

MEADOWMONT PROPERTY OWNERS' ASSOCIATION
MEMBERS VIOLATION AND FINING POLICY
(rev: 12/13/14)

This document sets forth the Meadowmont Property Owners' Association policy for imposing sanctions on Association Members for violations of the Association's governing documents, rules, regulations, and policies, pursuant to California Civil Code Section 5850 and the "Meadowmont Property Owners' Association Declaration of Covenants, Conditions and Restrictions" (the "Declaration of CC&Rs") and the "First Restated Bylaws of Meadowmont Property Owner' Association" (the "Bylaws").

1. Owner Responsibility. Under the Association's governing documents and California law, all Owners of Property within the Meadowmont subdivision are responsible for complying with the governing documents, which include the Declaration of CC&Rs, Bylaws and the rules of the Association. Association Members must also abide by the Bylaws and rules of the Association. Owners are required to give their tenants, if any, copies of the governing documents and of amendments and new rules as they are adopted and are responsible for ensuring that their tenants comply with the governing documents. In the case of violations by tenants who are not Members of the Association, the Association will notify the Owner of the Property. Any fines or other reimbursement Assessments for non-compliance will be imposed against the Owner.

2. Notice and Hearing. At least fifteen (15) days before meeting to consider imposing a fine or other reimbursement Assessment or suspending any rights or privileges of a Member, the Board of Directors shall notify the Member in writing:

a. identifying the governing document provision that allegedly has been violated,

- b. describing the nature of the alleged violation, for which the Member may be disciplined,
- c. identifying the date, time and place of the hearing, and
- d. stating that the Member has a right to attend and may address the board at the hearing.

This notice will be sent by first-class or certified mail or will be personally delivered to the last address for the Owner shown on the Association's records. If mailed, the notice will be deemed delivered 72 hours after it has been deposited in the United States mail.

3. **Imposing Sanctions.** The Board may impose one or more sanctions when it has determined that an Owner, tenant, guest or invitee has committed a violation of a particular governing document provision. Sanctions may be imposed:

- a. if the Owner does not appear at a hearing when scheduled and does not submit a written explanation to the Board at or before the time scheduled for the hearing, or
- b. after the conclusion of a hearing, and after consideration of all related evidence.

4. **Sanctions.** Sanctions imposed by the Board may include, but are not limited to a monetary penalty in accordance with the Schedule of Fines adopted by the Board, temporary suspension of an Owner's voting rights and/or other appropriate discipline. If the Association is required to spend monies to bring the Owner or his or her tenants, guests and invitees into compliance, the Owner shall be responsible to the Association for such costs. In the case of continuing violations, such as architectural violations, the Board may impose a fine and/or other sanctions once every thirty (30) days until the violation is remedied. Repeated or habitual violations shall be considered separate violations and treated as such for each occurrence and a fine or sanction may be levied for

each such occurrence, provided that notice and opportunity for a hearing are given for each violation.

5. Payment of fines, other Reimbursement Assessment and Costs. Fines and other reimbursement Assessments are due when imposed by the Board and are delinquent if not paid within thirty (30) days after they are due. If a fine or other reimbursement Assessment is delinquent, a late charge of ten percent (10%) of the fine and/or reimbursement Assessment may be added.

6a. Schedule of Fines. The Board of Directors has adopted the following Schedule of Fines, which will be in effect until changed by action of the Board:

	<u>UP TO:</u>
First Violation:	\$100.00
Second Instance of the same violation	\$200.00
Third instance of the same violation	\$300.00
Fourth and subsequent instances of the same violation	\$400.00

6b. Trees (this section is applicable to ALL Meadowmont Property Owners):

A. All Owners are required to cut down dead trees and/or vegetation and remove all slash on both improved and unimproved Property. The Building Review Committee (BRC) must inspect and approve the removal of all trees, dead or alive in excess of 10 inches in diameter prior to cutting and give written consent. The Building Review Committee must also inspect and approve the removal of live trees in excess of 10 inches in diameter prior to removal for property improvement.

B. If a tree is removed without the consent of the Board of Directors an Assessment may be imposed of \$500.00 per tree. (CC&R: Art. 2, Sec 10A)

Alternative Fine. Where the cost of damage exceeds the amount of the fine imposed, the Board may impose the actual amount of the cost to repair the damage caused by a violation.

7. Penalties in Addition to Corrective Measures. The imposition of fines, suspension of voting rights, and other sanctions are in addition to the requirement that the Owners comply with the governing documents. Compliance may include, but is not limited to; correcting, repairing or replacing non-complying conditions, all at the Owner's cost.

8. Other Remedies. The Association reserves the right to avail itself of any other remedy permitted by law and the governing documents, rules, regulations and policies of the Association. These remedies include, but are not necessarily limited to bringing an action in Small Claims Court, Municipal or Superior Court or requesting that the matter be submitted to some form of alternative Dispute Resolution (ADR). Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the Association from electing at a later date to pursue another remedy.

ADOPTED BY RESOLUTION, DATED 12/9/14 OF THE BOARD OF DIRECTORS:

Date: _____

Signed: _____

Richard J. Brockett, MPOA Secretary/Treasurer

REV: 12/8/14

12/13/14