

SYLVAN HEIGHTS CONDOMINIUM ASSOCIATION  
Rules Enforcement and Fine Structure  
Resolution #2021-002 (Policy and Procedure)

WHEREAS, the Association has a Declaration and Bylaws, and

WHEREAS, the Bylaws of the Sylvan Heights Condominium Association charge the Board of Directors with the powers and duties to ensure that residents who enjoy the privilege of living in the Sylvan Heights Condominium Association also accept the responsibility of not infringing on their neighbors' rights of peaceful enjoyment, safety and sustained property value.

NOW, THEREFORE, BE IT RESOLVED, that apparent compliance violation issues within the Sylvan Heights Condominium Association shall be dealt with as follows:

- 1) Direct Resolution Preferred: Owners disturbed by a neighbor's actions, or believing that a neighbor is in a compliance violation with a Sylvan Heights Condominium Community Association rules or regulations, are encouraged to express their concern with the neighbor prior to reporting to the Association. Most disturbances are believed to be unintentional, and immediate resolution by responsible neighbors, if possible, is desired and expected.
- 2) Written Complaint: If a resolution to the situation is not achieved through the initial direct discussion between the involved parties, or is recurrent, the Complainant must submit a signed, written complaint to the AOU of Sylvan Heights. This written complaint must include as much information regarding the violation as possible. Information that will assist the Board of Directors to seek compliance includes the Lot that is in violation (preferably the property address), the actual rule that is believed to be violated, and the date(s) and time(s) of the violations. A written complaint is considered an email, fax, or letter received.
- 3) Management, an Officer of the Association, or a Board Member may report a potential violation to the Association upon Community Manager's, Officer's, or Board Member's own observation of such potential violation. Prior to sending any Friendly Reminder or Notice to Correct, the Association shall evaluate whether there is some probable cause to believe a violation may exist, and may use discretion in whether the circumstances warrant escalating the matter to the issuance of correspondence to the alleged violator.
- 4) Association's Initial response: Upon notification of first violation, Owner will receive a "Friendly Reminder" to correct the claimed violation. This reminder will notify the Owner of the claimed violation and request correction to avoid potential fine assessment and/or collection activity. The Owner will have thirty (30) calendar days from the date of the letter to comply.
- 5) Association's Secondary Response: Should the violation not be remedied within 30 calendar days of the "Friendly Reminder," the Owner will be notified in writing of the continued violation and be requested to remedy the violation within fourteen (14) calendar days via a "Notice to Correct." This notice will inform the Owner of the right to a hearing prior to any fine being assessed and provide instructions on how and where to submit a hearing request. The Owner must request a hearing within ten (10) working days of issuance of the "Notice to Correct." If the Association receives a written request for a hearing within the time limit, a date and location for the hearing will be established and the Owner notified, and all collection or late fee activity will be put on hold until the hearing is held.
- 6) Fine Notices: Should the same violation not be remedied within fourteen (14) days of the date of the "Notice to Correct" and no timely request for a hearing has been received, a "Fine Notice" will be sent, and a fine of \$50 (fifty dollars) will be assessed to the Owner's account. Fines are due within ten (10) days of issuance. Unpaid fines will accrue late fees and interest pursuant to the *Collection of Unpaid Charges Resolution*.
- 7) Continued Violation: Should the continued violation remain for another period of fourteen (14) days, a second fine of \$150.00 (one hundred and fifty dollars) will be imposed on the Owner's account. At the same time, if payment of the fines is not received, lien may be placed on the property. Additionally, all related attorney and filing fees incurred for enforcement would be charged to the Owner's account.

- 8) Should the initial violation continue and there has been no compliance, an additional fine of \$250 (two-hundred and fifty dollars) will be imposed every thirty (30) calendar days thereafter until remedied.
- 9) Legal Action: The Board of Directors reserves the right at any time to elect to hire legal counsel to pursue compliance of any Owner within the governing documents. The Owner in violation is responsible for all fees and costs incurred by the Association regarding enforcement.
- 10) Rental Units: In the case of nonowner-occupied properties, the Owner of the Lot will be provided the notice informing Owner that a violation has occurred on the Owner's property. If the violation is left unresolved and fines are imposed, the fines will be imposed on the Owner of the Lot. It is the responsibility of the Owner of the Lot to notify tenants of the Association policies and procedures and ensure compliance.
- 11) Hearing Request: If the Owner timely requests a hearing, the Board shall hear the matter and consider whether or not the violation has occurred and an appropriate remedy therefore, including, but not limited to, the entry of a fine as provided in paragraph 6, with subsequent fines as provided in paragraphs 7-8 above. If the Owner fails to appear at the hearing, the Board may default the Owner and enter a fine without further proceedings. The hearing will be scheduled within thirty (30) calendar days of the request for hearing, schedule permitting. The hearing is to provide the Owner an opportunity to be heard by the Board. At this time, the Owner is to submit all supporting documentation, facts, etc., The Board of Directors will adjourn the hearing and provide a written decision to the Owner within ten (10) business days of the hearing.
- 12) Association Correcting Violation: The Association may correct the violation, but is not obligated to do so. If the Association corrects the situation, the Owner is responsible for reimbursing all the costs to the Association plus a flat \$100 administrative fee charged for correcting any matter. In a situation where there is an immediate threat to health, safety, or the environment, the Association may elect to rectify the situation immediately, without notice, and charge the Owner for any and all costs incurred. An immediate threat will be determined by the Board of Directors at their discretion.
- 13) Nothing herein shall be construed to preclude the Board of Directors from taking such other action in lieu of, or together with actions described herein, in furtherance of enforcement of the governing documents or applicable law, including, but not limited to, equitable remedies such as injunction and specific performance, or legal remedies, including, but not limited to, suspension of rights pursuant to Declaration Article 10.1(d).
- 14) Fines, once imposed shall become an immediate assessment against the Lot and Lot Owner pursuant to the Declaration and Bylaws, subject to the accrual of interest and collectible as provided therein and pursuant to the current Collection of Unpaid Charges Resolution of the Association.
- 15) Distribution of Resolution: A copy of this Resolution shall be distributed to all Owners pursuant at the address on file with the Association.

Adopted this 26<sup>th</sup> day of May, 2021

ATTEST:



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President, Board of Directors  
Sylvan Heights Condominium Association



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Secretary, Board of Directors  
Sylvan Heights Condominium Association