

Carolina Gardens Violation Fee Schedule, Procedure, & Resolution

In addition to the remedies provided by the Carolina Gardens Governing Documents, the Board of Directors have adopted the following penalties of violation of the community rules and standards.

Violation/Damage Fee Schedule			
Violation Type		Fee	Governing Document*
A1	Architectural – Installation without approval	Up to \$100 per day until compliance is stated and verified by management or BOD	RDG Section 2B, 2C; CC&Rs Section 8.5
A2	Architectural – Installation without approval that is not remedied	Up to \$100 per day until compliance is stated and verified by management or BOD	RDG Section 2B, 2C; CC&Rs Section 8.5
A3	Architectural – Alterations that do not conform to an approved ARC request	Up to \$100 per day until compliance is stated and verified by management or BOD	RDG Section 2B, 2C; CC&Rs Section 8.5
B1	General Covenants Violation	Up to \$50 per day until compliance is stated and verified by management or BOD	CC&Rs; R&Rs
B2	Trash Can Violation	Up to \$50 per day until compliance is stated and verified by management or BOD	CC&Rs Section 10.20
B3	Parking Violation	Up to \$50 per day until compliance is stated and verified by management or BOD	CC&Rs Section 10.4
C1	Pool Violation (any)	Up to \$100 per occurrence and/or cost of repair (Ex: cost of draining pool for glass)	CC&Rs Section 8.5
D1	Amenity Center Guest Pass Violation	Up to \$25 per occurrence	R&Rs Section 3.2
E1	Damage to Common Area	Based on cost of repair	CC&Rs Section 8.5

*CC&R = Covenants Conditions & Restrictions; RDG = Residential Design Guidelines; R&Rs = Rules & Regulations

Process & Procedure

1. Homeowner will be notified of violation and given 10 days to repair or remedy the violation
 - a. Additionally, trash can, parking, pool, and damage to common area violations will be given notice of fine
2. If violation remains unrepaired or un-remedied, the homeowner will be given a second notice of violation and given 15 days to repair or remedy the violation
3. If, after two notifications, the violation remains unrepaired or un-remedied, the homeowner will be given a notice of hearing to be conducted at least 30 days from the date of notice along with the potential fine amount
4. Depending on the nature of the violation, a range of penalties will be considered including but not limited to:
 - a. Fines according to the fee schedule
 - b. Suspension of rights to Carolina Gardens amenities
 - c. Suspension of voting rights
 - d. Suspension of any rights, services, or privileges provided by the Association to the homeowner
 - e. Any costs associated with the violation or associated with bringing the violation into compliance
5. After the hearing, the Board will issue a written decision notifying the homeowner of the determination
6. Fine or penalty will not be imposed until 5 days has passed from the Board's written decision
 - a. If homeowner has remedied the violation within this time, then no fine shall be imposed
 - b. If homeowner has not remedied the violation fines will continue to be imposed and accrue until violation is remedied
 - c. If the violation is a recurring violation for which a notice of hearing had been issued within the last 6 months, then no further hearing will be held, and the Board shall impose penalty or fine for each violation immediately upon notification to the homeowner of such additional penalty

Decided by
Chris Raughley

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Chris Raughley, HOA Board President

CAROLINA GARDENS HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 2018-1
ENFORCEMENT AND FINES

WHEREAS, North Carolina General Statute 47F-3-102(11) authorizes planned community associations to impose reasonable fines not to exceed one hundred dollars (\$100) for violations of the Declaration, Bylaws, and Rules and Regulations of the association and establishes a procedure for such imposition pursuant to N.C.G.S. 47F-3-107.1;

WHEREAS, Section 8.5 of the Declaration of Covenants, Conditions and Restrictions for Carolina Gardens (hereinafter "Declaration") provides that "the Board may assess fines against an Owner for violations of any restriction set forth in the Governing Documents which have been committed by an Owner, a Resident of such Owner's Lot, or the Owner or Resident's family, guest, employees, contractors, agents or invitees";

WHEREAS, Section 4.3(b) of the Declaration provides that the Board "shall establish a schedule and/or a range of penalties for violations of the Governing Documents";

WHEREAS, Section 4.3(b) of the Declaration provides that the Board may impose sanctions for violations of the Governing Documents after "notice and a hearing to the extent required by applicable law";

WHEREAS, the "Governing Documents" is a collective term defined by Section 1.23 of the Declaration which includes "the Declaration, any applicable Supplemental Declaration, the Bylaws, the Articles, the Design Guidelines and rules, regulations, or actions adopted by the Board, as any such documents may be amended from time to time;

WHEREAS, the Board of Directors desires to memorialize the policies and procedures for the implementation of the foregoing provisions of the Declaration by Resolution, with such provisions to be included and incorporated into the Rules and Regulations of the Association, which may be amended and revised from time to time at the sole discretion of the Board of Directors;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Directors has determined that the following procedures shall govern the imposition of fines and other enforcement actions for the violation of the Governing Documents of the Association;

1. That, depending on the nature of the violation, the Owner of the Lot involved may first be issued a notice of the alleged violation, warning the owner to repair or remedy the violation within ten (10) days of the warning notice.
2. If said violation remains unrepaired or un-remedied, then the Managing Agent may issue a Notice of Hearing to the Owner, stating that the Board of Directors, or an Covenants Committee appointed by said Board, will hold a hearing at a specified date and time, at least thirty (30) days from the date of the Notice, to determine if the owner is in violation and whether a fine should be issued for said violation, and in what amount, or whether other enforcement action may be warranted. The Notice shall also describe the violation and the potential fine or range of penalties that may be imposed for such violation.
3. That, depending on the nature of the violation, the schedule or range of penalties for any violation may include the following, or any combination of the following: 1) fines from \$25.00 to \$100.00 per incident, or per day for continuing violations; 2) suspension of the right of an Owner, Resident, and/or Guest, or their families to use the amenities of the Association; 3) suspension of an Owner's right to vote; 4) suspension of any rights, services, or privileges provided by the Association to the Owner or the Owner's Lot; or 5) the levying of any costs associated with the violation or associated with bringing the violation into compliance, against the Owner's Lot in the nature of a Benefited Assessment.
4. That, after said hearing is held, the Board, or such appointed Enforcement Committee, shall issue a written decision notifying the Owner of the Board's determination as to whether a violation occurred and the amount of said fine or other enforcement penalty to be issued. Said fine or penalty shall not be imposed until five (5) days has passed from the Board's written decision. If the Owner has remedied said violation within that time, then no fine shall be imposed. If the violation is not remedied, then fines shall continue to be imposed and accrue until the violation is remedied. If said violation is a recurring violation for which a notice of hearing had been issued within the previous six (6) months, then no further hearing need be held, and the Board shall impose the enforcement penalty or fine for each violation immediately upon notification to the Owner of such additional penalty.

5. That any fine imposed, and any costs incurred by the Association to enforce the provisions of the Governing Documents, including but not limited to attorney's fees or court costs, shall be applied to and shall become part of the assessment imposed against the Lot, and may be collected in the same nature as an assessment in accordance with Section 8.8 of the Declaration.

6. That, any of the foregoing enforcement penalties may be applied or imposed against the Owner, the Owner's Lot, the Owner's Family, any Resident of the Lot, or any guest, tenant, or invitee of the foregoing, jointly and/or severally in the discretion of the Board.

RESOLVED, that the Board of Directors of the Association approved and authorized the adoption of the foregoing Resolution, which shall be incorporated into the Rules and Regulations of the Association pursuant to the authority granted in Section 4.3 and Section 8.5 of the Declaration.

2/7/2022

The foregoing Resolution was approved at a meeting of the Board of Directors of the Association on this the _____ day of _____, 2022.

**CAROLINA GARDENS
HOMEOWNERS ASSOCIATION, INC**
By: Chris Raughley
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Title: Chris Raughley, HOA President

ATTEST: DocuSigned by:
Tim Harris
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Secretary Date: 2/7/2022

[If action taken without meeting]. The foregoing Resolution was approved without meeting by the Board of Directors of the Association by unanimous written agreement. All Directors of the Association hereby certify that the foregoing is an accurate representation of the action of the Board of Directors.

2/7/2022

This is the _____ day of _____, 2022.
DocuSigned by:
Chris Raughley
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Director
DocuSigned by:
Tim Harris
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Director
DocuSigned by:
Jamie Davis
87935884ECA944C...
Director