

Weatherby Estates Fining Violation Guidelines

Effective 11/25/2008

Fining violations are based on infractions of the CC&Rs and Neighborhood Rules and Guidelines (NRGs). The Board will utilize and follow the CC&Rs and NRGs to determine whether the Homeowner is in violation. Copies of the CC&Rs and NRGs are located on the Weatherby Estates Website (www.weatherbyestates.org).

The process for dealing with violations is stated below:

- **First Letter:** The first violation notice should include: The CCR or NRG that has been violated, a 15 day period in which to comply, a method for achieving compliance, any potential penalties, and a method in which the homeowner may contact the ACC in order to discuss the violation.
- **Second Letter:** If after the first 15 day time period the violation has not been remedied or an agreement (in writing) has not been reached with the ACC, a second notice will be sent. The second notice should include: The specific CCR or NRG that has been violated, a method for achieving compliance, any potential penalties, and a final 15 day time period in which the homeowner must contact the ACC in order to discuss the violation or request a hearing of the Board of Directors.

The Hearing will be held at the next monthly Board meeting or sooner at the discretion of the Board.

If at the Hearing the Board rules that the Homeowner does have a violation and must comply with the CC&R or NRG, then the fining will be retroactive to the 31st day following the initial letter.

- **Third Letter:** If after the second 15 day time period the violation has not been resolved or the homeowner has failed to reach an agreement (in writing) with the ACC, the fining will commence on the 31st day following the initial letter. The third letter states the actions that will be taken against the Homeowner.
 - **A fine of \$10 per day *per violation* of the CC&Rs will be levied. Fines will commence starting the 31st day after the date of the first letter.**
 - Voting privileges will be suspended until the violation is corrected and the fines paid in full.
 - Any additional actions by the Board as stated in the governing documents of Weatherby HOA.

If this is a reoccurring violation, then the fining commences after the initial notification letter. Once the process has been completed, future violations receive only the third letter and fining begins anew.

- The fourth letter, sent only when the violation is corrected, states what the fine is and where the Homeowner can send payment.

If the homeowner has not paid the fines as assessed by the Board within thirty (30) days as assessed by the Board, the Board will decide what further action will be taken to remedy the situation, as allowed in the Weatherby Bylaws and CC&Rs. This may include, but is not limited to filing a lien against the Lot, turn it over to an Attorney for collections, or both. The Homeowner in violation will be assessed filing fees, attorney fees, collection fees, etc. as authorized by the Weatherby CC&Rs and Bylaws. **Notwithstanding the foregoing, nothing in these Guidelines shall preclude the Board, Association, or individual members from taking other enforcement action permitted under the Governing Documents and the law. This includes court action, which will not require any waiting periods or advance notices.**

Reference:

Bylaws Article 3.3.b Suspension of Voting
Bylaws Article 5.1.a Rules and Regulations
Bylaws Article 5.1.h Legal Action

Weatherby Estates Fining Violation Guidelines

Effective 11/25/2008

CC&Rs Article 4, Section 4.15 Rules and Regulations