

La Cresta Property Owners Association

ENFORCEMENT POLICY AND FINING SCHEUDLE

In the event that the Board of Directors of the Association receives a complaint from a property owner or observes that an alleged violation of the Association's Governing Documents has taken place, the following steps shall be taken:

1. **Notice of Violation:** A letter will be sent via certified and/or first-class U.S. mail to the owner. The letter will include the following information: (a) the alleged violation, (b) the provision of the Association's governing documents that was allegedly violated, (c) the date upon which the alleged violation must be cured to avoid further action.
2. **Notice of Hearing:** If the violation is not cured within the timeframe set forth in the Notice of Violation letter, a letter will be sent via certified and/or first-class U.S. mail to the owner. The letter will include the following information: (a) the alleged violation, (b) the provision of the Association's governing documents that was allegedly violated, and (c) the time, date and place of the next Board meeting whereat the violation will be addressed in a hearing in executive session. A summary of the Association's Enforcement Policy and Fining Schedule will be included with the Notice of Hearing.
3. **Hearing:** On the date and at the time set forth in the Notice of Hearing (which shall be at least ten (10) days after the Notice of Hearing is provided to the alleged violating owner), the Board of Directors will meet in executive session, regardless of whether the alleged violating owner is in attendance, to discuss and evaluate the evidence that has been presented by the complaining party, the alleged violating owner (either by written statement or evidence, or personal testimony) and any witnesses. The alleged violating owner shall have an opportunity to review the evidence presented against him or her and address the Board in his or her defense.
4. **Disciplinary Action:** If the Board of Directors, after evaluating all the evidence presented, finds that a violation has occurred, then the Board may impose disciplinary action against the violating property owner by levying a fine, in accordance with the Fining Schedule attached hereto and incorporated herein.
5. **Written Findings:** Within fifteen (15) days following the hearing, the Board of Directors shall provide the owner a written notice of its findings and any disciplinary action imposed against the owner, by certified and/or first-class mail. No disciplinary action shall be effective until and unless such notice of Written Findings has been sent to the owner.

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FINING POLICY

After Notice and a Hearing, as set forth in the Enforcement Policy, the following disciplinary action may be imposed against and owner for a violation or violations of the Association's governing documents:

- A. First violation: \$200.00
- B. Continuing violations: \$300.00 per month, per violation, until such time as the violation(s) is/are cured.
 - A continuing violation is a violation that has never been cured and continues to exist or a violation that is repeated after being cured as a result of a receipt of a Notice of Hearing.
 - Each month, the alleged violation owner may attend a hearing to address the Board regarding the alleged continuing violation; however, no new Notice of Hearing need be sent to the alleged violating owner. This Fining Policy is intended to provide such notice to owners of their right to attend a hearing and address the Board.
- C. The Board reserves the right, at any time during the enforcement process, to turn the violation matter over to the Association's legal counsel for enforcement via alternative dispute resolution and/or litigation.