

# COLONY OAKS HOA NON-COMPLIANCE FINING PROCEDURE

The Board of Directors of Colony Oaks HOA is pleased to announce the reformation of the Fining Committee. The responsibility of the Fining Committee is to have knowledge of the Association's governing documents, review cited noncompliance issues and if necessary, impose fines accordingly. The process established for fining is as follows:

## Maintenance violations:

- 1<sup>st</sup> initial notice of violation will be made known to the member by a Board of Director via verbal communication or electronic communication (text message or email) advising the member of the non-compliance issue(s) found and request for compliance. Compliance of a maintenance issue is 15 days;
- An inspection will be made after the 15<sup>th</sup> day to confirm compliance; if the unit is still not in compliance, written notification from the management company will be sent requiring immediate compliance within 7 days;
- A final inspection of the unit will be conducted after the 7<sup>th</sup> day. If the non-compliance issue(s) still exists, a 3<sup>rd</sup> notice will be sent providing a minimum 14 days' notice of a scheduled fining committee hearing date and that a \$50.00 fine per day may be placed on the unit;
- If the unit is brought into compliance prior to the scheduled hearing, the hearing will be canceled, and no fines assessed;
- If the unit is not brought into compliance by the hearing date, the matter will be brought before the fining committee; at that time the committee can initiate the \$50.00 per day fine for each day following the hearing that the unit remains out of compliance;
- The fine can be assessed up to the maximum allowable by law of \$1,000.00 per violation at which time the matter may be turned over to the Association attorney for collection;
- All attorney fees and costs associated with the collection of the fine will also be the responsibility of the owner.

## Non-maintenance violations:

- Non-maintenance violations (actions) will be handled in the same manner. 1<sup>st</sup> notice of violation will be made known to the member by a Board of Director via verbal communication or electronic communication (text message or email) advising the member of the action(s) committed and request for compliance and/or discontinuation of an action.
- If the action is identified a 2<sup>nd</sup> time, written notification from the management company will be sent requiring immediate compliance and/or discontinuation of an action;
- If the action was committed a 3<sup>rd</sup> time, a 3<sup>rd</sup> notice will be sent providing a minimum 14 days' notice of the scheduled fining committee hearing date; the matter will be brought before the fining committee; at that time the committee can initiate a \$50.00 per occurrence fine for each time the action is committed following the hearing.
- The fine can be assessed up to the maximum allowable by law of \$1,000.00 per violation at which time the matter may be turned over to the Association attorney for collection;
- All attorney fees and costs associated with the collection of the fine will also be the responsibility of the owner.

Should an Owner refuse to bring the unit into compliance after the fining hearing has been held, under Section 6 - Rights and Obligations of the Association, the Association may provide maintenance, repair or replacement at a Lot Owner's sole cost and expense and the cost added to and become a part of the assessment for which the Lot Owner is responsible and shall become a lien against the lot of the Lot Owner enforceable by the Association. All costs of collection, including a reasonable attorney fee, shall be added to said Lot Owner's assessment.