

NORTHRIDGE AT CROSS HOLLOW HILLS OWNERS ASSOCIATION, INC.

VIOLATION, FINE POLICY AND HEARING PROCEDURES

WHEREAS, the Declaration of Restrictive Covenants and Conditions Affecting the Real Property known as Northridge at Cross Hollow Hills Subdivision (the “Declaration”) grants the Board of Directors (the “Board”) with the power to conduct Association business and to enforce the covenants and restrictions in the Declaration to protect community harmony by providing guidelines and a procedure for addressing conditions that disrupt that harmony;

WHEREAS, it is in the best interests of the Association to adopt guidelines and a procedure for addressing conditions that disrupt community harmony and violations of the Declaration, Bylaws and Rules of the Association. As may be necessary from time to time, assessing monetary penalties (“fines”) against owners and their renters who are in violation of the Declaration, Bylaws and Rules may be in the Association’s best interests. Owners are ultimately responsible for any fines incurred by their renters.

IT IS THEREFORE RESOLVED THAT the following procedures and schedule of fines hereby be adopted by the Board.

1. Types of Violations. Owners and their renters, as may be permitted, may have a fine levied against them for a violation of the Declaration, Bylaws or Rules of the Association (“governing documents”). Fines may be for either “**repeat violations**” or “**continuing violations**.”

Repeat violations are the same or substantially similar violations for which a written warning has previously been sent and which occur (that is, repeats) within one (1) year from the date of the first fine.

A **continuing violation** is a violation that remains a violation after a written warning and request to cure/cease is sent and continues for ten (10) days or more.

2. Notification and Time to Cure. Before assessing the first fine for a particular violation (repeat or continuing), the Board (or its agent) shall give the owner a written warning.

The warning shall: (1) describe the violation; (2) state the rule or provision in the governing documents that was violated; (3) state that the Board may assess fines if a continuing violation is not cured **or** if the owner commits similar violations within one year after the day on which the Board gives the lot owner the written warning or assess a fine; (4) for a **continuing violation**, states a time not less than 48 hours after the day on which the Board gives the lot owner the written warning, for the owner to cure the violation; (5) state the time and place (no sooner than 15 days) when a Member maybe heard by the Board.

Notice is to be provided in writing and sent by regular United States mail to the last known address of the owner (or renter or both, if applicable).

3. Fines. Any violation of an express term, restriction or requirement in the Declaration, Bylaws or Rules is subject to a fine as described below and such provisions of the Declaration, Bylaws or Rules of the Association are incorporated herein.

After the original written warning is provided, as stated above, the Board may assess a fine, if:

(1) within one year of the written warning the owner commits another violation of the same rule or provision identified in the written warning; or

(2) for a continuing violation, the owner does not cure the violation within the time period stated in the written warning.

Additionally, offenses subject to a fine include, but are not limited to:

Excessive Noise	Architectural Violations
Illegal Acts/Ordinance violations	Nuisance or Unsightly Conditions
Parking/Vehicle Violations	Improvements/Alterations Violations
Animal/Pet Violations	Landscaping Violations
Unreasonable and Threatening Behavior	Violation of Rules, the Bylaws or CCRs

Schedule of Fines

1st Violation	Written Warning and chance to cure.
2nd Violation	\$100.00 fine.
3rd Violation	\$200.00 fine.
4th Violation and all Subsequent Violations	\$500.00 fine.

After the Board assesses a fine against an owner, the Board may, without further warning assess an additional fine against the owner each time the owner:

(1) Commits a violation of the same rule or provision within one year on which the Board assess a fine for a violation of the same rule or provision;

(2) Allows a violation to continue for 10 days or longer after the day on which the Board assesses the fine.

4. Other Remedies. In addition to fines, the Board reserves the right to impose any one or more of the following penalties against an Owner for violations of the Association's Governing Documents:

(a) Charges to recover costs incurred by the Association to repair damage to any Common Area or facilities caused by the Owner, their family, guests or tenants.

(b) Charges to recover costs associated with the maintenance, repair or replacement by the Association in bringing an Owner's Lot into compliance with the terms of the Governing Documents.

(c) Any expenses incurred by the Association, including attorneys' fees and costs in the enforcement of the terms, covenants and conditions of the Association's Governing Documents of the Association.

Notice of any suspension or charge stated herein shall be sent in a written notice to the Owner of the violating Unit by giving the Owner notice of its intent to repair or suspend with at least a ten (10) day notice. Notice may be sent by US mail, electronic means, or delivered by hand.

5. Request for Hearing. An owner who is assessed a fine may request an informal hearing before the Board to dispute the fine within thirty (30) calendar days after the day on which the owner receives notice that the fine is assessed. The hearing requested shall be conducted in accordance with the procedures below.

6. Hearing Procedures.

(a) If the alleged violator desires a hearing, the owner must prepare a request for a hearing and deliver the request to the Board so that it is received no later than thirty (30) days from the date the owner receives the notice.

(b) Upon receipt of such request for hearing, the president of the Association will schedule a hearing before the Board at the next regular Board meeting if time permits the proper notification to the alleged violator. If there is not sufficient time for such notification, the hearing will be scheduled for the following regular Board meeting or at such other time as the Board may decide.

(c) Once the president has determined when the hearing will be conducted, the manager or Board will notify the alleged violator of the date and time of the meeting during which the hearing will be conducted. The hearing will be conducted in executive session at a regular or special meeting of the Board.

(d) At the hearing, the Board will hear and consider arguments, evidence, or statements regarding the alleged violation. Persons involved will be allowed to participate in the hearing by electronic communication. However, the hearing shall be conducted solely as the Board deems fit and subject to any limitations imposed by the Board. Following a hearing and due consideration, the Board will issue its determination regarding the alleged violation and notify the alleged violator within fifteen (15) days of the date of the hearing. The decision of the Board will be final and binding on the alleged violator and any complainant.

(e) No interest or late fees may accrue until after the hearing has been conducted, if one has been requested, and a final decision has been rendered.

(f) If no request for a hearing is filed within the prescribed period of time, or if an alleged violator fails to attend a requested hearing without advance request to change the hearing date, a hearing will be considered waived and the allegations contained in the notice of violation will be deemed admitted and any prescribed remedy will be instituted.

7. **Appeal.** An owner may appeal a fine by initiating a civil action within one hundred-eighty (180) days after: (a) a hearing has been held and a final decision has been rendered by the Board; or (b) the time to request an informal hearing has expired without the owner making such a request.

8. **Unpaid Fines.** All fines are assessments and accrue interest and late fees and are collectible as such, as provided in the Declaration and the law. A fine which remains unpaid after the time for appeal has expired becomes a lien against the owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under the Declaration and Utah law.

The undersigned hereby certify and attest that this Resolution has been duly adopted by the Board of Directors for the Northridge at Cross Hollow Hills Owners Association, Inc.

Date: _____

ATTEST:

NORTHRIDGE AT CROSS HOLLOW HILLS OWNERS ASSOCIATION, INC.

President

Secretary