

SOUTH SHORES COMMUNITY ASSOCIATION RULES ENFORCEMENT & FINE RESOLUTION

WHEREAS, the South Shores Community Association (the Association) is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada; and By-Laws Article 13, Section 13.05, Section 13.05 A-I, gives the Board Enforcement and Remedies authority and details the action which may be taken to enforce the obligations of each Owner to obey the Association Rules and Restrictions through the use of such remedies as are deemed appropriate by the Board and available by law or in equity, including, but not limited to the hiring of counsel, the imposition of fines and monetary penalties, the pursuit of legal action, corrective action in an emergency or/and the suspension of the Owner's right to use the Common Areas; and

SCOPE OF RESOLUTION

WHEREAS, there is a need to establish an orderly procedure for violations of the Declaration, Bylaws and Rules & Regulations for the Association, and NRS 116.3102 gives the Board rule-making authority to implement schedules of reasonable fines and penalties for particular offenses that are common or recurring in nature after proper notice and an opportunity to be heard.

PLEASE BE ADVISED THAT IF A HEALTH, SAFETY OR WELFARE VIOLATION IS NOTED, THIS POLICY WILL BE EXPEDITED AND/OR ABANDONED WITH OTHER STEPS TAKEN TO ELIMINATE THE LIABILITY AS SOON AS POSSIBLE.


RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the enforcement procedure be as follows:

- 1.0 Inspection. A monthly inspection will be conducted by an authorized individual. The report will be continuous and list all outstanding violations by date.
- 2.0 Procedure.
 - 2.1 Courtesy Notice. The homeowner(s) will be sent a Courtesy Notice advising them that they are in violation of the Covenants, Conditions & Restrictions (CC&Rs) or Rules and Regulations of the Association. **This notice is intended to remind the owner of the rule and gives the homeowner 14 days to come into compliance.**
 - 2.2 Formal Notice. If at that time the homeowner is still in non-compliance, **they will be sent a Formal Notice and given at 14 days to correct the non-compliance. The letter advises the homeowner of hearing rights.** If the non-compliance still exists at the time of the next inspection, the homeowner will be sent a notice of non-compliance via certified mail. This notice advises homeowners again that they will be scheduled to hearing and have the opportunity to request a hearing if they wish to appeal the violation.
 - 2.3 Hearing Notice/Fine Pending. **If the non-compliance still exists** at the time of the next inspection, the homeowner is immediately scheduled for a hearing date with the Board of Directors and advised that a weekly fine may be assessed if they do not come into compliance or attend the scheduled hearing at the time and date stipulated. **At the scheduled hearing date and time, the board may assess an immediate fine.** The Board may elect to use their right to correct from the point of hearing forward, as long as the violation exists. Any costs associated with correcting the violation are charged to the homeowner.

- 2.4 **Fine Notice** - If the non-compliance still exists after the hearing has taken place a \$50 fine is assessed to the homeowner's account and the homeowner shall be sent notification that they have 14 days to correct. If after 14 days the non-compliance still exists, the Association, without further notice or hearing, may fine the homeowner up to \$100 for each week the violation continues. The owner is again notified of a right to be heard at a hearing and the homeowner will be sent a notification of the fine in accordance with NRS 116.
- 2.5 **Continue to Fine / Refer to Legal Counsel** - If the non-compliance still exists after the hearing has taken place and at the time of the next inspection, a weekly fine is assessed to the homeowner's account as a continuing violation and compiles weekly until compliance or other agreement is made with the Board of Directors at a hearing, and the board may correct if so determined by the board. Thereafter, the Association may send the homeowner's file to the Association's legal counsel for the filing of an arbitration claim against the homeowner. The owner is again notified of a right to be heard at a hearing and the homeowner will be sent a notification of the fine in accordance with NRS 116.
- 2.6 **Repeat Violations** - If a repeat violation occurs (same as previously documented – same owner), the homeowner will be fined immediately and sent a notice of violation and fine of via certified mail.
- 2.7 **Collection of Costs and Fees.** In addition to the fines, the Association may charge a homeowner all costs of collection allowed by law and / or the governing documents of the Association, including, but not limited to, attorneys' fees. The Association may, through the extent allowed by law and / or the Association's governing documents, record a lien against the homeowner's property for the amounts of the fine and / or fees and costs and, in certain cases, foreclose on such lien, if the amount is not timely paid by the homeowner.
- 3.0 **Costs of Violations.** All legal costs necessary to correct the violations and collect fines shall be charged to the violator (mailings, attorney fees, etc). Fines that have been assessed shall not be removed unless approved by the Board. Hard costs shall not be removed.
- 4.0 **Hearings.** Every homeowner who is alleged to be in violation of the CC&Rs will be advised of his or her right to have a hearing with the Board at the first occurrence of a violation before a fine is assessed. The homeowner shall have 15 days from the date of the Notice of Violation to contact the management company to request a hearing. No fines will be assessed if a hearing is scheduled until after said hearing and determination. Since the homeowner is given an opportunity for a hearing on every first-time violation, fines will be assessed without hearings on repeat violations.
- 4.1 **Call to Hearing** - The Board has the authority to proceed directly to hearing status at their discretion. Notice will be provided via Certified Mail.
- 5.0 **Liens.** Property shall have a lien applied for violation costs, fines and attorney fees.
- 6.0 **No Waivers.** Any failure of the Board to enforce any Restrictions set forth in the CC&Rs and Rules and Regulations is not a waiver of Board's authority to fully enforce.

This resolution is adopted and made a part of the minutes of the October 11, 2011 Board of Director's Meeting.

BY: 
President

ATTESTED BY: 
Secretary