

MAYFAIR NEIGHBORHOOD ASSOCIATION, INC.
A RESOLUTION OF THE BOARD OF DIRECTORS
ADOPTING A POLICY FOR FINING

WHEREAS, the Declaration of Easements, Covenants, Conditions and Restrictions for Mayfair Neighborhood Association establishes that the undersigned Association is responsible for operation of the Subdivision, and for enforcement of its rules and restrictions; and

WHEREAS, the governing documents of the Association permit fining for violations of the Declaration, By-Laws and Rules and Regulations; and

WHEREAS, the Board of Directors wishes to adopt a policy regarding the fining procedure which it will utilize in such circumstance;

NOW, THEREFORE, be it resolved by the Board of Directors as follows:

1. The Board of Directors or its appointed agents is charged with determining whether there is probable cause that any of the provisions of the Declaration of Covenants, Restrictions and Assessments, the Bylaws, or the Rules and Regulations of the Association regarding the use of the lot or the common areas that are being or have been violated.
2. The Board of Directors shall appoint a Fining Review Committee which shall consist entirely of at least three (3) lot owners other than officers, directors or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee, and such Committee shall be charged with conducting the hearing and rendering the decision with regard to the levy of fines as herein provided. Additionally, the Board of Directors or its designated agents are the ones who should establish and adopt proposed fines.
3. In the event that a Complaint is received by the Association, or a violation is otherwise determined to have occurred, the Board of Directors ("the Board") or its agents will notify the alleged violator(s), and in appropriate cases, will provide an opportunity for such violation to be corrected within a reasonable time.
4. If the violation has not been corrected, or in the case of a second violation, or a violation of a serious nature that the Board determines does not warrant an opportunity for the violator to correct it, the Board, or its designated agent(s), may adopt a proposed fine, up to the maximum amount allowed by law. A fine may be imposed based upon each day that a continuing violation continues or upon such occurrence. The fine will not become final until a hearing has been held, or the right to a hearing is waived by the alleged violator.
5. Following the adoption of a proposed fine, the alleged violator shall be notified by regular and certified mail, and a copy of these rules shall be provided, along with a notice that the alleged violator may request a hearing before the Committee within fourteen (14) days of the date of the violation letter. The notice to the alleged violator shall also include a short and plain statement of the matters asserted by the Association, as well as a statement of the provisions of the Declaration, By-Laws, or Rules which have allegedly been violated. Failure to request a hearing

within this fourteen (14) day time frame shall constitute a waiver of the right to a hearing.

6. The Committee shall hold a hearing, if requested, after giving the lot owner fourteen (14) days written notice, from the date of the letter. The owner shall receive notice of the date, time and place of the hearing, unless the alleged violator waives this fourteen-day notice requirement. The Committee may overrule or modify the fine following the hearing.
7. The Board shall appoint a Chairman who will be able to effectively run any meetings or hearings which result from the proposed fines and the Committee shall conduct hearings in accordance with the following rules, in addition to such other rules and procedures as may be established by the Committee, to hear any charges and defenses:
 - (a) A representative of the Association shall be heard first, in order to summarize the basis for the proposed fine, and to present any witnesses or documents in support of the proposed fine. Written affidavits shall be permitted, and the hearing need not be conducted according to technical rules relating to evidence and witnesses. A party or witness may also be allowed to appear by telephone conference, provided that the cost involved is paid by the party offering such evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules and privileges relating to court proceedings shall only be effective to the extent that they are required by law to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
 - (b) Each party shall have these rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her.
 - (c) Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing shall be open to attendance by all lot owners, and at least 48 hour prior notice of fine hearing will be posted in the community in compliance with existing documents. In rendering a decision, official notice may be taken at any time of any contents within the Declaration, the Articles, the By-Laws, the Rules and Regulations or the workings of the Association.
 - (d) The Committee will render decisions during the meeting and will prepare a written summary of the decision which is to be provided to the Association and the alleged violator. If the decision of the Committee, by majority vote, is to uphold the fine, or to impose a reduced fine, the fine shall be payable to the Association within twenty (20) days from the date that written notice of the decision is sent to the alleged violator(s).
8. Subsequent to the hearing, or if no hearing is requested within fourteen (14) days from the date of the letter notifying the alleged violator of the fine, any further enforcement action will be taken by the Board of Directors.

9. Any violator(s) will be responsible for interest, costs and attorneys' fees incurred in the enforcement of the fine, including costs and attorney's fees in connection with any correspondence or hearings, provided that the Committee upholds the fine, in whole or in part, and the person who is the subject of the fine fails to pay it within 20 days from the date of a letter advising them that the fine has become final.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution on this 8th Day of March, 2012

MAYFAIR NEIGHBORHOOD ASSOCIATION, INC.

By: 

President

March 8, 2012
Date

MAYFAIR NEIGHBORHOOD FINING SCHEDULE

The titles of the items were taken from the Declaration of Easements, Covenants, and Conditions & Restrictions. Each item was described in detail within accordance of the Declaration:

<u>Article XII</u>	<u>Violation</u>	<u>Amount per Day</u>
12.1	Business Use of Homes and Lots	\$100
12.2	Prohibition against Garage Conversion	\$100
12.3	Outside Storage of Personal Property	\$100
12.4	Portable Buildings or Structures	\$100
12.5	Garbage and Trash	\$100
12.6	Parking	\$50
12.7	Pets	\$100
12.10	Drying areas	\$25
12.11	Nuisances	\$100
12.13	Signs	\$50
12.14	Window Treatments	\$50
12.17	Visibility for Corner lots	\$100
12.18	Barbeque grill and Smokers	\$50
12.19	Landscaping	\$100
12.20	Fences	\$100
12.26	Leasing	\$100
12.27	Occupancy	\$100
12.28	Holiday Lighting and Decorations	\$50
12.29	Noise	\$100
Other covenants, Bylaws or rule violations		\$100
Repeat violation - maximum fine		\$1000

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution during a duly noticed meeting held on the 8th day of March, 2012

MAYFAIR NEIGHBORHOOD ASSOCIATION, INC.

By: 
President

March 8, 2012
Date