

Rules & Regulations

3.020.0 - Appeal Process Regarding Imposition of Fines

I. Introduction

Any homeowner determined by the Board to be in violation of any of the Fairwood Greens Homeowners' Association Bylaws, CC&R or Rules & Regulations against whom a fine may or is being imposed may request a hearing to offer a defense to the imposition of violations and/or fines pursuant to the provisions in this Rule.

Homeowner is responsible for all that occurs on their property, whether by tenant or guest. This document is sole authority for appeals processes and timing thereof.

II. Hearing Request Procedure

The Homeowner must complete a written Request for Hearing within fourteen (14) days of the notice of violation and warning that fines may be imposed, which shall be sent to the Fairwood Greens' Homeowner Association. Failure to timely request an appeal hearing shall be considered a waiver of the right to a hearing. The hearing request must contain the following:

- 1) Homeowner's name and address.
- 2) Homeowner's reason and basis for an appeal.
- 3) A copy of all supporting documentation.
- 4) The names of all witnesses, or other collaborating guests. Attorneys are not allowed to participate or attend hearings.
- 5) Homeowner's signature and date on the Request for Appeal.

The Board President will assemble three (3) current members of the Fairwood Greens' Board of Trustees to act as a Review Board within seven (7) calendar days following receipt of a complete written Request for Hearing. The requesting homeowner shall be notified of the receipt of the Request.

The Review Board not later than ten (10) calendar days following the formation of the Review Board shall schedule and notify homeowner of the hearing date and time, and location determined by the Review Board.

The Review Board will permit the appealing homeowner up to thirty minutes to explain the circumstances of the appeal and provide grounds as to why the violation and fine should be waived, reduced or cancelled.

The Review Board, at the conclusion of the presentation, will adjourn to review the circumstances of the Request of Appeal as presented.

The Review Board will send a written notice to the homeowner as to its decision within seven (7) calendar days of the hearing date.

The Review Board's decision, if in favor of homeowner, shall advise the homeowner as to whether the fines imposed are reduced, modify, or waived. Any adjustment(s) shall reflect on the homeowner's account the following month.

If the Review Board determines the explanation was inadequate to justify a reduction, modification or waiver of the violation and/or fines, the fines will continue to be assessed until full and complete compliance or correction of the violation(s) has occurred.

III. Collection of Fines

The Association will bill the violating homeowner the applicable fines at such time and for such periods as the Association considers reasonable. All fines imposed by the Association upon a homeowner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of Washington. The Association may file a formal lien with King County to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the Association in the imposition and collection of such unpaid fine(s).

IV. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

END OF SECTION

Originally dated and adopted by the Board of Trustees the 28th day of May 2013.

Revised: 8/23/22