

**WILLOWBROOK HILL CONDOMINIUMS  
FINE RESOLUTION**

This resolution is made on the date set forth below by the Management Committee for the **WILLOWBROOK HILL CONDOMINIUMS**, a Utah non-profit corporation.

RECITALS

A. Certain real property in Utah County, Utah, known as **WILLOWBROOK HILL CONDOMINIUMS**, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Condominium (the “Declaration”);

B. Pursuant to Utah Code Ann. § 57-8A-208, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

C. The Management Committee desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

D. This Resolution was properly adopted by the necessary vote of the Management Committee in compliance with the provisions of the Bylaws of **WILLOWBROOK HILL CONDOMINIUMS**

NOW BE IT RESOLVED:

1. That the following schedule of fines be adopted:

a. List of Violations: Any violation of the Declaration, Rules and Regulations, and Bylaws shall be subject to a fine.

b. Schedule of Fines:

(i) 1<sup>st</sup> violation: WRITTEN WARNING;

(ii) 2<sup>nd</sup> violation or failure to cure after 1<sup>st</sup> violation: \$50.00;

(iii) 3<sup>rd</sup> violation or failure to cure after 2<sup>nd</sup> violation: \$100.00;

(iv) 4<sup>th</sup> violation or failure to cure after 3<sup>rd</sup> violation: \$150.00;

(v) 5<sup>th</sup> violation and all other subsequent violations or failure to cure after 4<sup>th</sup> violation or subsequent violations: additional fines or legal action.

Enforcement remedies are cumulative; accordingly, the Management Committee reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process.

2. That all following procedures will be followed prior to levying a fine:

a. Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Committee in its discretion may grant a cure period exceeding forty-eight (48) hours if the Committee determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Management Committee to protest or dispute the fine. A request for hearing must be made in writing within thirty (30) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Management Committee, or their designated agent, within thirty-three (33) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to Evolution Community Management - POB 1934, Orem, UT 84059. The hearing shall be conducted in accordance with the procedures adopted by the Management Committee. An Owner may also contest the fine by initiating a civil action within one hundred eighty (180) days after the expiration of the thirty (30) day period.

d. Collection of Fines: Pursuant to Utah Code Ann. § 57-8A-208, fines shall be collected in the same manner as past due assessments. However, interest and late fees shall not accrue on fines until one hundred eighty (180) days after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. That the following procedures shall govern an informal hearing of the Management Committee:

a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Committee meeting. The Committee shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail, postage prepaid, Email, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original hearing date. The continued hearing shall, within reason, take place at the second Committee meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

b. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Committee members. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Committee may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Committee may either render its decision at the hearing or take the evidence and argument under advisement. If the Committee takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Committee shall give written notice of their decision to the requesting owner. As part of the decision, the Committee shall state that payment of the fine is due within one hundred eighty (180) days or interest and late fees will accrue. Decisions of the Committee may be appealed by filing a civil action within one hundred eighty (180) days.

ATTEST:

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President

\_\_\_\_\_  
Secretary

Effective Date: \_\_\_\_\_