

Policy and Procedure for Violation of Governing Documents [CC&Rs, Rules & Regulations, etc]

Vistas at Tiara Rado Condominiums

July 8, 2013

The purpose of this Policy is to implement enforcement for violations of the CC&Rs, the Rules & Regulations, and other governing documents for Vistas at Tiara Rado Homeowners Association. This policy applies to all residents (owners or tenants) equally; it is the Homeowners responsibility to ensure tenants understand and comply with all restrictions, rules and regulations.

Violation Penalty Schedule

Monetary and Voting penalties for violations of the provisions of the Declaration, Bylaws, and Rules & Regulations of the Association shall be imposed by the Board according to the following procedures:

- **FIRST NOTICE**

Written notice will be sent to the homeowner at the mailing address as it appears on the records of the Association at the time of notice. The first notice shall be a REMIDNER LETTER and shall give the owner 14 days to comply. The notice shall include:

- The nature and date of the violation.
- A notice that the action is a violation of the Association Declaration or Rules & regulations.
- The date by which the violation must be remedied.

- **SECOND NOTICE**

If the violation is not corrected within the time period specified in the first notice, a second notice will be sent. The second notice shall be a VIOLATION LETTER with no fine imposed and shall again give the owner 14 days to comply. The second notice shall include:

- The nature and date of the violation and the date of the first notice to the owner.
- The fact that a monetary penalty will be imposed for failure to correct the violation or of repeated violations of the same rule as determined by the Board.
- The date by which remedial action is to be completed.

- **THIRD NOTICE**

If the violation is not corrected within the time period specified in the second notice or if the same violation reoccurs within a six (6) month period of the previously written notice, a third notice will be sent. The third notice shall include:

- The nature and date of the violation and the dates of the first and second notices to the owner.
- The fact that a **monetary penalty** will be imposed at the next Board meeting if not appealed.
- The manner in which the owner will be provided with an opportunity to be heard with respect to the violation and/or the monetary penalty.

- APPEAL PROCEDURES

The owners will be provided an opportunity to appeal the violation and the fine as follows:

- Within 15 calendar days following the date of the THIRD NOTICE, the owner may appeal the monetary penalty in writing to the Board and may also appear in person before the Board at the Board Meeting following the expiration of the Third Notice deadline.
 - Appeal shall demonstrate extenuating circumstances, which require deviation from the Association document cited in the violation notice.
 - Appeal shall include all pertinent back up information to support the existence of the extenuating circumstances.
 - A fine of \$25.00 will be assessed for an uncorrected violation of the same Article of the Declaration, Bylaws, or Rules & Regulations of the Association.
 - Subsequent violations of the same rule occurring within a six (6) month period, will be assessed a \$50.00 fine for the second violation, and \$75.00 for subsequent violations.
 - The period for corrective action will, in all cases, be fourteen (14) days.
 - If at any time the Board determines that the homeowner has no intention of complying with the rules, then the Board may exercise the option to pursue corrective action through further fines and legal means.