

Ivy Ridge, A Condominium

Rules & Regulations Fine Policy

October 21, 2015

Revised December 22, 2020

Purpose: To cause there to be a fine imposed due to violation of rules and regulations not being complied to. The specific purpose of this rule is:

- 1) To impose a fine if a member of the association violates the rules.

Authority: Per Article 10 of the Declaration of the community, Section a - f: The Board of Directors shall have the power to promulgate, modify or cancel rules and regulations which shall be binding on each Owner pertaining to the development of the properties and levying and enforcing fines and penalties.

Scope: This rule shall apply to all Lots within the Condominium.

Specifications: Fining Procedures

1. NOTICE OF VIOLATION: The Board of Directors may not impose a fine, suspend voting, or infringe upon rights of an Owner or other occupant for violations of the Declaration, By-Laws, and or the Rules and Regulations of the Association (hereinafter, individually, a “Rule, and collectively, the “Rules”) until a written demand to cease and desist from the alleged violation is served upon the alleged Unit Owner, specifying;

- a) The nature of the alleged violation and the date (s) of the violation, if known; and referencing the document item(s)
- b) The action required to abate the violation;
- c) The timeframe for the completion of any failure to comply;
- d) If the violation is a continuing violation, only one warning will be given for each offense; regardless if corrective action was taken timely for the first offense. The additional violation will be considered a second offense and a monetary fine will apply. Subsequent offenses will result in additional monetary fines as defined in the Ivy Ridge Condominium Association Violation Enforcement Procedures document.
- e) If the alleged violation is committed by a minor child, a statement that the parents and/or legal guardians of such minor child shall be jointly and severally financially responsible for the payment of any sanctions imposed pursuant to this policy.

2. NOTICE OF SANCTION: If the violation continues past the time period specified in the Notice of Violation for abatement, or if the same Rule is violated after the expiration of the time period specified in the Notice of Violation, then the Board of Directors shall serve the alleged Unit Owner with a written notice of the proposed sanction to be

imposed. The notice of Sanction shall be served on the alleged Unit Owner and shall contain:

- a) The nature of the alleged violation(s) and the date(s) of the violation(s), if known;
- b) A copy of the Notice of Violation;
- c) The proposed sanction to be imposed.

3. NOTICE OF HEARING: For any violation or offense, the Unit Owner shall have the right of appeal. The Unit Owner will provide The Board of Directors in writing within 10 days of the violation notice that the Unit Owner is requesting a hearing. The date and time of the hearing will be determined by the Board of Directors. The Notice of Hearing shall contain:

- a) The nature of the alleged violation(s) and the date(s) of the violation(s), if known;
- b) A copy of the Notice of Violation and the Notice of Sanction;
- c) The proposed sanction to be imposed;
- d) The date, time and place of the hearing, set for by the Board of Directors, which shall not be less than ten (10) days after the receipt of the written request from the Unit Owner; and
- e) The Board of Directors will issue an invitation to the alleged Unit Owner to attend the hearing and produce any statement, evidence, and/or witnesses on his or her behalf.

NOTE: The Unit Owner is the person who is named on the deed for the property.

4. SERVICE: The Board of Directors shall serve any Notice of Violation, Notice of Sanction, or Notice of Hearing upon the alleged violator as follows:

- a) Notice shall be deemed given when deposited in the United States mail, first class, postage prepaid. Additional notice can also be sent via email, if available.
- b) If the alleged violation is committed by a minor child, the Board of Directors may serve any Notice of Violation, Notice of Sanction, and/or Notice of Hearing upon a parent or legal guardian of such minor child.

5. HEARING: The Hearing on the alleged violation shall be held in an executive session of the Board of Directors. The Board of Directors shall provide the alleged Unit Owner with a reasonable opportunity to present evidence and to present and cross-examine witnesses. The Board of Directors may also present evidence and present and cross-examine witnesses. The minutes of the hearing shall contain a written statement of the disposition of the hearing and the sanction, if any, imposed.

6. COST AND FEES: To the extent permitted by law, the Association shall be entitled to all court costs and actual attorney's fees incurred by the Association in the enforcement of this policy.

7. SEVERABILITY: If any court shall determine that any policy, procedure, or fine in this Policy is entirely or partially unenforceable in accordance with its terms, this policy shall not thereby be determined but shall be deemed to be amended to the extent required to render it valid and enforceable, and the remainder of this Policy shall remain in full force and effect.

8. FINING SCHEDULE: After Notice of Violation and hearing, the Board of Directors shall have discretion to impose sanctions, which shall not exceed the amounts set forth herein. If the sanction is imposed against more than one person, the liability for such sanction shall be joint and several.

a) Non-Continuing Violation:

- i. First Offense: Warning. Twenty-Four (24) hours of receipt of letter to resolve. If the repair is such that a licensed contractor has to complete, the Unit Owner in demonstrating good faith must contact the Association to ask for a waiver of the fee schedule. The Unit Owner must provide the contractor's name, phone number, the date of the repairs, the repairs to be made and, if appropriate, must submit an Architectural Form
- ii. Second Offense: \$100 fine given if not resolved.
- iii. Third Offense: \$150 fine given if not resolved.
- iv. Fourth and Further Offense: \$200 fine each month until the offense is corrected.

b) Continuing Violation:

- i. First Offense – Already received warning they will automatically receive a Second Offense
- ii. Second Offense: \$100 fine given if not resolved.
- iii. Third Offense: \$150 fine given if not resolved.
- iv. Fourth and Further Offense: \$200 fine each month until the offense is corrected.

This resolution shall in no way contradict or replace any provision within the community's CCRs, and in the event that it does, the CCRs shall prevail over this resolution. This resolution will run in full force and effect beginning October 21, 2015 and shall continue until rescinded by the Board of Directors.