

WOODBINE HOMEOWNERS ASSOCIATION POLICIES FOR VIOLATIONS OF RULES AND REGULATIONS

Updated by the HOA Board of Directors - November 2012

WHEREAS the property owners, tenants, guests, or other persons occupying units or using the common facilities in *Woodbine Condominiums at Lakewood* are subject to the Rules and Regulations set forth in article 10 of the Condominium Declaration for Tomlinson Condominiums and the Rules and Regulations adopted by the Woodbine HOA Board of Directors from time to time

Section 8.7 of the above Declaration gives the HOA Board authority to make Rules and Regulations, to levy fines and additional charges beyond normal association assessment dues, to remove violating vehicles, and to suspend certain owner's rights.

WHEREAS it is the intent of the Board:

1. To achieve compliance with rules, policies, and procedures
2. To promote unity and harmony within the property
3. To maintain the appearance and value of our property
4. To maintain community relationships that are fair and equitable for all residents and property owners

NOW, THEREFORE, BE IT RESOLVED that the following procedures be used to address suspected violations of the Rules and Regulations as set forth in the Condominium Declaration and the Rules and Regulations adopted by the Woodbine Homeowners Association:

A: VIOLATIONS, COMPLAINTS, and NOTIFICATION:

1. A suspected rules violation, nuisance complaint, or safety issue may be identified by the association manager, an appropriate committee, or may be brought to the Board's attention by any member of the Association.
2. Upon receipt of a written complaint, the property manager or appropriate committee will examine the complaint and will make an initial determination of whether a violation exists.
3. If it is determined that a violation does exist, the property owner will be notified in writing. The written notification may be sent by First Class Mail, posted in a conspicuous place on the homeowners unit, hand delivered to the homeowner, or sent by e-mail with a return receipt requested.
4. If the property is a rental unit the renter will also receive a copy of the notification, as per above 3a.
5. The notification will state the rule that has been violated, a description of the violation, and the date by which the violation must be corrected to avoid penalty.
6. A time limit of five (5) calendar days from the date of postmark or the notification shall be set for compliance or correction of the violation, unless an alternative action is agreed upon in writing with the property management company or HOA Board.
7. The notification will also notify the property owner of their rights to request a hearing.

B: HOMEOWNER'S RIGHT TO A HEARING:

1. The request for a hearing must be submitted in writing within five (5) calendar days of the date of the postmark of the notification, or the right to hearing will be waived and a fine may automatically be assessed.

2. The request for a hearing must be directed to the property management company whose name, address and phone number shall be listed on the Notice of Violation. The property management company will submit the request for a hearing to the HOA Board.
3. The purpose of the hearing is to provide the property owner the opportunity to establish why the rule has not been violated, or why the rule or procedure does not apply, or why correction of the alleged violation has not yet occurred.
4. The HOA Board shall conduct a hearing at a mutually agreeable time with the homeowner within thirty (30) days of the request for hearing.
5. After hearing the property owner's position, the Board, or a committee appointed by the HOA Board, shall make a determination whether the CC& R's, the Condominium Declaration, the Association By-laws, or the Condominium Rules and Regulations have been violated. The Board will either render its decision at the conclusion of the hearing or will take the matter under advisement and render the decision within seven (7) calendar days of the hearing.
6. The Board's decision may be sent by First Class Mail, posted in a conspicuous place on the homeowners unit, hand delivered to the homeowner, or sent by e-mail with a return receipt requested.
7. If, after the hearing, the Board determines that no violation exists, no further action on the part of the homeowner will be required.
8. If, after the hearing, the Board determines that a rule violation does exist, the property owner will have five (5) business days from the date of the notification to correct the problem. After the five (5) business day period, the property manager or appropriate committee shall inspect the property to insure satisfactory compliance.
9. If a fine is to be imposed, the amount of the fine will be included in the Board's written response and will be sent to the owner (and the renter, if applicable) at their last known address. **Section C** below describes how fines will be assessed. Fines will be immediately due and payable.

C. PENALTIES, ASSESSED FINES AND LEGAL ISSUES:

1. If a violation still exists after the initial five (5) period, and if the property owner has not requested a hearing, the following penalties will be automatically assessed:
 - First notice of violation: \$50.00 applied on the day six
 - Second notice of violation: \$100.00 applied 30 days after the assessment of the first notice of violation.
 - Third notice of violation: \$150.00 applied every 30 days until the violation is corrected.
2. The above fines are in addition to any legal fees or other expenses that may be incurred by the Association in seeking compliance with violation or for replacement or repair of common areas or facilities damaged by the property owner.
3. Should a fine be assessed by the Board, the amount will be invoiced and sent to the property owner at their last known address, and will be immediately due and payable.
4. Unpaid fines shall be subject to collection as assessment in accordance with resolutions adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws.
5. Failure to pay fines within sixty (60) days shall become a special assessment and subject to a lien upon the property.

NOW, THEREFORE BE IT RESOLVED and notwithstanding any other provision in this resolution, that the Board may also take whatever immediate legal action as it deems reasonably necessary to prohibit conduct which it determines is in violation of the CC&R's, the Declaration, Bylaws, Condominium Rules, or applicable state or federal law. AND BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all property owners and residents at their last known address.

Adopted by the Woodbine HOA Board the 29th Day of November, 2012