

Bauer Oaks Estates #3 HOA

Violation Fine Policy

The Bauer Oaks Estates Homeowner's Association has established the following Enforcement Policy for CC&R, By-Law, and/or ARC Regulations violations, enforcement, and any applicable monetary penalties for violations. This policy will be deemed part of the ARC Regulations and is subject to amendment or modification at any time by majority vote of the Board.

First Notice:

A Warning Letter will be delivered to the Owner of the property outlining the violation and, if appropriate, given a time frame for compliance. In the event that the Owner of the property can be identified as an Absentee Owner, a copy of the violation letter will also be sent to the tenant at the property address.

Assessment of Initial Monetary Penalty:

The Association may assess a monetary penalty according to the following schedule if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation, or the violation has been repeated within the time frame of the First Notice. All penalty notices may be sent via email, regular or certified mail. The homeowner will be responsible for the cost related to any certified mail fee (in addition to the penalty).

Assessment of Additional Monetary Penalties:

After the imposition of the Initial Penalty, additional penalties may be imposed upon subsequent inspections, if the Owner has not corrected or removed (or has chosen not to correct or remove) the violation or the violation is repeated or has returned.

(Note: should a period of at least one year lapse between violation letters of the same offense, the next letter will be considered a First Notice again.)

Exception of Notice Procedure:

Violations posing a threat to the health, safety, and/or welfare of the community as a whole or to one or more other Owners, may require immediate action, thus creates exceptions to the foregoing notice provisions. Examples of health, safety, and welfare violations include, but are not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; or a collapsed structure or tree blocking the road or drivers' lines of vision.

Right of Self-Help:

The Bauer Oaks Estates #3 HOA has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to remove the threat mentioned in the previous paragraph. Entry by the Association and any of its agents is not an actionable trespass. The Association will assess the Owner for the costs of all maintenance and repairs performed by the Association. The Association may seek to recover reasonable attorney fees and court costs associated with any penalties or damages assessed.

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Violation Fine Policy (cont'd)

Opportunity to be Heard:

The Association recognizes each Owner's right to explain the reasons why there is a violation of the CC&R, By-Laws, Policy or ARC Regulations, particularly if the violation results in a monetary penalty.

In such case, if desired, the Owner must provide a written request for a hearing. This written request needs to be sent (post-marked) within the compliance period, stated in the warning letter. If the hearing is scheduled, the Owner is bound by the decision of a majority of the Board.

Violation	1st Notice	2nd Notice for same violation	All subsequent notices for same violation
1) Property alterations and/or improvements made without ARC approval	Warning Letter	\$50	\$100
2) Repair and upkeep of property	Warning Letter	\$50	\$100
3) Parking violations in excess of one week (including, but not limited to, storing any recreational vehicles, trailers, commercial vehicles, boats, motorcycles, or unlicensed or non-operational vehicles, parking on unpaved surfaces)	Warning Letter	\$50	\$100
4) Unauthorized signs placed on homeowner's property or on common area within the Bauer Oaks Estates HOA	Warning Letter	\$25	\$50
5) All other minor violations (= those involving only the homeowner)	Warning Letter	\$10	\$25
6) All other significant violations (= those affecting the <u>safety</u> or <u>aesthetics</u> of the community)	Warning Letter	\$50	\$100