meeting to be held on _____, _____, 20__, at __:__ _M at the **Rotonda West Community Center** located at 3754 Cape Haze Drive, Rotonda West, Florida 33947. If the Board does impose the fine, you will receive written notice of said decision.

As an aside, Section 34 of the Deed Restrictions also allows the Association to enforce the terms of the Restrictions through an action for damages or for injunctive relief, or both and the Association hereby reserves the right to do so at any time regardless of whether a fine is imposed as set forth herein. If legal action is commenced, the Association will seek an award of costs and reasonable attorneys' fees as permitted by Section 34 of the Deed Restrictions.

We look forward to working together in the continuing effort to keep our Community beautiful and protect the property values of all our neighbors' homes. If you have any questions or concerns about the above matter, please do not hesitate to contact us at 941-697-1780.

Sincerely,

D. M. Brophy
Rotonda West Association, Inc.

cc: File

Enc: photo
ACTIVE: 7455668_1