

MATTERS FOR BOARD OF DIRECTORS MEETING

July 28, 2015

**RESOLUTION RELATING TO  
LIEN POLICY**

KINGSLAND COUNTRY PROPERTY OWNERS ASSOCIATION, INC.

Resolution No. 004-2015

## RESOLUTION

THE BOARD OF DIRECTORS OF KINGSLAND COUNTRY PROPERTY OWNERS ASSOCIATION, INC, DO HEREBY DESIRE TO CREATE REASONABLE AND UNIFORM POLICIES FOR THE ENFORCEMENT OF ITS GOVERNING DOCUMENTS, AND DO ACT BY:

**WHEREAS;** the property within the Kingsland Country Property Owners Association, Inc. (KCPOA) is governed by certain Bylaws recorded in the Official Records of Marion County, Florida at OR Book/Page 6237/806-823, and Covenants and Restrictions recorded in the Official Records of Marion County, Florida at OR Book/Page 594/359, *et. seq.* as amended; and

**WHEREAS;** the Covenants and Restrictions established restrictions upon the use and enjoyment of the property in KCPOA by its members; and

**WHEREAS;** the Covenants and Restrictions require property owners and tenants to abide by the ByLaws and Covenants and Restrictions; and

**WHEREAS;** the Board of Directors of KCPOA (Board) is authorized to enforce the provisions of the Bylaws and Covenants and Restrictions; and

**WHEREAS;** Article II, Section 5 of the Bylaws gives the Board of Directors the powers and duties necessary to conduct the affairs of KCPOA and to make reasonable rules and regulations as the directors deem in the best interest of KCPOA; and

**WHEREAS;** the Board deems it desirable to adopt a policy that establishes a lien policy regarding the collection of any fee, fine, or other monetary obligation owed to KCPOA by a parcel owner; and

**WHEREAS;** the above resolution is now being placed before this Board at a regularly scheduled meeting;

### IT IS HEREBY STATED:

A. Chapter 720, Fla. Stat., governs homeowners associations in Florida and states throughout that assessments not paid by the parcel owner can result in a lien against the property, and

B. Specifically, Subsection 720.305(2), Fla. Stat. provides,

(2) The association may levy reasonable fines of up to \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws or reasonable rules of the association. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any

action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court, and

C. Furthermore, Section 720.3085, Fla. Stat., recognizes that homeowners associations have a lien on each parcel to secure payments of assessments and other amounts provided by law, whereby subsection (1)(c) grants homeowners associations the authority to bring action in its name to foreclose a lien for assessments in the same manner in which a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of line. The homeowners association is entitled to recover its reasonable attorney's fees occurred in an action to foreclose a lien, and

D. Covenants and Restrictions Nos. C.7 and C.11 recognizes that assessments, interest, court costs and legal fees expended in the collection of unpaid fees, fines, or other monetary obligations constitutes a lien, and additionally grants the authority to enforce and foreclose said lien in a court of competent jurisdiction, and

E. Article II, Section 6.A of the Bylaws states that fees or assessments remaining unpaid by a parcel owner may become a lien on the parcel until the assessment is paid, and

F. Moreover, Article X or the Bylaws provides that if a parcel owner does not pay any fee, fine, or other monetary obligation, the Board of Directors may enforce it by lien for the fee, fine or other monetary obligation owed, and

G. Lastly, Article XV of the Bylaws specifies that a fine of less than \$1,000 may not become a lien against a parcel.

**NOW, THEREFORE,** The Board of Directors adopts the following Lien Policy:

1. Any and all fees, fines or other monetary obligations owed by a parcel owner in the amount of \$1,000.00 or more may become a lien on the parcel;
2. Any and all fees, fines or other monetary obligations owed by a parcel owner in the amount of \$999.99 or less may be sent to collections;
3. No liens shall be placed on unimproved, vacant parcels, and
4. In addition to the lien authority set forth herein, the Board of Directors hereby specifically reserves and retains any and all other remedies under law to collect fees, fines, or other monetary obligations owed to KCPOA.

KINGSLAND COUNTRY PROPERTY OWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORD

Resolution Type: Policy

No. 004-2015

Pertaining to: Liens

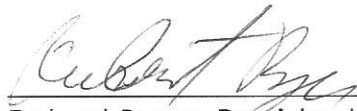
Duly adopted at a meeting of the Board of Directors held on: July 28, 2015

Motion by: Wayne Zimmer

Seconded by: Brenda Carroll

VOTE:

YES NO ABSTAIN ABSENT




Robert Byers, President

✓

—

—

—



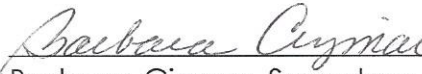
Chris Murphree, Vice President

X

—

—

—



Barbara Cizmar, Secretary

X

—

—

—



Brenda Carroll, Treasurer

X

—

—

—



Wayne Zimmer, Director

X

—

—

—



Jan Breuninger, Director

X

—

—

—



Trina Sherrets, Director

X

—

—

—