

SOUTHERN OAKS VIOLATION AND FINING POLICY

VIOLATION AND FINING POLICY

This document sets forth the Southern Oaks Homeowners Association, Inc. policy for imposing sanctions for violations of the Association's Declaration of Covenants, Conditions & Restrictions (CC&Rs) and By-Laws. This policy shall be effective thirty (30) days from adoption by the Board of Directors.

Member Responsibility. Under the Association's Governing Documents the Owners of Units are Members of the Association and responsible for complying with the Governing Documents, which include the Association's Articles of Incorporation, By-Laws, CC&Rs, Rules and Board policies. Owners are required to give their tenants, if any, copies of the Governing Documents and any amendments thereto and new Rules as they are adopted, and are responsible for ensuring that their tenants comply with the Governing Documents. In the case of violations by tenants who are not Members of the Association, the Association will notify the Unit Owner. Any fines for noncompliance will be imposed against the Owner.

Policy

1. Initial warning: Within 3 (three) business days of being notified of a violation requiring enforcement, the management company will contact the homeowner in writing, notifying them of the specific violation, and requesting specific remedial actions and deadlines. If a homeowner reported the initial violation, the HOA will notify that homeowner that the violation has been acted upon, and that should any further violations occur, that the homeowner continue to log those violations by use of an independent and unambiguous source. Examples of such sources could be:

- a date-stamped photograph of an improperly stored vehicle
- a police report of a public nuisance or vandalism.

2. Second letter: If after a further 15 (fifteen) calendar days or the duration of the requested deadline in the initial warning, whichever is the later, the homeowner has failed to comply with the remedial actions requested in the Initial Warning, the HOA will send a second written warning to the homeowner. This warning will contain the same specific information as the first, but will also include notification of the intent to schedule a hearing before the board and to levy fines against the homeowner if the homeowner continues to fail to comply. The reporting homeowner should continue to log any further violations.

3. If a violation is corrected but resurfaces again within a year's time frame, the owner can be called to a Hearing for the same infraction.

4. Notice and Hearing: When the Board of Directors is to meet and consider or impose discipline upon a member the following will take place:

1. The Member shall be notified in writing, by either email and/or first-class mail, at least 10 days prior to the meeting;
2. Notification will contain the date, time and place of the meeting;
3. Identify the Governing Document provision that has been violated;
4. Describe the nature of the violation;
5. Describe the corrective action to be taken by the Member and the time within which it must be done;
6. Advise the member that they have a right to attend and address the board at the meeting;
7. The Board of Directors will meet in Executive Session with the member being fined;
8. If the Board imposes a fine on a member, the Board will provide the member with written notification of the disciplinary action, by either personal delivery or first-class mail, within 15 days following the action;
9. If, after the hearing, the Board imposes a monetary penalty five days after the hearing, the penalty will be added to the owner's first monthly statement following the meeting at which the action was imposed. Whether or not the member is in attendance at the meeting the Board will conduct the hearing.

FOR ALL VIOLATIONS:

The Board has the authority to impose the following fines after the Hearing Process has taken place. Fines and other remedies may be imposed whether the owner is present at the hearing or not.

First offense – Fine of \$100.00

For subsequent violations and each additional notice thereafter, **fines** not to exceed **\$100.00 per day** may be imposed without further hearing for the same violation, as stated in NCGS 47F-3-107-1.

Approved by the Board of Directors