

Prepared By and Return To:

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**AMENDMENT No. 8 TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
HARBOR HILLS**

WHEREAS, the Harbor Hills Community is a Planned Unit Development located in Lake County, Florida; and

WHEREAS, the Amendment and Restatement of Declaration of Covenants, Conditions, and Restrictions for Harbor Hills recorded in Official Records Book 4705, Page 1535, Public Records of Lake County, Florida, as subsequently amended, hereinafter referred to as the "Declaration", details the restrictions on land in the Harbor Hills Community; and

WHEREAS, Harbor Hills Development, L.P., a Delaware limited partnership doing business in the State of Florida as Harbor Hills Development, Ltd., 6538 Lake Griffin Road, Lady Lake, Florida 32159, is the developer for the Harbor Hills Community, hereinafter referred to as the "Developer"; and

WHEREAS, the Developer possesses the right to amend the Declaration pursuant to Article XVI, paragraph 2, and Article XVII, Section 3 of the Declaration,.

NOW THEREFORE, Developer hereby amends Article XI, Section 3 of the Declaration as follows:

ARTICLE XI

ENFORCEMENT OF RULES AND REGULATIONS

...
Section 3. Fines & Suspensions. In addition to all other remedies, in the sole discretion of the Board of Directors, a suspension, fine or fines may be imposed upon the Owner for failure of an Owner, his family guests, invitees, tenants or employees to comply with any covenant, restriction, Rule or Regulation, contained herein, in any governing documents, Chapter 720, Florida Statutes, or promulgated pursuant to this Declaration, provided the following procedures are adhered to:

A. Notice. The Association shall notify the Owner of the infraction or infractions, allow a reasonable amount of time to correct or remove the infraction(s), and warn the Owner that failure to cure the infraction(s) may result in a suspension or fines for each infraction. If the Owner fails to cure one or more infractions the Board of Directors may meet and propose to suspend the Owner's privilege to use the common area amenities, which suspension may not to exceed 90 days, and/or levy a fine of up to \$100 per day for each day of a continuing infraction, not to exceed \$1,000 in the aggregate for each infraction. If the Board levies a suspension or fine the Association shall schedule a hearing before a committee of at least three Owners appointed by the Board who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The Association shall notify the Owner at least 14 days in advance of the committee meeting. Included in the notice shall be a description of the infraction(s), the purpose of the meeting, the date and time of the next Board of Directors committee meeting, and a statement that at which time the Owner shall may present reasons why penalty(ies) should not be imposed.

B. Hearing. The noncompliance shall be presented to the ~~Board of Directors~~ committee after which the ~~Board~~ committee shall hear reasons why penalties should not be imposed. If the committee, by majority vote, does not approve of a fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the Board. A written decision of the ~~Board~~ committee shall be submitted to the Owner within thirty (30) days after the ~~Board's~~ committee meeting. If the fine or suspension levied by the Board is approved by the committee, the suspension shall commence and the fine payment shall be due five (5) days after notice of the approved fine is provided to the Owner.

C. Appeal. ~~Any person aggrieved by the decision of the Board of Directors as to a noncompliance may upon written request to the Board filed within seven (7) days of the request and shall consist of three (3) members of the Association. The appeals committee will meet and file a written determination of the matter and serve copies upon both the Board and the aggrieved person. In no case shall the appeals committee's findings be binding on either party; however, the Board may elect to review its decision in light of the findings of the appeals committee. Owners may request a waiver or reduction of their fine or suspension after curing their infraction(s). Any such request shall be submitted to the Board of Directors with proof of compliance. The Board shall have sole discretion as to whether to waive or reduce the fine or suspension after the Owner cures their violation(s). The Board may consider the number and severity of the violations, the Owner's cooperation or lack thereof, the amount of time and expense required to obtain the Owner's compliance, the Owner's history of violations, and any other factors relevant to the Board's decision.~~

D. Penalties. The Board of Directors may impose Special Assessments against the property owned by the Owner for any unpaid fines that equal or exceed \$1,000.00 when originally levied and approved by the committee or as allowed by Chapter 720, Florida Statutes as follows. In order to impose a Special Assessment the Association shall notify the Owner in writing at least 14 days before the Board of Directors' meeting at which the Board will consider levying a Special Assessment. The notice shall state the date, time, and location of the meeting, the purpose of the meeting, which is to consider imposing a Special Assessment for any unpaid fine or fines, and the amount to be imposed.

- ~~1. First noncompliance or violation: a fine not in excess of One Hundred Dollars (\$100.00).~~
- ~~2. Second noncompliance or violation: a fine not in excess of Five Hundred Dollars (\$500.00).~~
- ~~3. Third and subsequent noncompliance, or violation or violations that are of continuing nature: a fine not in excess of One Thousand Dollars (\$1,000.00). Each day of non-compliance can be considered a separate violation in the discretion of the Board.~~

E. Payment of Penalties. Fines shall be paid not later than five (5) days after notice of imposition of the fine and not later than thirty (30) days after notice of the imposition ~~or of a~~ Special Assessment of the penalties. Any fines not so paid shall bear interest at the maximum rate allowed by law, but only after they have been levied as a Special Assessment.

F. Collection of Fines. Fines levied as a Special Assessment shall be treated as an Assessment otherwise due the Association. The Association may record a lien for any unpaid Special Assessment and foreclose on the lien in the same manner as all other Assessments.

G. Application of Penalties. All monies received from the fines shall be allocated as directed by the Board of Directors.

H. Nonexclusive Remedy. These suspensions and fines shall not be construed to be exclusive, and shall exist in addition to all other rights and remedies to which the Association or the Neighborhood Associations may be otherwise legally entitled; however, any penalty paid by the offending Owner shall be deducted from or offset against any damages that the Association or any Neighborhood Association may otherwise be entitled to recover by law for such Owner.

All provisions, terms or parts of the Declaration not changed or modified as stated herein, shall remain in full force and effect as they exist in the Declaration.



[Signatures on the Following Page]

IN WITNESS WHEREOF, the Developer has caused this this Amendment to be executed on the 27th day of Feb, 2023.

Harbor Hills Development, L.P.
A Delaware Limited Partnership

By: H.H.C.C. Inc., General Partner

By: [Signature]
Michael Rich, President

WITNESSES:

Signature [Signature] Name: Kyle A. Snyder
Print _____

Signature [Signature]
Print Name: Karen E Smead

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me by means of (mark one) physical presence or online notarization, this 27 day of February, 2023, by Michael Rich as President who is personally known to me (if so check here) or has produced _____ as identification.

[Signature]
Notary Signature
Printed name: Kimberly Smith



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