

# HIGH POINT ESTATES HOMEOWNERS' ASSOCIATION INC

## FINING RESOLUTION 2020-1

**WHEREAS**, Article III Section 19 of the Bylaws for High Point Estates Homeowners' Association Inc ("Association") establishes the authority for the Associations Board of Directors (" Board") to enforce the Declaration, Bylaws, and Association Rules by levying fines against Owners and/or Occupants of Lots. Fines levied hereunder shall constitute an assessment and lien against the lot pursuant to the Declaration.

**WHEREAS**, Article VII Section 7.02(b) of the Declaration of Covenants Conditions and Restrictions ("Declaration") establishes the authority for the Associations Board of Directors ("Board") to use the right of Abatement through its agents and employees to enter at reasonable times upon any Lot or structure to abate, remove, or repair such violation which may exist thereon without being deemed to have committed a trespass by reason of such entry and such actions; provided such entry and such actions are carried out in accordance with the provisions of this section.

**WHEREAS** the Board deems it necessary to establish further rules for violation fines.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following rules for fining be adopted.

### **I. Bylaws Article III Section A & B**

#### **A. Notice.**

If any provision of the Declaration or Bylaws or any Association rule is violated the Board, or its managing agent shall send the Owner and/or Occupants of Lots written notice identifying the violation and fine(s) being imposed and advise the Owner and/or Occupants of Lots of their right to request a hearing before the Board to contest the violation or fine(s) or to request reconsideration of the fine(s). Fines may be effective or commence upon the sending of such notice or such later date specified in such notice, notwithstanding the Owner and/or Occupants of Lots right to request a hearing before the Board to challenge the fine(s). In the event of a continuing violation, each day the violation continues or occurs again constitutes a separate offence, and fines may be imposed on a per diem basis without further notice to the Owner and/or Occupants of Lots.

#### **B. Hearing.**

If a written request for a hearing is received from the Owner and/or Occupants of Lots within ten (10) days of the date of the violation notice provided above, then the Board shall schedule and hold in executive session a hearing affording the Owner and/or Occupants of Lots a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the request of the hearing and a copy of

any written communications from the Owner and/or Occupants of Lots identifying his or her assertion or requests concerning the violation. The Board may establish rules of conduct for such hearing, which may include limits on time and on the number of participants who may be present at one time. Failure to request a timely hearing as provided herein shall result in loss of the right to challenge and request reconsideration of the fines.

**II. Process & Fining Schedule**

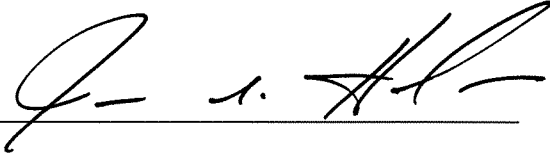
**1<sup>st</sup> Notification** – Warning letter with no fine. Owner and/or Occupants of Lots is provided thirty (30) days from the date as it appears on the letter to cure the violation. If the Owner and/or Occupants of Lots has valid reasons for consideration on why they cannot cure the violation within thirty (30) days, they must contact the managing agent with a remediation plan for approval.

**2<sup>nd</sup> Notification** – Fine Letter sent notifying Owner and/or Occupants of Lots that violation has not been resolved within thirty (30) days and a hearing was not requested within the ten (10) days noted on the first notification. A fine of \$25 a day will be assessed until the violation is cured.

**3<sup>rd</sup> Notification** – Abatement Letter. If after 45 days from the date appearing on the first notification and no resolution has been reached between the Owner and/or Occupants of Lots and the Association; the Association reserves the right to pursue Abatement outlined in Article VII Section 7.02(b) of the Declaration with which notice will be sent informing the Owner and/or Occupants of Lots that the Association will enter upon their lot to abate the violation and the cost will be assessed to the Owner and/or Occupants of Lots.

This Fining Resolution 2020-1 is hereby adopted by the Board of Directors of High Point Estates Homeowners' Association Inc., this 23 day of December 2020 and shall be effective upon adoption.

High Point Estates Homeowners' Association Inc,

Signature: 

Title: President