

GLEN ACRES HOMEOWNERS ASSOCIATION
FINE AND ENFORCEMENT POLICY

April 18, 2017

The Glen Acres Homeowners Association is responsible for the enforcement of the Associations Protective Covenants and related governing documents. For the purposes of this Fine and Enforcement Policy, "Owner" means a Member of the Glen Acres Homeowners Association.

A. Penalties and Fines

1. An Owner may be penalized for a violation of the Homeowners Association's governing documents, Rules or Policies. The penalties may be assessed against the Owner and the Owner's Condominium Unit, and shall be collected the same as any other assessments.
2. Any violation by any Owner, resident, occupant, tenant, animal and/or guest of a Unit shall be treated as a violation by the entire ownership of the Unit and any penalty resulting from said violation(s) shall apply against the Owner.
3. Failure of the Association to take action on any violation(s) shall not constitute a waiver on the part of the Association to take action for such violations or future similar violations as the Board deems appropriate.
4. In order to discourage violations, the Board has instituted a fine schedule for repeat violations. Except as otherwise provided in this policy, the following actions will be taken in the event of violations of the Association's governing documents, Rules or Policies.

First Violation:

A warning letter will be sent to the Owner, except as otherwise noted in the Rules and Regulations or this policy. The warning letter will state the required measures to be taken by the Owner in order to comply with the violated rule(s) and the date by which the measures must be completed in order to avoid a fine. If the Owner does not correct the ongoing violation or continues the behavior that violates the rule(s) by the deadline given in the first violation notice, a second letter shall be mailed to the Owner, giving the Owner an opportunity to be heard. The letter will again state the required measures to be taken by the Owner in order to comply with the violated rule(s) and the date by which the measures must be completed in order to avoid a fine.

Fine:

If the Owner does not correct the ongoing violation or continues the behavior that violates

the rule(s) and does not contest the fine by the deadline given in the second violation notice, a \$25 fine shall be assessed against the Unit.

Second Fine:

If the first two warnings and initial fine are ignored, a \$50 fine will be levied upon the Owner. Until the Owner corrects the ongoing violation or discontinues the behavior that violates the rules(s) and complies with all Association governing documents, fines will continue to be levied. Before a fine is levied, owners will be given an opportunity to be heard.

Third fine:

If the violation continues, a \$100 fine will be levied upon the Owner.

Fourth fine:

If the violation continues, a \$150 fine will be levied upon the Owner.

Fifth and subsequent fines:

If the violation continues, a fine equal to two times the current monthly assessment will be levied upon the Owner until the ongoing violation is corrected. (e.g. May 2017 Total GAHOA Assessment is \$362.50 per month. Thus the fine would be $2 \times \$362.50 = \725.00 per month.) Note that this fine is in Addition to all regular assessments.

5. If the fine is not paid with the regular monthly assessments, it will be dealt with in the same manner as delinquent assessments and will be subject to all of the same collection remedies provided by the Declaration of Covenants, Conditions, and Restrictions for Glen Acres PUD, Recorded with King County under number 20150925000627 and the Association's collection policy.
6. Owners receiving notices may respond in writing to the property manager. The Board will consider the responses and justifications of the offending Owner before taking subsequent action.

B. Due Process/Appeal Procedure

1. Any Owner receiving notice of a violation has the right to be "heard" before a panel of his/her peers (Hearing Panel).
2. To obtain a hearing, the Owner shall request a hearing from the Board, in writing, within 10 days of his/her notice of rules violation.

3. The Board or the Property Manager will respond to the hearing request within 30 days following receipt of the written request. This response will include the scheduling of the hearing. Once the hearing is scheduled, if any party desires to reschedule the hearing, the other party(s) shall be notified at least 10 days prior to the scheduled date of the hearing.
4. The Hearing Panel will consist of the Board of Directors or a committee designated by the Board which shall contain at least two (2) Glen Acres Homeowners Association Board members. None of the Hearing Panel members shall be a party to the complaint. The hearing participants will consist of:
 - a. The hearing panel members;
 - b. The party bringing the complaint (this party shall be an Owner or Tenant, and may be a Board member);
 - c. The party requesting the hearing (this party shall be an Owner or Tenant);
 - d. Witnesses, if not included in above; and;
5. The hearing will be informal with a Hearing Panel member acting as chair. All sides will present evidence, witnesses and testimony regarding the validity, non-validity or other issues relevant to the complaint. The time allowed for such evidence, witnesses and testimony may be limited by the Hearing Panel. Minutes of the hearing will be kept by the panel or person designated by the panel. All evidence presented at the hearing shall become the property of the Association.
6. If a hearing is requested and any of the parties fail to appear at the hearing, the Hearing Panel will base its findings on information the Panel has before it.
7. Within 5 working days of the hearing, the Hearing Panel will render its decision or take other appropriate action. Any party may appeal the Hearing Panel finding and recommendations within ten (10) days of the filing of the findings and recommendations, by requesting the full Board review the record presented to the Hearing Panel and any additional relevant information. Except that no appeal shall be held in the event the appealing party failed to appear at the original hearing.
8. The Board of Directors may decline the second hearing if it determines that there is no pertinent new information to be considered.
9. Nothing contained herein shall prevent the Association from taking any action to recover the cost of damages or injunctive relief, or both. Furthermore, the failure of the Association to take action on any infraction(s) or violation(s) shall not constitute a waiver on the part of the Association to take action for such violations, as it deems appropriate.

Glen Acres Homeowners Association

Report of Violation

This form is to be used by residents or the manager who will note specific violations of the Association's governing documents.

Date of Violation:

Time of Violation:

Brief Facts of Violation and Specific Rule or governing document Violated:

Name of Resident Causing Violation and/or Address:

Additional Information:

Signature of Person submitting complaint: _____

Date: _____

(Form 1)

Glen Acres Homeowners Association

First Notice of Violation

This notice is to inform you of a violation of the Association's governing documents.

Date:

Name of Owner:

Name of Resident (if different):

Address of Subject Property:

Mailing Address (if different):

Violation:

Provision Violated:

If this is a continuing violation, please correct the violation by:

Please correct this violation as soon as possible. This first notice serves as a warning, so that you will have an opportunity to correct the problem before further action is taken by the Board. A second or subsequent notice will be sent if the violation continues or reoccurs, and fines will be imposed after the second notice unless the violation is contested. If the violation is contested, a hearing will be held and the Hearing Panel will make a recommendation to the Board regarding what action to take, including imposition of a fine based on the previously published schedule.

Please fill out and return the attached form indicating your response to this rule violation.

Sincerely,

Property Manager

(Form 2)

Glen Acres Homeowners Association
Response to Notice of Violation

Date:

Name of Owner:

Name of Resident (if different):

Address of Subject Property:

Mailing Address (if different):

Violation:

Provision Violated:

Please place an "X" on the line next to the appropriate response and provide any explanation that you feel is necessary.

_____ I admit that the above violation occurred and I will correct the violation by:

_____ I admit that the above violation occurred, but for the following reasons, I should not be punished/fined for the violation:

_____ I contest the above violation, and I request a hearing before the Hearing Panel on this matter. I am available at the following dates/times: _____

Signature of
Member _____

Glen Acres Homeowners Association

Second Notice of Violation

This notice is to inform you of a violation of the Association's governing documents.

Date:

Name of Owner:

Name of Resident (if different):

Address of Subject Property:

Mailing Address (if different):

Violation:

Provision Violated:

Fine Amount:

On **(date)**, you were sent a First Notice of Violation, which stated that further action might be brought against you if you there were subsequent violations of the rules and regulations, or other governing documents of the Association. Since that notice, the violation has continued or reoccurred, as detailed above.

You have the opportunity to contest this violation in writing and/or request a hearing on the matter. If you wish to contest the fine, you may request a hearing by submitting the attached form to the Board of Directors before **(the date fines will begin, 10 days from this notice)**.

If you do not contest the violation or request a hearing, a fine of \$_____, based on the previously published schedule, will be assessed on **(Date)**, 10 days from the date of this notice.

Sincerely,

Property Manager

(Form 4)

Glen Acres Homeowners Association

Notice of Hearing for Violation

Date:

Name of Owner:

Name of Resident (if different):

Address of Subject Property:

Mailing Address (if different):

Violation:

Provision Violated:

The Board of Directors of (Name of Association) has received your request for a hearing on the above violation, cited on **(date of first notice and date of second notice)**. A hearing will be conducted before the Hearing Panel on:

[Day, Date, Time, Location of Meeting].

At the hearing, each party is entitled to introduce evidence, witnesses and testimony in support of their position and rebut the opposing party's position. The Hearing Panel may call additional witnesses or secure tangible evidence.

If any of the parties can show good cause as to why they cannot attend the hearing on the above date, they must submit a written request to the Board of Directors at least 10 days prior to the scheduled hearing date. Failure to appear or reschedule the hearing will result in the imposition of the fine by default.

The Hearing Panel will review all testimony presented, vote on whether it feels a violation occurred, and make a recommendation to the Board regarding whether to assess a fine or charge if warranted, based on the previously published schedule. You will be notified in writing of the decision. If you have any questions, please immediately contact the property manager.

Sincerely,

Property Manager

(Form 5)

Glen Acres Homeowners Association
Determination by the Board Following Hearing

Date:

Name of Owner:

Name of Resident (if different):

Address of Subject Property:

Mailing Address (if different):

Violation:

Provision Violated:

You were notified on **(date of first notice)** and **(date of second notice)** that a violation of the Association's rules and regulations or other Governing Documents occurred.

A hearing was held on **(Day, Date, Time)** to address the contested violation. After that hearing, the Board made the following decision:

_____ No violation occurred, and no fine will be imposed.

_____ A violation occurred, but because of mitigating circumstances a fine will not be imposed at this time. **Please be aware that if a violation occurs in the future, the Board may reach a different decision regarding imposition of a fine at that time.**

_____ A violation occurred, and a fine of \$_____ per (day/week/month) will be assessed to you for the violation beginning (Date), based on the previously published schedule. The fine(s) will appear on your next monthly assessment statement. Failure to correct any infraction will result in further penalties as described in the Association's Fine Policy.

If you wish to submit this assessment to the appeal process, please indicate so to the Board of Directors within **10 calendar days** of the date of this notification.

Sincerely,

Property Manager

(Form 6)