

Lely Civic Assn., Inc. a/k/a Lely Golf Estates

*c/o Anchor Associates, Inc.
2340 Stanford Court, Naples, FL 34112
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October 2026

Notice of Proposed Updated Covenant Enforcement Resolution

Dear Homeowner:

The Board of Directors would like to inform you that it is proposing an update to the Association's current **Resolution Concerning Violations of the Governing Documents and Amending Covenant Enforcement and Hearing Procedures**.

As part of this process, homeowners are hereby being provided notice that the Board will consider and vote on the proposed updated Resolution at the upcoming Board of Directors meeting.

The purpose of the proposed update is to ensure that the Association's covenant enforcement and hearing procedures are consistent with applicable Florida law, as well as the Association's current requirements and enforcement procedures.

For your review, a copy of the proposed updated Resolution, as prepared by the Association's legal counsel, is attached. The Resolution will be presented to the Board for consideration and a vote at the upcoming meeting.

Best Regards,

Lely Civic Board of Directors

Lely Civic Assn., Inc. a/k/a Lely Golf Estates

RESOLUTION CONCERNING VIOLATIONS OF THE GOVERNING DOCUMENTS AND AMENDING COVENANT ENFORCEMENT AND HEARING PROCEDURES

WHEREAS, the Lely Civic Assn., Inc. (the “Association”) is a Florida non for profit corporation and the governing documents of the Association authorize the Board of Directors (the “Board”) to enforce the covenants, conditions, restrictions, rules, and other provisions governing the use and maintenance of property within the Association; and

WHEREAS, applicable provisions of the Association’s governing documents and Section 720.305, Florida Statutes, authorize the Association to levy fines and/or suspend the use of common areas and facilities for violations of the governing documents, subject to the requirements and limitations set forth therein and in applicable law; and

WHEREAS, the Declarations of Protective Covenants, Conditions and Restrictions for Forest Hills, Pinehurst Estates, St. Andrews East, and Unit No. 2 authorize the Board of Directors to levy reasonable fines against any Member, or such Member’s tenant, guest, or invitee, for violations of the Association’s Governing Documents and rules and regulations, in an amount not to exceed \$100 per violation per day, or \$2,500 in the aggregate per violation per quarter for any continuing violation; and

WHEREAS, the Declaration of Protective Covenants for Lely Golf Estates, St. Andrews West Section and Unit No. 1, and Section 720.305, Florida Statutes, authorize the Board of Directors to levy reasonable fines against any Member, or the Member’s tenant, guest, or invitee, for violations of the Association’s Governing Documents and rules and regulations, in an amount not to exceed \$100 per violation per day, and \$1,000 in the aggregate for any continuing violation; and

WHEREAS, the Board recognizes the importance of administering the Association’s enforcement authority in a fair, consistent, uniform, and systematic manner; and

WHEREAS, the Board desires to amend its written procedures governing the identification and enforcement of violations, notices to Owners and other persons subject to enforcement, opportunities to cure violations, the imposition of fines and suspensions, and hearings before an independent Hearing Committee; and

WHEREAS, the Board has reviewed the proposed Covenant Enforcement Policy and Hearing Procedures attached hereto as Exhibit “A” (the “Policy”) and has determined that adoption of the Policy is in the best interests of the Association and its Members; and

WHEREAS, the Board desires to formally adopt the Policy and establish procedures for its administration and implementation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Lely Civic Assn., Inc. as follows:

1. **Adoption of Covenant Enforcement Policy and Hearing Procedures.** The Board hereby adopts the Covenant Enforcement Policy and Hearing Procedures, attached hereto as Exhibit “A” and incorporated herein by reference, as the Association’s formal policy governing the enforcement of the Association’s governing documents and the procedures applicable to hearings concerning fines or suspensions, which shall supersede and replace any prior Board-adopted covenant enforcement policy or hearing procedure to the extent inconsistent herewith.

2. **Administration of Policy.** The Board, the Association's Manager, and the Hearing Committee are authorized and directed to administer the Policy in accordance with its terms, the Association's governing documents, and applicable law. The Board may establish and periodically revise schedules of fines, suspensions, cure periods, and other enforcement measures consistent with the Association's governing documents, the Policy, and applicable law.
3. **Hearing Committee.** The Board shall, from time to time, appoint members to the Hearing Committee in accordance with the requirements of the Policy, the Association's governing documents, and applicable law. The Hearing Committee shall exercise only the authority granted to it by the Association's governing documents, applicable law, and the Policy.
4. **Consistent Enforcement.** The Board, Management, and Hearing Committee shall administer and apply the Policy in a fair, reasonable, and consistent manner. Nothing in the Policy shall be construed to limit any enforcement authority otherwise granted to the Association by its governing documents or applicable law.
5. **Compliance with Governing Documents and Applicable Law.** The Policy shall at all times be administered in accordance with the Declaration, Articles of Incorporation, Bylaws, rules and regulations of the Association, and applicable law. In the event of any conflict between the Policy and the Association's governing documents or applicable law, the governing documents or applicable law, as applicable, shall control.
6. **Effective Date.** This Resolution and the attached Covenant Enforcement Policy and Hearing Procedures shall become effective upon adoption by the Board.

THE FOREGOING RESOLUTION was approved by the Board of Directors by a vote of _____ voting in favor of the resolution and _____ against the Resolution at a meeting of the Board of Directors held on _____, 2026.

Lely Civic Association, Inc., a Florida not for profit corporation

By: _____, its President

Exhibit "A"

Covenant Enforcement Policy and Hearing Procedures

I. Purpose and Due Process.

The purpose of this Covenant Enforcement Policy and Hearing Procedures ("Policy") is to establish a fair, consistent, and systematic procedure for identifying, addressing, and enforcing violations of the Association's governing documents.

A formally adopted enforcement procedure is intended to eliminate ambiguity, promote consistent enforcement, and provide owners and other persons subject to enforcement with appropriate notice and an opportunity to be heard.

Except as otherwise provided in the Governing Documents of the Association or permitted by applicable law, a fine or suspension may not be imposed without at least fourteen (14) days' advance written notice to the person sought to be fined or suspended and an opportunity for a hearing before the Hearing Committee.

II. General Enforcement Principles

A. Management and Board Authority. Management shall receive direction from the Board of Directors regarding the degree and manner of enforcement and the frequency of proactive inspections to identify potential violations.

The Board shall establish and maintain a uniform schedule of fines, suspensions, and other permissible sanctions for specific violations and may authorize a designated officer, director, or manager to identify violations and recommend or levy the applicable proposed penalty, subject to the notice, hearing, and approval requirements set forth in this Policy.

B. Curable Violations. If a violation is a curable offense, the Association shall provide the owner with written notice of the violation and a reasonable opportunity to cure the violation before a fine or suspension is imposed, in accordance with Section IV of this Policy.

C. Non-Curable Violations. If a violation is a non-curable offense, the Board shall consider the violation at a properly noticed Board meeting and, if deemed appropriate, levy the applicable fine, suspension, and/or take other permissible action as set forth by the Governing documents or Florida law. Following the Board's consideration and imposition of a fine or suspension, the matter shall be referred to the Hearing Committee, and notice of the hearing shall be provided to the person subject to the fine or suspension in accordance with the notice and hearing procedures set forth in this Policy.

Notwithstanding the foregoing, based upon the facts and circumstances of a particular violation, the Board may, at a properly noticed Board meeting, determine that a violation is of such a nature that it should be treated as a non-curable offense. In such event, the Board may levy the applicable fine, suspension, and/or take other permissible action and for any fine or suspension levied thereafter refer the matter to the Hearing Committee, with notice of the hearing provided to the person subject to the fine or suspension in accordance with the notice and hearing procedures set forth in this Policy.

D. Repeat Violations. If a Member commits the same violation more than once within a twelve (12) month period, the subsequent violation shall be deemed a "Repeat Violation." No additional warning letter or opportunity to cure shall be required for a Repeat Violation. The Board may levy a fine or suspension at a duly noticed Board meeting and thereafter proceed in accordance with the notice and hearing procedures set forth in this Policy.

E. Cured Violations. If a violation is cured before the hearing, or in the manner specified in the written notice of hearing or the notice of the Hearing Committee's decision, no fine or suspension may be imposed.

III. Hearing Committee

A. Appointment and Composition

The Board shall appoint a Hearing Committee consisting of at least three (3) members. Committee members may not be officers, directors, or employees of the Association, or the spouse, parent, child, brother, sister, or person residing with an officer, director, or employee of the Association. The Board may designate a Chairperson to preside over the Committee.

B. Role and Authority. The role of the Hearing Committee is limited to determining whether to approve or reject a fine or suspension levied by the Board. The Committee shall not have authority to increase or decrease the amount or duration of a proposed fine or suspension. If the Hearing Committee does not approve the fine or suspension, it may not be imposed.

C. Questions and Deliberations. Committee members may ask questions concerning the alleged violation, the evidence presented, and other matters reasonably necessary to determine whether to approve or reject the proposed fine or suspension.

IV. Covenant Enforcement Process

A. Identification of Violation. A violation may be identified through a complaint, inspection, observation by Management or a Board Member, or other reliable means.

B. Initial Violation Notice – First Letter. For a curable violation, the Association shall provide written notice to the owner and, if applicable, any occupant, licensee, or invitee of the owner who is the subject of the enforcement action.

The Initial Violation Notice shall include, to the extent reasonably available:

1. A description of the alleged violation;
2. The date the violation was observed or identified;
3. A photograph or other documentation of the violation, if available;
4. The specific provision or provisions of the Association's governing documents alleged to have been violated;
5. The action required to cure the violation, if curable; and
6. The deadline for curing the violation.

The Initial Violation Notice shall be sent to the owner by regular mail at the designated mailing or e-mail address for the owner in the association's official records and, if applicable, to any occupant, licensee, or invitee of the owner sought to be fined or suspended.

C. Follow-Up Inspection. Following expiration of the time provided to cure the violation, Management or a designated Association representative shall conduct a follow-up inspection to determine whether the violation has been cured. The Board may establish standardized cure periods for common types of violations, which may be incorporated into the Association's enforcement schedule.

D. Board Review. If the violation has not been cured within the applicable cure period, is a non-curable offense, or is of such a nature that the Board determines, based on the facts and circumstances, that it should be treated as a non-curable offense, the Board shall consider the matter at a duly noticed Board meeting and may impose a fine or suspension and/or take any other permissible action in accordance with the Association's governing documents and any approved enforcement schedule.

E. Hearing Notice — Second Letter. If the Board levies a fine or suspension, the Association shall provide written notice of a hearing before the Hearing Committee to the owner and, if applicable, any occupant, licensee, or invitee of the owner who is the subject of the enforcement action. The Hearing Notice shall be provided at least fourteen (14) days before the hearing, and the hearing shall be held within ninety (90) days after issuance of the Hearing Notice.

The Hearing Notice shall include:

1. A description of the alleged violation;
2. The specific provision or provisions of the governing documents alleged to have been violated;
3. The action required to cure the violation, if applicable;
4. A summary of the fine or suspension levied by the Board;
5. The date, time, and location of the hearing and instructions for electronic participation, if permitted;
6. A statement that the owner and, if applicable, the occupant, licensee, or invitee may attend the hearing and address the Hearing Committee;
7. A statement regarding the right to be represented by legal counsel, subject to the procedures established by this Policy; and
8. A statement explaining that the hearing will proceed and the Committee may render a decision regardless of whether the person receiving notice attends the hearing.

The Hearing Notice shall be sent to the mailing or electronic address designated in the Association's official records and, if applicable, to any occupant or other person sought to be fined or suspended. The Hearing Notice shall be sent by regular mail and certified mail, return receipt requested.

V. Hearing Procedures

A. Right to Attend and Participate. Hearings are not open to general attendance by Association members. The owner and, if applicable, any occupant, licensee, or invitee who is the subject of the enforcement action may attend the hearing and present statements, documents, photographs, or other relevant evidence concerning the alleged violation and proposed sanction. The following persons may also attend: witnesses identified by the owner; Association management; Association legal counsel, subject to providing the Association with required notice as set forth below; Hearing Committee members; and Board members.

All hearing participants must conduct themselves in a respectful manner. Interruptions, personal attacks, or disruptive behavior will not be permitted. The Chairperson may issue warnings, limit speaking time, remove disruptive individuals, and/or continue or terminate the hearing if necessary to maintain order.

B. Representation by Legal Counsel. The Owner or other person subject to the enforcement action may be represented by legal counsel at the hearing. If the person subject to the enforcement action intends to have legal counsel participate in the hearing, they shall provide written notice to the Association or Management **at least three (3) business days before the scheduled hearing**. The notice shall identify the attorney's name, law firm, mailing address, telephone number, and email address and shall confirm that the attorney is authorized to represent the person subject to the enforcement action in connection with the enforcement matter. The failure to provide timely notice may result in the Hearing Committee continuing or rescheduling the hearing or proceeding without allowing the attorney to attend and participate in the hearing.

The Association may communicate directly with the person subject to the enforcement action regarding administrative matters concerning the hearing, including scheduling, notice, and submission of documents, notwithstanding their representation by legal counsel.

Legal counsel for the person subject to the enforcement action may:

1. Make a statement;
2. Respond to questions from the Hearing Committee concerning the violation and evidence presented;
3. Present statements, documents, photographs, and other relevant evidence on behalf of their client;
4. Advise their client; and
5. Ask procedural or clarifying questions through the chairperson.

Legal counsel for the person subject to the enforcement action may not:

1. Question, cross-examine, otherwise interrogate Hearing Committee members or Association representatives, management personnel, witnesses, or other persons attending the hearing;
2. Engage in argument or conduct that is disruptive, threatening, abusive, or otherwise interferes with the orderly conduct of the hearing;
3. Direct or advise the Hearing Committee regarding the manner in which it must conduct the hearing or reach its decision; or
4. Remain in the room for or participate in the Hearing Committee's deliberations or vote.

The Chairperson may establish reasonable time limits for presentations by the Owner and legal counsel and may limit repetitive, irrelevant, or cumulative statements or evidence. The Chairperson may also take reasonable measures to maintain order and ensure that the hearing proceeds in a fair and efficient manner.

Nothing in this Policy prohibits an owner from obtaining legal advice; it only governs an attorney's participation in the hearing.

C. Failure to Attend. The hearing shall proceed regardless of whether the owner or other person receiving notice attends. If the person receiving notice does not attend, the Committee may consider the evidence presented by the Association and render a decision based upon the information available to it.

D. Order of Business. The hearing shall proceed in the following order unless otherwise determined appropriate by the Chairperson:

1. Call to Order and announcement of purpose;
2. Confirmation that notice of hearing was provided in accordance with this Policy;
3. Introduction of attendees;
4. Statement of alleged violation and Board levied fine and/or suspension;
5. Owner and, if applicable, the occupant, licensee, invitee, or their legal counsel are given an opportunity to present statements and evidence;
6. Questions from the Committee, if any;
7. Committee deliberation in private session (Owner and counsel may be asked to exit or remain silent);
8. Committee vote to approve or reject the proposed fine or suspension; and
9. Adjournment.

The Chairperson may modify the order of business when reasonably necessary to ensure an orderly and fair hearing.

E. Evidence and Participation. The Committee may consider relevant statements, documents, photographs, inspection reports, correspondence, and other evidence presented by the Association or the person subject to the enforcement action. Any such evidence must be provided to the Chair of the Violations Committee at least 48 hours in advance of the hearing. The Hearing Committee has authority to limit presentation of duplicative, irrelevant, or excessively voluminous material.

F. Committee Decision. The Committee shall vote by majority whether to approve the proposed fine and/or suspension. If the Committee does not approve the fine and/or suspension, it may not be imposed. The Committee's role is limited to determining whether to approve or reject the suspension as proposed by the Board.

VI. Hearing Decision Notice — Third Letter

Within seven (7) days after the hearing, the Association shall provide written notice to the Owner and any person subject to the enforcement action with written notice of:

1. The Committee's findings related to the fine and/or suspension, including whether it approved or rejected the fine and/or suspension;
2. How the Member may cure the violation, if applicable, or fulfill a suspension;
3. If applicable, the date by which any fine must be paid, which must be at least 30 days after delivery of the written notice.

VII. Special Enforcement Provisions

A. Violations Involving Non-Owners. If a person other than the Owner is sought to be fined or suspended, the Owner of the property at which the violation occurred or to which the violation relates shall receive a copy of the applicable violation notices.

B. Continuing Violations. For violations that continue from day to day, fines may be levied for each day of an ongoing violation. For St. Andrews West and Unit No. 1, fines may be assessed in an amount of up to \$100 per day, subject to a maximum of \$1,000 per violation. For Forest Hills, Pinehurst Estates, St. Andrews East, and Unit No. 2, fines may be assessed in an amount of up to \$100 per violation per day, subject to a maximum aggregate fine of \$2,500 per violation per quarter for an ongoing violation.

C. Board-Approved Non-Curable Violations. The Board may, based upon the individual facts and circumstances of a particular violation, determine at a properly noticed Board meeting that the violation is of such a nature that it should be treated as a non-curable offense. Upon such determination, the Board may levy the applicable fine or suspension and take any other permissible sanction and proceed directly to the Hearing Notice and Hearing Committee procedures set forth above.

D. Cured Violations. If a violation is cured before the hearing, or in the manner specified in the written notice of hearing or the notice of the Hearing Committee's decision, no fine or suspension may be imposed.

VIII. Fine Schedule. To promote consistent enforcement, the Board may establish and periodically review a schedule of fines for common and recurring violations.

IX. Amendment and Administration

The Board may periodically review and amend this Policy as necessary to promote consistent enforcement and to conform the Policy to the Association's governing documents and applicable law. If this Policy conflicts with any previously adopted Board procedures, the conflicting provisions of this Policy will prevail.