

OAK HILL SETTLEMENT OWNERS' ASSOCIATION
Rules Enforcement and Fine Structure
Resolution #2012-001 (Policy & Procedure)
Replaces Financials Penalties Resolution dated May 2009

WHEREAS, the Association has a Declaration and Bylaws, and,

WHEREAS, the Declarations of the Oak Hill Settlement Owners' Association charge the Board of Directors with the powers and duties to ensure that residents who enjoy the privilege of living in Oak Hill Settlement, also accept the responsibility of not infringing on their neighbors' rights of peaceful enjoyment, safety and sustained property value.

NOW, THEREFORE, BE IT RESOLVED, that apparent compliance violation issues within the Oak Hill Settlement shall be dealt with as follows:

1. **Observations Made by the Association:** When the Association directly observes a violation (through the Board of Directors or the Managing Agent), it will begin with paragraph 4, below. No written complaints are required to be filed.
2. **Direct Resolution Preferred:** Owners disturbed by a neighbor's actions, or believing that a neighbor is in a compliance violation with an Oak Hill Settlement rule or regulation, are encouraged to express their concern with the neighbor prior to reporting to the Association. Most disturbances are believed to be unintentional and immediate resolution by responsible neighbors, if possible, is desirable and expected.
3. **Written Complaint:** If a resolution to the situation is not achieved through the initial direct discussion between the involved parties, or is recurrent, the Complainant may submit a signed, written complaint to the Association. This written complaint shall document the disturbance/violation created by which neighbor, on what date, time and place. The complaint must describe the activity in enough detail that an objective person could comprehend the concern. A written complaint is considered an email, fax or letter received via regular mail.
4. **Association's Initial Response:** Upon notification of 1st violation a homeowner will receive a "Friendly Reminder" to correct the violation. This reminder will notify the homeowners of the infraction and request correction to avoid potential fine assessment and or collection activity. The owner will have 14 calendar days from the date of the letter to comply. In a situation where there is an immediate threat to health, safety or the environment, the Association may elect to rectify the situation immediately, without notice, and charge the owner(s) for any and all costs incurred. An immediate threat will be determined by the Board of Directors at their discretion.
5. **Associations Secondary Response:** Should the violation not be remedied within 14 calendar days of the "Friendly Reminder", the homeowner will be notified in writing of the continued violation and requested to remedy the violation within 14 calendar days via a "Notice to Correct". This notice will inform the homeowner of their right to a hearing prior to any fine being assessed. The homeowner must request a hearing, pursuant to paragraph 13 below, within 10 calendar days of the date of the letter. If the

Agent of Record receives a request for a hearing within the time limit, a date and location will be established, the homeowner notified and all collection or late fee activity will be put on hold until the hearing is held.

6. **Fine Notices:** Should the same violation not be remedied within 14 calendar days of the date of the second Notice or recur within a 12 month period and no request for a hearing received, a second letter will be sent ("Fine Notice") and a fine of \$75.00 (seventy-five dollars) will be assessed to the owners account. Fines are due within 10 days of issuance. Unpaid fines will accrue late fees and interest pursuant to the collection resolution.
7. **Continued Violation:** Should the continued violation remain for another period of 14 calendar days or recur within a 12 month period, (violation would then not be remedied for 45 days), a second fine of \$150.00 (one-hundred and fifty dollars) will be imposed on the homeowners account. At this same time, if the fines are not paid, a lien may be placed on the property. Additionally, all related attorney and filing fees incurred for enforcement would be charged to the homeowners account.
8. Should the initial violation continue and there has been no compliance, an additional fine of \$250.00 (two-hundred and fifty dollars) will be imposed every 14 calendar days thereafter until remedied.
9. **Legal Action:** The Board of Directors reserves the right at any time to elect to hire legal counsel to pursue compliance of any owner with the governing documents. The owner in violation is responsible for all fees and costs incurred by the Association regarding enforcement.
10. **Repeat Violators:** Each repeat violation by the same owner, guest, contractor, vendor, etc. whether single or multiple locations and or times, within a 12 month period, shall begin being fined without further notice, at the 45 day mark of \$250.00 plus administrative charges.
11. **Association Correcting Violation:** The Association at any time may correct the violation, but is not obligated to do so. If the Association corrects the situation, the owner is responsible for reimbursing all the costs to the Association plus a flat \$100 administrative charged for correcting any matter.
12. **Rental Units:** In the case of non-owner occupied properties, the owner of the property will be provided the notices informing owner that a violation has occurred on their property. If violation is left unresolved and fines are imposed, the fines will be imposed on the owner of the property. It is the responsibility of the owner of the property to notify tenants of the Association policies and procedures and ensure compliance. The Association handles all communication through the owner of the property.
13. **Appeal:** If the owner does not agree with the issue as stated in the Notice to Correct, that owner may file a written appeal, along with supporting documentation, as to why s/he is an exception to the stated rule or why the owner is not in violation. If the owner is requesting a hearing with the Board, the written request must be received within 14 days of the date of the notice of violation or fine notice. If no hearing request is received,

the Board of Directors is not required to schedule a hearing with the owner and the violation or fine will be upheld.

14. **Hearing Request:** Upon receipt of a request for hearing, the Board of Directors will notify the owner in writing within 14 calendar days of the date, time and location of the hearing. The hearing will be scheduled within 30 calendar days of the notice if possible, schedules permitting. The hearing is to provide the owner an opportunity to be heard by the Board of Directors as to whether or not the owner is in violation as stated in the Notice to Correct and the imposition of the fine is proper. At this time, the owner is to submit all supporting documentation, facts, etc. The Board of Directors will adjourn the hearing and provide a written decision to the owner within 10 business days of the hearing.

ATTEST:



President, Board of Directors
Oak Hill Settlement Owners' Association



Date