

WINCHESTER HOMEOWNERS ASSOCIATION, INC.
Resolution 001(Added Fine Structure) by the Board of Directors

WHEREAS, the Board of Directors of the Winchester Homeowners Association, Inc. (the "Board") is charged with exercising for the Winchester Homeowners Association, Inc. (the "Association") all powers, duties and authority vested in or delegated to the associations by the Association's Declaration of Restrictive Covenants (the "Declaration"), Articles of Incorporation and Bylaws;

WHEREAS, the Board is authorized to adopt and implement a fine schedule to levy fines for violations of the Association's Declaration of Restrictive Covenants, Articles of Incorporation and Bylaws for the common benefit of its Members to protect the livability, property values, and integrity of the covenants, conditions and restrictions of the Association;

WHEREAS, from time to time Owners or Owner's tenant, invitee, guest or occupants, fail to abide by the terms of the Association's Declaration, Articles of Incorporation and Bylaws;

WHEREAS, the Board may deem it necessary, on a case-by-case basis, to levy fines against Owners or Owner's tenant, invitee, guest or occupants for violations of the Association's Declaration, Articles of Incorporation and Bylaws rather than initiating a lawsuit to correct behavior that can otherwise be corrected by the use of such "fines;"

WHEREAS, after giving notice and an opportunity to be heard, the Association may levy reasonable fines for violations of the Declaration, Bylaws, and Rules of the Association;

NOW, BE IT RESOLVED, the Board desires to adopt a formal schedule of fines by which all Owners will be bound in the event of a violation of any covenant, bylaw, or rule;

NOW, BE IT FURTHER RESOLVED, that nothing herein shall limit the authority of the Board to enforce the Association's Declaration, Articles of Incorporation and Bylaws by any and all means permitted by law, in addition to the levying of fines, as may be deemed necessary.

NOW, BE IT FURTHER RESOLVED, that the following schedule of fines, attached as **Exhibit "A,"** which may be amended and revised from time-to-time, is adopted;

THE FOLLOWING PROCEDURES SHALL BE STRICTLY ADHERED TO IN THE LEVYING OF FINES:

1. **Notice:** No fine or penalty shall be imposed unless the Owner alleged to be in violation is given at least fifteen (15) days prior written notice of the proposed fine or penalty. Notice timing will begin as of the postmark date of the letter. Fine notification shall be sent via United States mail.
2. **Hearing:** A violator, or the Owner responsible for such violator, may request a hearing before the Board, or appropriate committee established by the Board, with respect to the alleged violation(s). Such request must be made in writing, directed to the Board of Directors, within ten (10) days of the Owner's receiving notice of any proposed fine or penalty. The Board shall meet

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to hear the matter within twenty-five (25) days of the request for hearing. The Board shall provide written notice to the responsible Owner of such hearing not less than ten (10) days prior to the hearing. At such hearing, the alleged violator, and the Owner responsible for such violator, may be present and be heard. A decision on the matter shall be made by the Board by a majority vote, within 10 days following said hearing, and shall be promptly communicated to the alleged violator and/or the owner responsible for such violator.

3. **Immediate Action:** Notwithstanding the foregoing, under circumstances involving conduct that constitutes

- (a) an immediate threat and unreasonable infringement of, or threat to, the safety or quite enjoyment of neighboring Owners,
- (b) a traffic or fire hazard,
- (c) a threat of material damage to, or destruction of, the Common Areas or Common Facilities, or
- (d) a violation of the governing documents that is of such a nature that there is no material question regarding the identity of the violator or whether a violation has occurred (such as late payment of assessments or fines), the Board, or its duly authorized agents, may undertake immediate corrective or disciplinary action.

4. **Hearing Following Immediate Action:** Upon request of the offending Owner (which request must be received by the Association in writing within five (5) days following the Association's disciplinary action), the Board shall conduct a hearing as soon thereafter as reasonably possible, but in no event more than twenty-five (25) days after the disciplinary action is imposed or fifteen (15) days following receipt of the Owner's request for a hearing, whichever is later. Under such circumstances, any fine imposed pursuant to an established fine schedule shall be due and payable only if affirmed at the hearing.

5. **Continuing Violation:** Should notice not obtain the requested compliance within the time allotted in the notice, the Board shall then be authorized, at its discretion, to impose a monetary and/or nonmonetary penalty, the amount and severity of which is set forth below and is reasonably related to the violation and to the aim of deterring similar violations in the future by the same or any other person. Failure to correct the condition or situation within fourteen (14) days of the date on which a fine or penalty is imposed, shall constitute an additional, separate offense subject to the provisions herein.

EXHIBIT "A" – Schedule of Fines

Unauthorized commercial activities \$100

Obstruction, damage, or interference with use of common elements/areas \$100

Offensive or unlawful activities \$100

Unapproved Architectural violations

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- A. First Notice of Violation \$100
- B. Second Notice of Violation \$150
- C. Third Notice of Violation \$200

Nuisance, noxious, offensive or unsightly conditions (including, but not limited to, trash garbage not kept in sanitary containers; inoperable motor homes, cars, trucks not in use or for repairs of same; Motor vehicles parked on grass; Exterior clothes lines)

- A. First Notice of Violation \$50
- B. Second Notice of Violation \$100
- C. Third Notice of Violation \$200

Noticeable Mobile trailers, mobile homes, campers, trailers, boats not hidden from view.

- A. First Notice of Violation \$50
- B. Second Notice of Violation \$100
- C. Third Notice of Violation \$200

Non-Concealment of Equipment (Examples: air conditioning or heating unit, blower, tower, condenser, water well, garbage can, wood pile, storage pile or other equipment or apparatus that is not concealed from view from any adjacent lot or street by a hedge planting or other enclosure in conformity with the general architecture of the main structure and approved by the Architectural Control Committee.

- A. First Notice of Violation \$50
- B. Second Notice of Violation \$100
- C. Third Notice of Violation \$200

Fence, Sign, Outbuildings Violations

- A. First Notice of Violation \$50
- B. Second Notice of Violation \$100
- C. Third Notice of Violation \$200

Other violations of the Association's Declaration of Restrictive Covenants, Articles of Incorporation and Bylaws, not set forth above

- A. First Notice of Violation \$50
- B. Second Notice of Violation \$100
- C. Third Notice of Violation \$200

Unless otherwise stated herein, the above fines may be imposed on a one-time, per occurrence, or continuing basis as set forth in Section 5 of this Resolution. All fines levied by the Association are the personal obligation of the offending Owner. Any fines which are not paid in full within thirty

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(30) days of notice to the Owner's violation or within thirty days of the Board's final decision, if a hearing is requested, shall incur a late charge of 10% of the fined amount. If the fine is not paid when due, the Association may cause a lien to be recorded in the Records of the Office of the Judge of Probate in Mobile County, Alabama against the Member's which will include the fine amount, plus late charges, interest at eighteen percent (18%), costs of collection, including reasonable attorneys' fees incurred.

Correction of a violation that results in fines does not reduce or release liability for fines incurred prior to the Association's having become aware that the violation was corrected nor for legal and recording fees, costs, and interest arising therefrom.

The Association shall release any such lien upon payment in full of all such sums.