

WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION
EXECUTIVE BOARD RESOLUTION No. C-1
Amended 6-6-2011, 8-9-12, 9-10-18, 4-5-22, 9-6-22, 10-27-22,
07-11-23

(Administration of CC&R's and Fines)

WHEREAS, section 6, Article XI of the Association Bylaws empower the Executive Board to adopt administrative rules, policies and regulations governing the enforcement of the Association's Covenants, Conditions and Restrictions ("CC&R's"), and to adopt regulations governing potential fines and assessments for violations thereof; and

WHEREAS, section 6, Article XI of the bylaws specifically authorizes adoption of regulations governing potential fines for violations of the CC&R's; and

WHEREAS, section 1 of Article VII of the By-laws authorizes the Member at Large to oversee compliance with the Association's CC&R's with respect to substantial alterations of, or additions to, existing structures and grounds, as well as general maintenance of properties, and to report noncompliance with the CC&R's to the Executive Board for remedial action; and,

WHEREAS, the Executive Board realizes that some violations may or may not warrant formal legal proceedings; and,

WHEREAS, certain violations of the CC&R's may not be resolved by written notice from the Association, yet may not warrant formal legal action; and

WHEREAS, the Board anticipates that violations may vary widely in their seriousness and their effect on the owners of properties of other members of the Association, so it would be unfair to establish a single fine for all violations; and,

WHEREAS, it would be more equitable to leave the amount of any fines to the discretion of the Board after hearing all the facts and circumstances surrounding the violation; now, therefore,

BE IT RESOLVED BY THE EXECUTIVE BOARD:

Section 1.

(a) A process has been established by which the owner of a residence, or any Executive Board member, can bring to the attention of the Board, possible infractions of the CC&R's. An owner complaint must be submitted in writing on the Complaint Form, which is available from any Board member. A completed and signed form shall be given to the President of the Board. The President may refer the complaint to the Member at Large for review and recommendation to the Board. In any event, the complaint shall be referred to the Executive Board.

(b) If a majority of the Board, after reviewing the complaint and relevant facts, finds that violation has occurred, the Board shall cause written notice of its finding to be delivered or sent by certified mail to the owner of the property alleged to be in violation. The notice shall identify the alleged violation, state the amount of fine applicable, and advise the owner of his or her opportunity to appeal the Board's finding not later than the fifth (5th) day after the notice is delivered or the eighth (8th) day (5 days plus 3 days for mailing) or sent by certified mail.

(c) If the owner of property sent a notice under paragraph (b) of this section fails to respond to the President or Secretary in writing not later than deadline applicable under paragraph (b) above, acknowledging the violation and proposing a schedule for correction acceptable to the Board, the Board may proceed to levy a fine in accordance with this resolution.

(d) If the owner of property sent a notice under paragraph (b) of this section believes the property is not in violation, or that the fine would be unjustified or excessive, he or she may submit written notice of appeal not later than the deadline applicable under paragraph (b) above. The notice shall be submitted to the President or Secretary of the Board. The Board thereupon shall endeavor to schedule a hearing at a time convenient to the appealing owner, any complainants, and the member of the Board. Notice of the time and place of the hearing shall be given to the owner appealing and any complainants, and posted on the Association's bulletin board at the entrance to the subdivision.

(e) Three members of the Board constitute a quorum to hear an appeal. The owner of the property alleged to be in violation may testify and present written evidence and witnesses. Any complainants also may testify and present written evidence and witnesses. Three members of the Board must concur in a decision and, if a fine is levied, the amount thereof. Not later than the fifth day after a hearing, the Board shall notify the owner and all complainants of its decision.

(f) Except with respect to the hearing of an appeal under paragraph (d) of this section, the Board may take actions under this section following electronic consultation among any three or more members, but at least three members must concur in the action to be taken.

Section 2. Violations of the CC&R's are classified as follows:

Class A violations are defined in Resolution C-5 (Site Maintenance), Resolution C-1 (Architectural and Landscape Review for Prior Approval of Site Changes), C-11 (Lake & View Properties) and C-12 (Fences & Shrubbery Fences)

Class B violations are defined in Resolution C-4 (Personal Property), C-8 (Trucks, Campers, Motorhomes, Trailers, Boats and Inoperable Vehicles) and Resolution C-14 (Owner's Right to Contact Information Privacy)

Class C violations are defined in Resolution C-3 (Commercial Activity Prohibited), C-6 (Signs) and C-7 (Noxious Activity and Noise)

Class D violations are defined in Resolution C-13 (Harassment and Intimidation)

Per incident fines are defined in Resolution C-2 (Animal Control) and C-9 (Absence From Residence and Notice of Rental)

Section 3.

(a) For Class A violations, the Board may impose a fine of \$25 per day after expiration of a period of time specified by the Board for corrective action to be undertaken. Upon expiration of a further period of seven days, the Board may impose an additional fine of \$50 per day until corrective action has been undertaken. *

(b) For Class B violations, the fines shall be \$15 per day and \$25 per day in accordance with the schedule set out in paragraph (a) of this section. *

(c) For Class C violations, the fines shall be \$10 per day and \$20 per day, in accordance with the schedule set out in paragraph (a) of this section. *

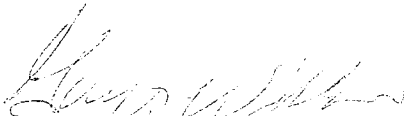
(d) For Class D violation, the fine shall be \$100 to \$250 per incident as determined by the Board based on the severity to the offense. *

*** Cap - No fine(s) to exceed a 14 day period.**


Section 4.

If an owner does not pay to the Association the amount of a fine levied under this section within 10 days after notice thereof has been sent under Section 1 above, the Board shall proceed to impose a lien on the offending property as provided in "Collection Procedures" of Executive Board Resolution No. B-1, adopted 8-25-20, or institute an action under "Procedures" of that Resolution.

Approved by the Executive Board on March 3, 2010, amended June 6, 2011, August 9, 2012, September 10, 2018, April 5, 2022, September, 6, 2022, October 27, 2022, July 11, 2023, and April 9, 2024.



Gary Willcoxon, President



Toni Horton, Secretary