

Summit Park Community Association

PROCEDURES FOR ENFORCEMENT OF THE GOVERNING DOCUMENTS

The Board of Directors is authorized to impose monetary penalties and to temporarily suspend certain membership privileges and impose other appropriate discipline for failure to comply with the Governing Documents of the Association. Enforcement of the Governing Documents depends on the participation and cooperation of all Homeowners, residents, tenants and their guests.

Condominium Rules and Regulations are authorized pursuant to Article IX, Section 906 of the Association's "Declaration of Covenants, Conditions and Restrictions" ("CC&Rs") and Article VI, Section 6.01 of the Association's By Laws.

The purpose of the policy is to inform the Homeowners of the procedures that the Board of Directors has adopted in accordance with the governing documents. It is the responsibility of the Board of Directors to assure that the Community operates under the constraints of the governing documents for the maximum benefit of all Homeowners. With this, the legal enforcement provisions are outlined in the documents and further defined as described herein.

Summit Park can only be the community it was intended to be if each Homeowner adheres to the spirit and letter of the declarations of restrictions and policies and regulations. Violations of the documents must be enforced to insure the welfare of all members of the community. It is not the desire of the Association to impose such enforcement, but rather the duty and obligation of the Board of Directors and all Association Members.

Common Courtesy is the best general rule for this, or any other Association. All common areas such as the pool, streets, landscaping, etc. belong to all of us.

Should the Board find a Homeowner, resident, tenant, or guest in violation of the Association's Governing Documents or any policies or regulations adopted by the Board after reviewing the evidence presented at a hearing, pursuant to the guidelines set forth in the Association's Governing Documents, the Board may at its discretion, levy any or all of the following penalties and sanctions:

1. Monetary fines;
2. Suspension of a Homeowner's (and/or his guests, residents or tenants) membership rights and privileges;
3. Suspension of a Homeowner's right to vote on all Association business;
4. Removal of any non-conforming structure or improvement;
5. Levy a Special Assessment against the Homeowner for any costs incurred by the Association, including attorney's fees and costs, with respect to the violation

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DETERMINATION OF A VIOLATION

The following procedures will apply to all violations and infractions of the Governing Documents and Rules & Regulations.

Homeowners may report violations to the Board by submitting a written notice describing the violation. Reported violations must include the date, time, location/address, nature of the violation and, if known, the name and/or address of the party committing the violation and provide a factual statement supporting the charges of the alleged violation. Complaints will be held in confidence to the extent permissible by law; however, if requested by the Board, it is the responsibility of the person filing the complaint to appear before the Board of Directors to be heard regarding the alleged violation.

The Board and/or Management Company may also note any violations discovered during a walkthrough or by personal knowledge of any of its members or representatives.

Upon receiving notice of a violation, the violation will be filed with the Management Company and/or The Board of Directors and shall then be subject to investigation and proper enforcement procedures as set forth herein.

NOTICE OF VIOLATION

Once a violation is found to exist, the following action or actions will be implemented as determined by the Board of Directors in an effort to gain compliance.

First Notice of Violation

- A written notice shall be provided in person or by mail to the Homeowner, specifying the date of the violation, a description thereof.
- The Homeowner shall be advised the date by which the violation must be corrected without further action by the Board, twenty-days from the date of the notice.
- The Homeowner shall also be advised of a hearing date, which shall be set within 30 days from the date of the notice. Attending the hearing is not required if the violation has been corrected.
- If the Homeowner is unable to correct the violation by the date specified in the notice, the Homeowner shall request an extension in writing with detailed explanation of why more time is needed to correct the violation or by appearing before the Board at the scheduled hearing date.
- The notice shall include information of a monetary fine enforcement which will be levied against the violating Homeowner, should the violation not be corrected within the specified time. (See FINE SCHEDULE)
- If the hearing reveals that the Homeowner is, in fact, in violation of the governing documents and the violation has not been corrected, the fine will be imposed within sixty (60 days)

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following the date of the initial notice.

- See FAILURE TO CURE VIOLATION section which covers Repeated Violations.

Second Notice of Violation

- For any violation not yet corrected, a second written notice shall be provided in person or by mail to the Homeowner, notifying the Homeowner that the violation remains open, that their account has been assessed the fine amount identified in the FIRST NOTICE OF VIOLATION and that the violation still requires corrective action.
- The Homeowner shall be advised the date by which the violation must be corrected without further action by the Board, twenty-days from the date of the notice.
- The Homeowner shall also be advised of a hearing date, which shall be set within 30 days from the date of the notice. Attending the hearing is not required if the violation has been corrected.
- If the Homeowner is unable to correct the violation by the date specified in the notice, the Homeowner shall request an extension in writing with detailed explanation of why more time is needed to correct the violation or by appearing before the Board at the scheduled hearing date.
- Notice shall include information of a monetary fine enforcement which will be levied against the violating Homeowner, **the fine amount for Second Notice of Violation shall be no less than double the amount from the First Notice of Violation.**
- See FAILURE TO CURE VIOLATION section for Continuing Violations.

OPPORTUNITY FOR A HEARING

If a Homeowner wishes to contest the findings of the Board, he or she may do so in accordance with the terms of the initial notice provided by the Board. The Board must consider the position, arguments, information and evidence submitted on behalf of the Homeowner. The board must then re-evaluate its position in light of the circumstances presented by the Homeowner and determine whether or not a violation exists. If a violation still exists or if the circumstances presented justify an extension of time or other conditional provision, then the Board may act in a manner, which conforms to the need for a fair resolution.

The procedures and order of a hearing shall be a hearing conducted before a minimum of a quorum of Board members. A majority vote shall determine the outcome of the hearing. Tie votes shall result in the Homeowners' favor. At the beginning of a hearing, the Board shall recite the nature, date and place of the violation, in addition to the provision of the document(s) said to be violated. The Homeowner shall then be able to respond. The Homeowner shall be entitled to address the Board in an uninterrupted pace not to exceed five (5) minutes. The Board, at the end of the five minutes, or sooner if the Homeowner concludes his or her statement, may question the Homeowner as to the nature and explanation of the violation. The Board may

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convene in private to discuss the merits of the hearing. After consideration has been given by the Board to the issues raised, the Board may reject the Homeowners' explanation if it finds that a violation exists. The board may also reconsider its determination and re-investigate at a later date, not to exceed five (5) days at which time it must decide to enforce the documents or terminate its' actions. The final decision by the Board shall be binding and delivered to the Homeowner(s) by mail.

FAILURE TO CURE A VIOLATION

If the violation continues, or the response is otherwise unsatisfactory after the hearing, the Board may impose additional continuing fines, and take other action, upon notice including the fine amount and the date of the next hearing, until such time as the matter is satisfactorily resolved. Additionally, the Board may refer the matter to the Association's legal counsel. If the matter is referred, the Homeowner shall be liable for the Association's legal costs and fees.

CONTINUING VIOLATIONS: Fines for continuing violations may be imposed in increments of between \$100.00 and \$500.00 for each month the violation continues. For each month the violation continues, the violation shall be considered a new and separate violation.

REPEATED VIOLATIONS: Fines for repeated violations may be imposed in \$250.00 increments at the discretion of the Board. For the purpose of this Fine Schedule, a "repeated violation" shall be an incident, event, or activity constituting a violation which reoccurs within the **twenty-four-month** period following an identical or substantially similar violation. Each repetition of a violation is considered a separate violation and may result in an additional fine.

Monetary fines, reasonable attorney fees, litigation costs, costs for actual damage, etc. may be charged for the enforcement of the documents by the Association in gaining Homeowner compliance. Additionally, if repairs are necessary to the common areas, the Board may have the repairs completed and assess the Homeowner for the amount. If the Homeowner refuses to comply following proper notice and hearing, amounts for monetary fine enforcements are disclosed herein. All enforcements must be applied in accordance with the Association governing documents and State law.

Failure to pay the assessment of fine(s) shall be treated in the same manner as a failure to pay delinquent monthly operational assessments and is in accordance with the existing state laws. A lien will be filed against the Homeowner's property which if unsatisfied within the proper time constraints will be further enforced.

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FINE SCHEDULE

The Board may impose fines on Association members for violation of the rules authorized pursuant to Article IX, Section 906 of the Association's "Declaration of Covenants, Conditions and Restrictions" ("CC&Rs") and Article VI, Section 6.01 of the Association's By Laws. This fine schedule has been enacted as required by California Civil Code Section 1363(g).

1. Hazardous Activities: \$100.00 Minimum
 - ❖ Including:
 - i. Threat to safety of other Homeowners, residents, tenants, and/or guests by creating or maintaining a dangerous condition in the common area or on a private lot;
 - ii. Threat of or damage to common area or to other residence;
 - iii. Storage of hazardous materials (gasoline, kerosene, cleaning solvents, or similar flammable materials);
 - iv. Fire Pit and Burning Torches violations;
 - v. Maintaining or creating a nuisance whereby unreasonable noise, smoke, gas, or other material is emitted from residence.
2. Use Restriction: \$100.00 Minimum
 - ❖ Including:
 - i. Speed limit violation;
 - ii. Sign violation;
 - iii. Pool rule violation;
 - iv. Vehicle parking;
 - v. Rental violation.
3. Architectural Violations \$200.00 Minimum
 - ❖ Including:
 - i. Failure to obtain approval for any architectural modification including but not limited to window replacement/upgrades, patio modifications, satellite dish installation or replacement, or any other modification that would be visible from the exterior of the unit;
 - ii. Violation of decision or directive;
 - iii. Drainage violation;
 - iv. Illegal structures.
4. Maintenance: \$150.00 Minimum

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- ❖ Including:
 - i. Maintenance of lot,
 - ii. Illegal materials or personal property.
- 5. Other Violations: \$100.00 Minimum
 - ❖ Including:
 - i. Disruption of meeting;
 - ii. Interference or harassment of Association's personnel or vendors;
 - iii. Patio & Holiday Light/Decoration violation;
 - iv. Flag violation;
 - v. Mounting and/or hanging any objects from/or to facilities or objects maintained by the Association including but not limited to the fascia board, stucco walls or trim, vinyl fencing, garage doors, etc. in a manner other than explicitly approved;
 - vi. Installation of any structure or items in the exclusive use patio area that are not approved and are visible above the fence line;
 - vii. Camera violation.
- 6. All Other Violations Not Mentioned Above: \$100.00 Minimum

SUMMARY

1. Fines are imposed after a warning letter has been sent to the offending Homeowner.
2. Fines are in addition to any charges, costs, reimbursements, or fees the Homeowners may be required to expend for repairs to damaged property.
3. The above listed fines are for one (1) violation. Additional, repeated and/or continuing violations will result in additional fines.
4. Repeated Violations: Fines for repeated violations may be imposed in \$250.00 increments at the discretion of the Board. For the purpose of this Fine Schedule, a "repeated violation" shall be an incident, event, or activity constituting a violation which reoccurs within the **twenty-four-month** period following an identical or substantially similar violation. Each repetition of a violation is considered a separate violation and may result in an additional fine.
5. Continuing Violations: Fines for continuing violations may be imposed in increments of between \$100.00 and \$500.00 for each month the violation continues. For each month the violation continues, the violation shall be considered a new and separate violation.
6. All fines, including special assessments representing any costs incurred by the Association, including attorney's fees and costs, to assist in enforcing the Governing Documents, shall be charged against the Homeowner's account. These fees will be billed to the Homeowner's account.
7. The Association reserves the right to use any avenue of the legal system to enforce the Governing Documents against a Homeowner, including the collection of any fines imposed against a Homeowner for violating the Governing Documents.

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