

P V Homeowners' Association

Fine Structure and Policy

WHEREAS, the Board of Directors (the "Board") of P V Homeowners' Association (the "Association") finds that there is a need to establish orderly procedures and structure for the imposition of fines and/or monetary sanctions for violations of the Declaration of Covenants, Conditions and Restrictions for the P V Homeowners' Association (the "Declaration"), the Bylaws of the P V Homeowners' Association (the "Bylaws") and the Rules and Regulations promulgated by the Board; and

WHEREAS, pursuant to Article V, Section 5.9 of the Declaration, the Board is authorized to impose sanctions for violation of the Declaration (including any rules, guidelines or standards adopted pursuant to the Declaration) in accordance with the applicable procedures set forth in the Bylaws; and

WHEREAS, the Association or any Owner is authorized, pursuant to Article XII, Section 12.3 of the Declaration, to have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges imposed now or in the future by the provisions of this Declaration. Failure of the Association or any Owner to enforce any covenant or restriction of this Declaration will in no event be deemed a waiver of the right to do so in the future; and

WHEREAS, Article III, Section 3.7 of the Bylaws also empowers the Board, in its sole discretion, to take such action to enforce the terms and provisions of the Declaration, the Articles of Incorporation and these Bylaws by appropriate means and carry out the obligations of the Association thereunder, including without limitation, the expenditure of funds of the Association, the employment of legal counsel and accounting services, the commencement of legal causes of action, the promulgation and enforcement of the Association rules which may include the establishment of a system of fines and/or penalties enforceable as special individual assessments as provided in the Declaration and to enjoin and/or seek legal damages from any Owner for violation of such provisions or rules; and

WHEREAS, the Board has determined that it is in the best interests of the Association for it to promulgate a policy on fines and specifically establish a fine structure.

NOW, THEREFORE, IT IS RESOLVED that the following procedures and fine structure is established for the imposition of fines in the P V Homeowners' Association, as follows:

1. **Notice to Owner.** In the event that a violation is determined to exist on any unit as defined by the Declaration, prior to the imposition of any fine or sanction as provided in the Declaration or Bylaws, the Board or its delegate shall serve the alleged violator with written notice of the violation. The notice will inform the recipient of the following:
 - a. A description of the nature and, if necessary, the location, of the violation.
 - b. Notice that if the violation is corrected or eliminated within thirty (30) days from the date of the notice that no further action will be taken.

- c. Notice that if the violation is not corrected or eliminated within thirty (30) days from the date of the notice, a fine in the amount of One Hundred Dollars (\$100.00) will be imposed against the violator and unit.
 - d. Notice that, within thirty (30) days from the date of the notice, the violator may present a written request to the Board for a hearing.
 - e. Notice that the \$100.00 fine shall be imposed as contained in the notice unless a request for a hearing is made within thirty (30) days from the notice.
2. **Hearing.** If a hearing is requested within the time period provided in No.1 above, the hearing shall be held in executive session affording the alleged violator a reasonable opportunity to be heard. Prior to the effectiveness of any fine imposed, proof of proper notice shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed. The Board may, but shall not be obligated to, suspend any proposed fine if the violation is cured within the suggested time period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any violator or other person.
3. **Notice of Fine.** In the event that the violator has not cured the violation, within thirty (30) days from the date of the notice or has not made a timely written request for a hearing, then the Board may impose a fine in the amount of \$100.00 against the violator and the unit. In the event that the Board imposes a \$100.00 fine against a violator and a unit, the Board or its delegate will send a formal notice of the imposition of a fine (the "Notice of Fine") to the violator. The Notice of Fine will be given either by personal delivery or by certified mail, return receipt requested, at the option of the Board or its delegate, which notice shall state (i) the nature of the violation; (ii) that a fine in the amount of \$100.00 has been imposed against the violator and the unit; and (iii) that if the violation is not corrected within thirty (30) days from the date of the Notice of Fine, another fine in the amount of One Hundred Dollars (\$100.00) will be imposed against the violator and the unit, every thirty (30) days until the fine is corrected and/or the violator and unit are turned in to an attorney for legal action against the violator and unit for the violation. Any and all fines levied shall also become a part of the owner's assessment obligation and a lien against the unit.
4. Subsequent fines may be levied by the Board on a per diem basis in any amount deemed to be reasonable by the Board. The fining and notice procedures shall be the same for all violations of the Declaration, Bylaws, Articles of Incorporation and any Rules and Regulations or Guidelines promulgated by the Board.

IT IS FURTHER RESOLVED that this fining policy is effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

This is to certify that the foregoing resolution was adopted by the Board of Directors at a meeting of same on June 27, 2008, and has not been modified, rescinded or revoked.

Date: 6/27/08

Kemi Y...
President and/or Secretary