

GRASSY RUN HOMEOWNERS' ASSOCIATION

OPERATING RULE 17-06

SANCTIONS

WHEREAS, the Declaration of Covenants & Restrictions ("C&Rs") of the Grassy Run Homeowners' Association ("GRHA" or "the Association") contains various provisions restricting activities and the use of parcels within the community of Grassy Run, including the right of the Association ... to suspend the enjoyment rights of any member ... for any infraction of its published rules and regulations;

AND WHEREAS, the GRHA By-Laws ("By-Laws") provide:

(a) that the GRHA Board of Directors ("Board") has the power to adopt and publish rules and regulations governing the use of the private roads, road easements, gates and associated structures and facilities within Grassy Run, and the personal conduct of the GRHA members and their guests, and to establish penalties for infractions;

(b) that the Board has the power to impose monetary penalties and/or suspend the voting rights of any member during any period in which such member is in default in the payment of any assessment levied or imposed by the Association, or during any period in which such member has been determined to have been guilty of an infraction of published rules and regulations of the Association, following notice to the member and a reasonable opportunity for the member to be heard by the Board with respect to the infraction alleged; and

(c) that the Board has the power to exercise for the Association all powers, duties and authority vested in, or delegated to the Association and not reserved to the membership by other provisions of the By-Laws or the C&Rs;

AND WHEREAS, the term "Governing Documents" means and refers to the Articles of Incorporation, the C&Rs, the By-Laws, the Resolutions, and the Operating Rules of the Association;

AND WHEREAS, it is the goal of the Association to have a nice, quiet, safe and clean community;

AND WHEREAS, it is the responsibility of all parcel owners and residents to know and adhere to the Governing Documents of the Association, and that the parcel owners are responsible for any violations of those requirements even if those violations are committed by occupants of their parcels, and that therefore it is in the best interests of the parcel owners to make sure that those occupants are made aware of those requirements;

AND WHEREAS, published rules and regulations expressly specifying types of unacceptable conduct and/or providing for specific sanctions for violations of the provisions of Governing Documents of the Association have heretofore been issued, but appear to be inadequate for the purposes intended;

AND WHEREAS, requests for voluntary action by some parcel owners and residents to comply with the provisions of the Governing Documents of the Association have, on numerous occasions, gone unheeded;

AND WHEREAS, the Board has concluded that numerous acts of unacceptable conduct, offenses, violations and infractions have been committed and/or presently appear to exist within Grassy Run for which there is no existing procedure for the imposition of enforcement sanctions;

AND WHEREAS, although problems are usually minor and quickly rectified, on occasion the problem(s) persist;

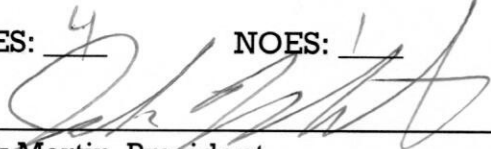
AND WHEREAS, because of the frequency of continuing and recurring violations of the Governing Documents the Board has concluded that the promulgation of revised sanctions, and a procedure for the enforcement thereof, would be in the best interests of the Association;

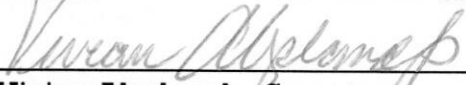
NOW, THEREFORE, THE BOARD DOES HEREBY DETERMINE that any violation of any of the terms or provisions of any of the Governing Documents of the Association, whether mandatory or prohibitory, constitutes an offense sanctionable by the imposition of a fine in the amount of not less than \$25 nor more than \$5,000 per offense or event, plus an assessment in the amount of all damages to the Association caused by said violation, plus any additional mandatory or prohibitory relief that it may deem appropriate under the circumstances. In determining the amount of the fine and/or assessment, the Board has discretionary authority within the foregoing range, but it shall consider, without limitation, the following factors:

1. The seriousness of the offense;
2. The knowing or willful intent, or lack thereof, of the offender;
3. Whether the violation is a first offense, or whether it involves a repeat offender;
4. The ability of the offender to pay the amount of the sanction; and
5. The extent to which other residents of Grassy Run have been impacted by the violation.

AND THE BOARD DOES FURTHER HEREBY DETERMINE AND PROVIDE that the procedures set forth in Operating Rule 17-07 shall be followed in connection with the imposition of monetary and/or mandatory sanctions for violations of the Governing Documents of the Association.

ADOPTED BY THE BOARD OF DIRECTORS OF THE GRASSY RUN HOMEOWNERS' ASSOCIATION at a regular meeting of the Board held on the 28th day of June, 2017, by the following vote of the Board:

AYES: 4 NOES: 1 ABSTENTIONS: ABSENTS:


Jack Martin, President


Vivian Abplanalp, Secretary

History: Prior Resolution 05-01, adopted by the Board on June 29, 2005, and amended by the Board on September 28, 2005, July 26, 2008, and August 27, 2008.