

Lantana Procedure

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Title: Legal

Purpose: The intent of this procedure is to define when Lantana Association solicits Legal services and the collection and covenant enforcement approach.

Procedure:

A. General Association Matters

Only the President, the President's assigned alternative or the management company are authorized to discuss legal matters with the Association's attorney. New legal matters that are "non-routine" in nature require Board approval before engaging the Association's attorney. Routine conversations includes items like touching base with the attorney on outstanding items, "how should we handle this?" type questions, contract language clarification, etc. Discussions should be limited and concise in order to minimize expenses.

B. Litigation

The Association's attorney handles all lawsuits. The President or the President's assigned alternative represents Lantana Association during the legal process and also provides status to the Board of Directors on a periodic basis.

C. Contracts:

The Board of Directors reviews contracts of \$10,000 or less to determine if legal review is required. For example, absence of standard Lantana Association terms and conditions may be a reason to request additional legal review.

All new contracts greater than \$10,000 require Legal Review. Follow on contracts for the same service or work do not require legal review unless there are unusual terms or language.

D. Collection:

The Association's violation and grievance process follows **Fla. Statue 718.303(3)**.

The management company provides a list of outstanding fees as part of the monthly Board of Directors meeting package.

- 1) For accounts past due 30 days or less the management company sends a reminder notice to the unit owner
- 2) For accounts past due more than 30 days the management company sends a ten day demand letter to the unit owner
- 3) If there is still no response after the ten day expiration, the CAM asks the board for approval to send the account to collection, via the Association attorney.

E. Covenant Enforcement

The Association's violation and grievance process follows Fla. Statue 718.303(3).

- 1) The management company sends a "friendly letter" to the unit owner stating they have ten days to cure the violation. See step 2 if there is not favorable resolution.
- 2) The management company sends a second letter to the unit owner stating they have ten days to cure the violation. See step 3 if there is not favorable resolution.
- 3) If there is still no cure, the CAM recommends a fine or suspension to the Board of Directors at the next board meeting. A fine or suspension may not be imposed except after giving at least 14 days written notice and an opportunity for a hearing to the unit owner. This letter informs the owner that there is a hearing in which a fine may be imposed of \$100 per day, up to \$1000 maximum.
- 4) At the fines hearing the grievance committee listens to the reason the owner has not complied. If the committee does not agree with the board's decision, the fine or suspension may not be imposed.

Glossary of Terms:

CAM Community Area Manager