

RESOLUTION

ADOPTED BY BOARD OF DIRECTORS

MALIBU BAY HOMEOWNERS ASSOCIATION

POLICIES AND PROCEDURES REGARDING VIOLATIONS OF
DECLARATION, BY-LAWS AND RULES AND REGULATIONS

BE IT RESOLVED that, in the event a home owner or tenant wishes to lodge a complaint against another home owner, tenant or guest, the following procedures shall be followed:

COMPLAINT PROCEDURE

In the event an Association member has a complaint with regard to the conduct of another home owner, tenant, or tenant's family members or guests of owner or tenant, the following shall apply:

1. When possible, the Association member should attempt to resolve the complaint by himself.
2. Some regulations of the Association are identical with ordinances of the City of Romeoville. Such violations should be reported immediately to the proper village authorities.
3. A written complaint must be presented to the Board for the Association clearly stating the alleged violation, the responsible party or parties, the dates and times of the incident, etc. The attached Violation Complaint form must be used.

The Association recommends that photographs or tape recordings be made if possible to illustrate the nature of the violation. A duplicate copy of any such photographs or tapes should be sent with the Violation Complaint or forwarded as soon as possible. The name of the person who took the photograph or made the tape and the date on which it was made should be included.

On receipt of a complaint, the Board of Directors will communicate to all parties involved, in writing, that a complaint has been lodged and will be heard by the Board of Directors.

VIOLATION PROCEDURE

1. The offending party, and the Home Owner if the offending party is a tenant or a guest, shall be given a written notice of the fact that a complaint has been filed and that a hearing will be held setting forth the date, time and place of the hearing. The notice shall further state that, if the offending party is found guilty of the offense by the Board of Directors, a fine may be levied, and that it is in the best interest of the recipient of the notice to be present at the hearing.
2. The hearing shall be for the purpose of determining if there has been a violation and assessing a fine, if a violation has occurred. Witnesses and attorneys may be present at a hearing.
3. The hearing shall be open only to participating parties and witnesses but the decision of the Board shall be made in a closed session after the hearing. A finding of guilt and assessment of a fine will be made upon majority vote of the Board of Directors.
4. Notice of the decision of the Board shall be sent to the Home Owner and guest or tenant, if applicable, within ten (10) days of the date of the hearing.
5. In the event a fine is assessed, the Home Owner shall pay any charges imposed within thirty (30) days after notification that such charges are due. Failure to make the payment on time shall subject the Home Owner to all of the legal or equitable remedies necessary for the collection thereof. All charges imposed hereunder shall be added to the Home Owner's account, shall become a special assessment against the owner and shall be collectible as a Common Expense in the same manner as any regular or special assessment against the owner.
6. Any legal expenses and costs incurred by the Association relating to any Complaint, hearing and/or litigation shall be assessed to the Home Owner's account if the Board of Directors determines that a violation has occurred.
7. Notices from the Association shall be deemed delivered on the date of the notice when personally delivered or sent by regular mail in a properly stamped and addressed envelope to the Home Owner at the owner's address, or to such other address as the Home Owner shall have previously filed with the Board. For homes held in trust, the notice may be sent either to the address of the trustee or to such address as has been provided to the Association by the trustee or the holder of the beneficial interest of the trust.
8. The remedies set forth in this Resolution are not exclusive, and the Board may, in addition, take any action provided at law, in equity, or in the Declaration and By-Laws to prevent or eliminate violations thereof or of the Rules and Regulations of the Association.

Dated: _____

VIOLATION COMPLAINT

MALIBU BAY HOMEOWNERS ASSOCIATION

PLEASE PRINT OR TYPE. Complete all the information you know. If unknown, please so indicate. Attach additional sheets if necessary.

INFORMATION CONCERNING WITNESS(ES) TO VIOLATION

Witness's Name Address Unit No. Phone No.

Names, Address, Unit Nos. and Phone Nos. of any other Witnesses

INFORMATION CONCERNING VIOLATION

Violation Date Time Location

Section(s) of Declaration, By-Laws or Rules & Regulations violated

Witness' Observations: _____

Were any photographs or sound recordings made? Yes No By Whom?

Include a duplicate copy of all tapes or photographs with this form or forward as soon as possible. You should keep your original tapes, photographs, and any other original documents. Include the name of the person who made the tape or photograph, the date it was made and the name of anyone else who was present.

I HAVE MADE THE ABOVE STATEMENTS BASED ON MY PERSONAL KNOWLEDGE AND NOT UPON WHAT HAS BEEN TOLD TO ME. I WILL COOPERATE WITH THE ASSOCIATION AND ITS ATTORNEY TO PROVIDE ADDITIONAL STATEMENTS OR AFFIDAVITS. I AGREE TO APPEAR AS A WITNESS AT A HEARING AND/OR A TRIAL IF REQUESTED BY THE BOARD OF DIRECTORS.

Signature _____ Date Signed: _____, 20__

VIOLATION NOTICE

Date: _____

Owner: _____

Renter: _____

You are hereby notified that at _____ (a.m.) (p.m) on _____,
at _____,

The Board of Directors of the Malibu Bay Homeowners Association shall convene for the following purposes:

- (a) To conduct an informal hearing regarding your violation of

Specifically: _____

- (b) To give you the opportunity to be heard and explain the reasons and circumstances surrounding this violation. It is in your best interest to be present at the hearing and to bring any documentation or evidence to support your position.

- (c) To levy a reasonable fine as may be deemed necessary at the conclusion of your hearing.

Association

BY: _____

cc: Board of Directors