

REDMOND RIDGE EAST HOMEOWNERS ASSOCIATION

Enforcement Policy with Fine & Fee Schedule

Approved at the November 29th, 2021 Board Meeting

Effective 1/1/2022

All Owners of lots within the Plat of Redmond Ridge East are members of the Redmond Ridge East Homeowners Association ("Association"). By virtue of their ownership and membership, Owners are subject to the Association's "Governing Documents," which consist of the various Declarations of Covenants, Conditions, Restrictions, the Bylaws, the Articles of Incorporation, and the Rules & Regulations, as any of those documents may be amended from time to time.

The Governing Documents similarly burden and benefit each lot and Owner, and each Owner is required to strictly comply with the Governing Documents. Failure of an Owner, or their tenants or guests, to comply may result in demand(s) to comply, issuance of fines, suspension of privileges, legal action to recover sums due for damages or injunctive relief, or both, maintainable by the Board of Directors ("Board") on behalf of the Association or by an aggrieved Owner against the noncompliant party.

This Enforcement Policy with Fine & Fee Schedule sets forth the procedures the Board will follow in the event of violations of the Governing Documents which result in the issuance of a fine, but its notice and hearing procedures may be used for any Association action that requires a hearing or where the Board determines a hearing would be useful to help administer the issue. Also listed below are the amounts of fines, including those for continuing or uncorrected violations, certain fees, and how an Owner will be provided an opportunity to be heard before a proposed fine is assessed to their account.

A. **Procedures for Notice of Violations.** If the Association receives or obtains information suggesting that there has been a violation of the Governing Documents, after reasonable inquiry into the circumstances surrounding the allegations, the Association may take the following actions:

1. **First Violation. Warning Letter.** A violation of the Association's Governing Documents will result in a written Warning Letter that continuing or future violations will subject the Owner to fines or other enforcement action. Some situations may require immediate action on the part of the Owner, but unless otherwise stated in the Warning Letter, or as may be required by the Governing Documents for certain types of violations, members will have 30 days to correct the violation. An Owner is entitled to only one warning letter per type or category of violation in any 12-month period.

2. **Subsequent Violations. Violation Letter & Fine.** A second violation of the same or similar type or a violation not corrected within the time expressed in the Warning Letter shall be subject to a fine as provided in the Fine & Fee Schedule. The Owner will be sent a Violation Letter and notice of hearing listing the proposed fine and providing opportunity to be heard regarding the violation. (Violations determined to be especially serious, that cannot be corrected or effectively deterred with a warning, may be subject to immediate Violation Letter and proposed fine, without a prior Warning Letter.)

3. **Mail or Personal Delivery.** All Warning, Violation or hearing decision Letters will be sent by mail to the lot address unless an alternate address has been given in writing by the lot's Owner to the Secretary or Association manager prior to the date of the notice. Certified Mail and email may but are not required to be used.

4. **Owners Responsible for Guests and Tenants.** Owners are responsible for their guests, tenants, agents, contractors and invitees. If a non-Owner occupant of a lot is in violation of the Governing Documents, the Warning Letter, Violation Letter, or other notice will be sent to the Owner as provided for in the preceding paragraph. The Unit Owner is responsible for notifying his or her tenants or occupants, paying any fines and taking corrective action.

B. **Opportunity for Hearing.** An Owner is entitled to a hearing before a proposed fine is assessed.

1. **Notice of Hearing.** The Violation Letter will provide the Owner with a notice of hearing before the Board (or a Hearing Committee designated by the Board) regarding the violation or proposed action. The notice of hearing shall include (a) a statement of the violation, (b) a statement of the fine or general statement of the proposed action, (c) the date, time and place of the hearing, (d) any time limits upon the presentation of information or evidence; and (e) whether the affected Owner may offer a written statement in lieu of appearance. The hearing shall be set not less than ten (10) nor more than forty-five (45) days from the date of the Violation Letter, and shall be set between the hours of 9:00 a.m. and 9:00 p.m. unless the Board and the affected Owner mutually agree on a date and time for the hearing.

2. **Continuance of Hearing.** The Board (or Hearing Committee) shall have discretion to allow or disallow a continuance of the hearing at the request of the Owner. Failure to appear at the hearing shall constitute waiver of the opportunity to be heard.

3. **Attorneys.** If the Owner intends to have an attorney present at the hearing, the Owner must notify the Board seven (7) days prior to the hearing so that the Association may also have counsel present.

4. **Hearing Procedures.** At the hearing, the affected Owner shall have a reasonable amount of time under the circumstances to present evidence and argument to the Board or Hearing Committee regarding the violation. Specific time limits may be set forth in the Violation Letter, but if no limits are expressed, the Owner will have up to fifteen (15) minutes to address the Board or Hearing Committee. Additional time may be granted by mutual agreement of the parties. Presentation of evidence or argument shall be subject to reasonable rules of procedure established by the Board in advance of, or at, the hearing to assure a prompt and orderly resolution of the issue. Other Owners or persons with knowledge of the issues may be allowed to present evidence or argument concerning the violation or proposed sanction in accordance with procedures established by the Board or Hearing Committee, or at the discretion of the Board or Hearing Committee.

5. **Decision of the Board.** Within a reasonable time following the hearing, the Board or Hearing Committee will meet in executive session to make a decision on whether a violation has been committed and shall endeavor to send the Owner notice of its decision in writing in the same manner in which the notice of the meeting was given within thirty (30) days of the hearing. Any proposed fines levied and assessed following a hearing shall become due on the first day of the month that falls at least thirty (30) days after notice of the decision is sent to the Owner unless the notice of decision states otherwise.

6. **Multiple Violations Prior to Hearing.** One or more violations of the Governing Documents and/or proposed fines may be combined and heard in one enforcement hearing, if convenient to the Board or Hearing Committee. Once a hearing is set for one or more alleged violations, additional alleged violations and fines occurring subsequent to the initial notice(s) of violations and prior to the date of the hearing may also be heard at the scheduled hearing, at the discretion of the Board or Hearing Committee.

7. **Additional Violations after Hearing.** An Owner is entitled to one hearing per type of violation in any twelve-month period. A request for an additional hearing may be denied if it is determined that the violation(s) are the same as a prior violation on which a hearing was held, or are continuing in nature, and that no evidence that could be presented by the Owner would change the previous decision of the Board or Hearing Committee. Notice that a request for hearing has been denied may be sent in the manner as a Warning or Violation Letter.

8. **ACC or Other Applications.** The notification and hearing procedures set forth in Sections B and C of this Enforcement Policy may be utilized and followed by the Board or Association committees to the extent the Board or such committee deems it advisable to the efficient administration of violations, plan review, or other function where due process is provided or required.

9. **No Waiver / Not Exclusive Remedy.** The foregoing shall not be deemed a waiver of any right to enforce or take any other action available under the Governing Documents or at law. The fines and penalties set out herein are in addition to, and not in lieu of, other remedies or sanctions available to the Association by law or by the Governing

Documents. The Board may, but is not required, to provide notice and opportunity for a hearing before suspension of rights under Governing Documents.

10. **Fines are Assessments.** Owners shall be financially responsible for all fines, damages and other amounts assessed resulting from their own actions, and the actions of their tenants, guests or occupants. Fines imposed under this schedule constitute assessments under the Governing Documents and may be enforced as such, including the imposition of late fees and interest.

C. Fine & Fee Schedule.

First Violation*	Warning*
Subsequent Violation Within 12 months	\$100.00
Repeated Violations Within 12 months**	\$150.00 per occurrence**
Failure to Obtain ACC Approval	\$500
Continuing or Uncorrected Violations, including but not limited to ACC violations	\$100.00 per week***
Late Fee	\$10
Returned Check/ACH/Credit Card payment Fee	\$35.00 + any bank charge
Administrative Fee – Delinquent letter	\$35 each letter
Administrative Fee – Fine Letter	\$35 each letter
Administrative Fee – Collection turnover	\$120
Administrative Fee – Collection Monitoring	\$40/month

**Warning Letters are optional. The Association’s policy is to provide a Warning Letter unless the violation is determined to be especially serious or cannot be corrected or effectively deterred with a warning. Violations subject to an immediate Violation Letter and a proposed fine will be administered as set out under Section B for Subsequent Violations. Examples of such violations include but are not limited to cutting Common Area or other trees without permission or starting construction or altering a lot without ACC or other required prior approval.*

***A fine in the amount of \$150.00 per occurrence will be imposed for each repeated violation of the same or substantially similar type within a twelve-month period, and may be imposed without a warning letter.*

****Fines in the amount of \$100.00 for continuing violations of the same or substantially similar type may be imposed on a **weekly** basis until the violation is discontinued or remedied.*

Fines stated above are in addition to, and not in lieu of, any right of the Association to require members to remedy violations of the Governing Documents, to charge members for remedial action taken by the Association, to suspend certain rights in the Association, or take any other remedy available to the Association by law or the Governing Documents.