

## **SANDCASTLE HOMEOWNERS ASSOCIATION**

### **PROCEDURES FOR ENFORCING MONETARY PENALTIES FOR RULES VIOLATIONS**

**Effective: 1-1-2018**

**Monetary penalties:** In accordance with the Declaration of Covenants, Conditions and Restrictions For Sandcastle, the Association may enforce the Community Documents, in any manner provided for in the Community Documents or by law or in equity, including but not limited to: imposing reasonable monetary fines after notice and an opportunity to be heard is given to the Owner or other violator.

**Written notice of any Rules Violations will be sent to the Owner at the mailing address as it appears on the records of the Association at the time of the notice. The FIRST NOTICE shall be a courtesy violation letter with no monetary penalty imposed and shall give the owner fourteen (14) calendar days to comply.** The notice shall include:

- 1) The nature, date and approximate time the violation was observed.
- 2) A date for correction of the violation.
- 3) The fact that a monetary penalty may be imposed and the amount of same.
- 4) A statement advising the owner of the manner in which the owner will be provided with an opportunity to be heard with respect to the violation.

If the violation is not corrected within the compliance time or if the same violation **reoccurs within a ninety (90) day period of the previously written notice, notices will continue to be sent and a fine of \$30.00 per notice will be assessed to the Homeowner's account. Each notice shall give the owner ten (10) calendar days to comply.** The notices shall include:

- 1) The nature, date and approximate time the violation was observed.
- 2) The fact that a monetary penalty will be imposed, without further notice, on a specific date and the amount of monetary penalty stated.
- 3) A statement advising the owner of the manner in which the owner will be provided with an opportunity to be heard with respect to the violation. If the owner does not respond, it will be deemed that the owner has waived his/her opportunity to be heard and to contest the violation and monetary penalty as set forth above.

Once a total of \$150.00 in fines has accumulated the, the Association will pursue corrective action through legal means.

The owner will be provided an opportunity to discuss the violation and the monetary penalty to be imposed in one of two ways:

- 1) Within Twenty One (21) calendar days following the date of the second notice, the owner may appeal the monetary penalty in writing to the Board and request a hearing, and/or
- 2) Within Twenty One (21) calendar days following the date of the second notice, the owner may appeal the monetary penalty in person at a Board meeting if one is scheduled within that period.

Whether or not the owner appeals, the Board can assess the problem and determine whether to levy the monetary penalty upon the expiration of that fourteen-day appeal period. The owner will be notified of the Board's decision and date of required compliance. If the Lot is not in compliance by the last given date, the case may be referred to an attorney for corrective action through legal means in accordance with the CC&R's.

**SANDCASTLE HOMEOWNERS ASSOCIATION Monetary Penalty Summary:**

- A monetary penalty will be assessed for a violation of the CC&R's, Bylaws and Rules of the Association in accordance with the attached Monetary Penalty Schedule.
- If the same violation reoccurs within a 90-day period of the previous monetary penalty an additional monetary penalty will be assessed.
- If the Lot is not in compliance by the last given date subsequent to the assessment of the monetary penalty, the Board of Directors may have no choice but to pursue corrective action through legal means.