

## HERITAGE OF HAWK RIDGE COMMUNITY ASSOCIATION

### VIOLATION, FINE AND ENFORCEMENT POLICY

Adopted by the Board of Directors on June 15, 2021

The guiding principles of the Heritage of Hawk Ridge Community Association (HHRCA) are to foster a pleasing and wholesome residential environment and strive to maintain and enhance property values within the community.

The Association is empowered to enforce the Declaration of Covenants, Conditions, and Restrictions, Bylaws, and the Rules and Regulations promulgated by the Association pursuant to the Declaration, as adopted and amended from time to time (collectively, the “Documents”), including the obligation of Owners to comply with terms and provisions of the Declaration. The Board hereby adopts this Violation, Fine and Enforcement Policy to establish equitable policies and procedures for the levy and enforcement of fines within the Association. Any monetary fines imposed against an Owner pursuant to the Declaration, Bylaws or Rules and Regulations of the Association shall constitute a lien against the Lot of such Owner to the same extent as if such fines were an assessment against such Lot, as stated in the Declaration of Covenants, Conditions and Restrictions, Article V.1.

Terms used in this policy, but not defined, shall have the meaning subscribed to such term in the Documents.

1. Policy – The Association may use fines in its discretion to discourage violations of the Documents, and to encourage compliance when a violation occurs. Although a fine may be an effective and efficient remedy for certain types of violations or violators, it is only one of several methods available to the Association for enforcing the Documents. The Association’s use of fines does not prohibit its use of other remedies for the same violation.
2. Owner’s Liability – An Owner shall be liable for all fines levied by the Association for violations of the Documents by the Owner and the relatives, guests, employees, contractors, and agents of the Owner. Regardless of who commits the violation, the Association may direct all communications regarding the violation to the Owner.
3. Amount – The Association may set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effects of the violation. The Association may establish a recommended schedule of fines for certain types of violations.
4. Violation Notice and Levy of Fine – Because of the unique nature of HHR and its residents, many who travel or live part of the year outside of HHR, notification efforts may be made by mail, email and/or text messaging. The Association shall give the Owner a violation notice and an opportunity to be heard. Any fine may be included in the initial Violation Notice letter or in a later Notice.
5. Repeated or Continuous Violations – If an Owner has been notified of either a new violation or a repeat violation in the manner and for the fine amounts as set forth in the Schedule of Fines below and the Owner has never cured the violation in response to either the notices or the fines, in its sole discretion, the Board may

determine that such a circumstance is a continuous violation which warrants a levy of a fine based upon a daily, monthly, or quarterly amount as determined by the Board.

6. Violation Hearing – To request a hearing before the Board, the Owner must submit a written request to the Association within thirty (30) days of the violation notice. The Association shall then provide the Owner the date, time and place of the hearing, which may coincide with the next Board meeting. If that date and time are unacceptable, the parties will work together to determine another date and time. The Board shall not be required to hold a hearing outside of its regular meeting date, time and place. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation(s) as if the declared violation(s) were valid. The Owner's request for a hearing suspends only the levy of a fine. At the Board's discretion, the hearing may be held in a closed or executive session of the Board. The Owner may attend the hearing in person or may be represented by another person or submit a written response for the Board's consideration. No audio or video recording of the hearing may be made unless otherwise approved by the Board. No minutes of the hearing are required; however, the Board shall record its decision and any fine levied in its next meeting minutes. If the Owner appears at the meeting, the notice requirements shall be deemed satisfied.

7. Amendment of Policy – This policy may be amended from time to time by the Board. The notice may be published and distributed in an Association newsletter or other community-wide publication.

### **SCHEDULE OF FINES**

The Board has adopted the following schedule of fines that it intends to use in most circumstances. However, the Board reserves the right to deviate from this schedule in its discretion, including to charge a larger amount or shorten the timeline between fines or the frequency of the fines. Similarly, the Board may exercise its authority to make exceptions or grant extensions in its discretion. The number of notices set forth below does not mean that the Board is required to provide each notice prior to exercising additional remedies as set forth in the Documents. The Board may elect to pursue such additional remedies at any time in accordance with the applicable law.

## GENERAL FINES

<b>New Violation:</b>	<b>Fine Amount:*</b>
1 <sup>st</sup> Notice	Courtesy Letter**
2 <sup>nd</sup> Notice	Warning*
3 <sup>rd</sup> Notice	\$50.00
4 <sup>th</sup> Notice	\$100.00
Each Subsequent Notice	\$125.00
<b>Repeated/Continuous Violation:</b>	
1 <sup>st</sup> Notice	\$50.00
2 <sup>nd</sup> Notice	\$75.00
3 <sup>rd</sup> Notice	\$100.00
4 <sup>th</sup> Notice	\$125.00
Each Subsequent Notice	\$150.00

\*The Board of Directors, at its discretion, reserves the right to increase or decrease the recommended fine amount depending on the nature, frequency, and effects of the violation.

\*\* The Board reserves the right to skip the Courtesy Letter (or any other letter) in its discretion depending on the violation at issue. Specifically, for a Lot Maintenance violation, the Board does not intend to send a Courtesy Letter. Rather, the Board intends to start with a Warning letter and provide a specified amount of time to correct the violation, and if not corrected, the Board shall have the authority, in its discretion, to have a contractor enter the property and perform the maintenance or repair at the homeowner's expense. Such entry shall not be deemed a trespass.

Sampling of infractions considered as worthy of Warning Letters and Fines:

- Overgrown landscaping
- Trash, junk, or debris in the yard (trash containers are to be kept inside garage or basement)
- Improperly parked or inoperable vehicles (no parking in yards or common ground)
- Off-season holiday decorations (see Rules & Regulations for details)
- Mold/Mildew/Discoloration on siding
- Any changes to the outside of the home or to the landscaping around the home (including but not limited to plants that (potentially) infringe on neighbor's property) that have not been approved by the ARC