

## EXHIBIT D

### Non-Compliance Procedures for Violation of the ARC Standards

Section 720.3035 of Florida Statutes authorizes and empowers the Architectural Review Committee ("ARC"), giving enforcement powers to the ARC via the Master Board of Directors ("Master Board"). Every Owner, Owner's family members, guest, invitees, and lessees shall at all times ~~always~~ comply with the ARC Standards. Following are the action steps to be taken for Owners who fail to comply with the ARC Standards:

1. At the recommendation of the ARC, the ARC Chairperson shall send a written "Non-Compliance Warning" to the Owner ~~or with a copy to the~~ Village Association Board President, ~~in writing,~~ describing the alleged violation, a reasonable time frame for correction, and the proposed sanction ~~being~~ recommended by the ARC if the alleged violation is not corrected.
  - a. This step shall be omitted for repeat violators of the Hurricane/Storm Protection Standards for Naples Lakes Country Club (Exhibit C).
  - ~~b.~~ The Owner ~~or Village Association Board President~~ has the responsibility of informing the ARC Chairperson when the violation has been corrected.
  - ~~b.c.~~ All notifications and written decisions stipulated under this Exhibit D shall be sent by certified mail - return receipt requested, regular mail, and electronic mail, to the addresses on file with the Club ("Naples Lakes Country Club HOA, Inc").
2. If the alleged violation is not corrected within the time frame allowed in the "Non-Compliance Warning" letter, a "Non-Compliance Notice" will be sent to the alleged violator, by the ARC Chairperson. The "Non-Compliance Notice" shall describe the alleged violation(s), the proposed sanction(s) ~~being~~ recommended by ARC, and ~~explain shall notify that~~ the Owner ~~has that they have~~ up to fourteen (14) days from the receipt of the "Non-Compliance Notice" to contact the General Manager/Chief Operating Officer (GM/COO), in writing, to request a Hearing before the ~~Enforcement Committee~~ Master Board.
  - a. The Owner ~~or Village Association Board President~~ has the responsibility of informing the ARC Chairperson when the violation has been corrected.
  - b. If the Owner ~~or Village Association Board President~~ does not request a Hearing before the ~~Enforcement Committee~~ Master Board within fourteen (14) days from the receipt of the "Non-Compliance Notice", and remains in violation of the Non-Compliance Notice ~~there continues to be lack of compliance~~, the Master Board ~~of Directors (Master Board)~~, upon written notification to the Owner, may: ~~or Village Association Board President:~~
    - (1) ~~Shall if~~ impose the sanction of a fine ~~being~~ recommended by the ARC which can range up to \$100 per day and up to \$1000 in aggregate. Fines may accrue on a daily basis or in aggregate; ~~and/or~~
    - (2) ~~May if~~ recommended, suspend an Owner's use of any common area and/or the golf course; ~~and/or~~

- (3) ~~Hire-hire~~ a licensed and/or bonded ~~Contractor-contractor~~ to perform the work necessary to bring the property into compliance with the ARC Standards. The cost for this work, including administrative costs, legal fees, permits and any other third party costs to achieve compliance shall be billed to the Owner's account ~~or Village Association Board/Property Management Company; and/or~~
- (4) Turn such matters over to the Master Board's counsel for legal action to enforce compliance. If legal action becomes necessary, and the Master Board prevails, the Owner ~~or Village Association Board/Property Management Company~~ shall be responsible for the Master Board's ~~prevailing party~~ attorney's fees, court costs and expenses, as well as their own, if any.

c. If the Owner requests a Hearing before the Master Board pursuant to paragraph 2 above, that Hearing is subject to the following conditions:

- (1) the Hearing shall be scheduled in a timely manner, but not later than the next regularly scheduled meeting of the Master Board;
- (2) the Owner is permitted to bring legal counsel to the Hearing, but must disclose their intent to do so in the request for a Hearing;
- (3) A reasonable number of witnesses to defend the Owner's position are permitted;
- (4) The format for the Hearing shall follow Robert's Rules of Order in the general format of:
  - i. Statement of Violation(s)
  - ii. Opening Statements by both parties
  - iii. Presentation of Evidence
  - iv. Arguments
  - v. Closing Statements
  - vi. Close of Hearing

~~3. If requested in a timely matter, a hearing on the alleged violation shall be held by the Enforcement Committee on the date and time of the next Board Meeting, in a separate meeting room, unless a different date and time are agreed to by the parties involved.~~

3. A written decision of the ~~Enforcement Committee~~ Master Board shall be ~~sent submitted~~ to the Owner ~~or Village Association Board President~~ within ~~twenty-one~~fourteen (2114) days after conclusion of the Hearing, with a copy to the ARC Chairperson ~~and ARC Board Liaison~~. If the decision is against the Owner ~~or Village Association Board~~, and the sanctions imposed by the Master Board include fines and/or suspension of privileges, the written decision shall inform the Owner of their right to appeal the decision of the Master Board to the Independent Committee (as defined under FS 720.305(2)(b)). If the Owner elects to appeal the decision of the Master Board, the Owner shall deliver via dated correspondence such appeal to the GM/COO within fourteen (14) days of the receipt of the decision by the Master Board.

- a. If the decision is against the Owner and no appeal is taken to the ~~Master Board~~Independent Committee, the sanction(s) approved by the Master Board subject to paragraph 2b ~~recommended by the ARC~~ will be imposed. If the ~~ARC~~sanction(s) recommended~~included~~ was suspension of privileges, the decision shall state that privileges be suspended for a specific period of time, and those suspended privileges shall be specified as referenced in F.S. 720.305.
- 4.b. If the Owner appeals the decision of the Master Board to the Independent Committee, the Committee's role is limited to determining whether to confirm or reject the fine and/or suspension levied by the Master Board.
5. ~~The decision of the Enforcement Committee may be appealed to the Master Board. An appeal to the Master Board must be in writing and delivered to the GM/COO within fourteen (14) days of receipt of the Enforcement Committee's written decision.~~
- 6.4. A written decision of the ~~Master Board~~Independent Committee shall be submitted to the Owner of Village Association Board President within ~~twenty-one~~fourteen (14~~21~~) days after conclusion of the ~~Master Board~~appellate Hearing, with a copy to the ARC Chairperson, and the ARC Board Liaison, ~~and Enforcement Committee Chairperson~~. The ~~Master Board's~~Independent Committee's decision shall be final.
- a. If the Independent Committee rejects the sanction(s) approved by the Master Board pursuant to paragraph 2b above, those sanctions shall be vacated. ~~Owner or Village Association Board President still does not correct the violation, the Master Board may, in addition to the sanction already imposed:~~
- a.b. If the Independent Committee confirms the sanction(s) approved by the Master Board pursuant to paragraph 2b above, those sanction(s) shall be imposed upon notification to Owner.
- (1) ~~Fine an Owner or Village Association/Property Management Company. Fines can range up to \$100 per day and up to \$1000 in aggregate. Fines may accrue on a daily basis or in aggregate; and/or~~
- (2) ~~Suspend an Owner's use of any common area and/or the golf course; and/or~~
- (3) ~~Hire a licensed and/or bonded Contractor to perform the work necessary to bring the property into compliance with the ARC Standards. The cost for this work shall be billed to the Owner's account or Village Association Board/Property Management Company; and/or~~
- (4) ~~Turn such matter over to the Master Board's counsel for legal action to enforce compliance. If legal action becomes necessary, and the Master Board prevails, the Owner or Village Association Board/Property Management Company shall be~~

~~responsible for the Master Board's prevailing party attorney's fees as well as their own.~~

~~7.5.~~ Fines shall be collected by the Naples Lakes Country Club Accounting Department.

a. Application: All monies received from fines shall be allocated as directed by the Board.

b. Collection Procedure:

i. 30-day courtesy notice of delinquent assessment pursuant to FS 720.3085(3)

ii. 45-day notice of intent to file a lien

~~a-iii.~~ 90-day notice of intent to foreclose on the claim of lien filed.

*Revised*

9/12/23

~~6/25/13~~