

WHEREAS, section 3.3 , Article III of the CC&Rs gives the Board of Directors the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the Directors deem in the best interests of the Association; and

WHEREAS, for the health, safety, welfare, and comfort and convenience of all residents, the Board wishes to establish rules enforcement policies and procedures so that it may fairly and consistently enforce the governing documents; and


WHEREAS, the Board distributed a copy of the proposed rules and regulations to the membership pursuant to Civil Code §1357.130; and

WHEREAS, no changes were made to the proposed rules;

NOW, THEREFORE BE IT RESOLVED that the following rules enforcement policies are adopted by the Board effective June 13, 2019 and that notice of their adoption shall be given to the membership within 15 days of today's date.

Ocean Palms Homeowners Association

RULES AND REGULATIONS

By: 
Association's Secretary

Date: 6/14/19

OCEAN PALMS HOA

RULES AND REGULATIONS

The purpose of these rules is to provide a basis for protecting the members equity in Ocean Palms and to provide a framework within which people can live in a peaceful group situation.

Membership in the Ocean Palms Homeowners' Association is mandatory for all Ocean Palms Property Owners. When you become an owner or resident of property in the Ocean Palms community, you agree to abide by the rules and regulations as set forth by the Ocean Palms HOA governing documents. Specific purposes of these rule changes are:

- Bringing our Rules and Regulations into compliance with our Restated CC&Rs recorded on July 31, 2018, including updating the Fee Schedule and updating rules to the current needs of our community.

Which includes:

- Protecting and preserving the property and assets of the Association and its owners
- Enforcing the community's maintenance standards, policies and rules in a fair and diplomatic way
- Protecting, enhancing and promoting the purposes of Ocean Palms HOA
- Governing the use of common areas and amenities
- Establishing architectural guidelines and design standards to ensure the compliance with the overall design and scheme of the community
- Establishing rules for use of all common facilities

These Rules and Regulations are not intended to supersede the Declaration of Covenant, Conditions and Restrictions (CC&Rs). The rules adopted are mandatory for all residents to abide by. Please familiarize members of your household and guests with these rules. Also, homeowners who lease their condominium will provide tenants with a copy of the rules and regulations. Your full support and cooperation are appreciated.

Additional or similar information is contained in the Restated CC&Rs including: ARTICLE VIII FURTHER CONDITIONS OF OWNERSHIP.

Table of Contents

GENERAL RULES:.....	1
FRONT DOOR ENTRY.....	1
NOISE LEVELS.....	2
SAFETY.....	2
ARCHITECTURAL GUIDELINES.....	2
LEASING / RENTAL REQUIREMENTS.....	3
FOR SALE, FOR LEASE AND FOR RENT SIGNS.....	3
WATER SHUT-OFF.....	4
CONTRACTORS/REMODELING WORK.....	4
COMMON AREA.....	4
GUEST PARKING.....	5
GARAGE PARKING.....	5
GARAGE STORAGE UNITS:.....	6
3 rd AND 4 th FLOOR STORAGE UNITS:.....	6
BICYCLE AND STORAGE ROOM.....	7
BALCONIES.....	7
JACUZZI AREA.....	7
BBQ.....	9
PETS:.....	9
DRY DRAIN RULE:.....	9
PROOF OF INSURANCE:.....	10
WATER LEAKS AND MOLD.....	10
RULE VIOLATION REPORTING.....	11
COMMUNICATION PROTOCOL:.....	11
ENFORCEMENT PROCEDURE:.....	12
ALLEGED VIOLATION REPORT.....	13
NOTICE OF INTENTION TO IMPOSE DISCIPLINE:.....	14
PROCEDURE FOR MEMBER HEARING.....	15
FINE SCHEDULE:.....	16

GENERAL RULES:

- 1.) Ocean Palms property, facilities and equipment are restricted to homeowners and residents of Ocean Palms and their guests only. Soliciting is not allowed.
- 2.) Homeowners must accompany their guests within the complex as they are responsible and liable for their actions.
- 3.) Do not let anyone inside the complex whom you do not know. Many times, would-be thieves pose as delivery or salespersons to get inside the complex.

If you witness a crime inside or outside the complex, call 911 immediately. If using a cell phone call the Long Beach Police Department directly @ 435-6711.

- 4.) Break down boxes and dispose of them in the recycle bin in the garage. You can be fined for not breaking down large boxes.
- 5.) Do not leave water running unnecessarily. A dripping faucet or running toilet will waste water and money.
- 6.) Do not cover windows with aluminum foil, newspaper, bed sheets or similar materials. Curtains, drapes shutters, and blinds are acceptable as window coverings. Window tinting and exterior shades must be approved by the Board of Directors. Shades, shutters or window coverings must be well maintained.
- 7.) Plants owned by homeowners must be maintained on a regular basis and placed on drainage saucers to eliminate damage to the structure. Personal plants may not be placed on a balcony railing, by the front door or anywhere in the common area without approval of the Board of Directors.

FRONT DOOR ENTRY

The front entry door phone is for all residents to allow entry when called. Press #9 after you are called to buzz your visitor in. Owners/Residents can request from the board any (1) one phone number to be added to the entry panel, however only (562) area code numbers work on our system.

- 1.) Do not let anyone inside the complex whom you do not know or have not invited. Many times, would-be thieves pose as delivery or salespersons to get inside the complex.

If you witness a crime inside or outside the complex, call 911 immediately. If using a cell phone call the Long Beach Police Department directly @ 435-6711.

NOISE LEVELS

Please be courteous to your neighbors. Noise levels are to be kept to a minimum. Be aware that conversations echo in common area walkways and the spa section which can be heard by those living around the area.

- 1.) No loud stereos, televisions or surround sound that can be heard by your neighbors above and below.
- 2.) Do not walk on hard wood or tiled floors with hard sole shoes or high heels.
- 3.) Do not slam doors when entering or leaving your unit.
- 4.) No loud or disruptive noise that disturbs the peace and quiet of other residents.
- 5.) No loud or disruptive parties may be held from :

10:00 PM-9:00 AM Sunday thru Saturday
And after 12:00 AM- Friday thru Saturday

SAFETY

If you witness a crime inside or outside the complex, call 911 immediately. If using a cell phone call the Long Beach Police Department directly @ 435-6711.

In case of a fire in the dumpster in the garage, call 911 immediately. The sprinkler control valve on the 4th floor trash room can be used. The valve will activate the sprinkler chute and the two sprinklers in the garage trash room to extinguish the fire. The doors to the chute on each floor are fire proof. Once the fire is extinguished, the valve can be turned off.

The fire hoses on each floor are for the Fire Departments use and cannot be used by residents.

ARCHITECTURAL GUIDELINES

With respect to screen doors, window replacement, EV Chargers or other installations, to any individual unit or common area, the prior consent of the board shall be exercised with a view toward promoting uniformity and thereby enhancing attractiveness of the property.

If you wish or need to replace your windows, you must submit an architectural request and include a picture or brochure to the Board of Directors or to the Association management representative. You may

leave your request in an envelope at any director's door. Please do not knock on the door. If submitted to the management representative, the management representative will forward it to the Board for approval prior to installation.

If you wish to install a screen door or security door on your unit or change your existing screen door, you must choose a door of similar appearance to existing doors and present a picture, brochure or website to the Board of Directors for approval prior to installation. You may leave your request in an envelope at any director's door. Please do not knock on the door. If submitted to the management representative, the management representative will forward it the Board for approval prior to installation.

Security screen doors are required to have the same key as the entry door to the unit. This prevents delays for a trusted neighbor, the police and fire department to enter in an emergency. The Board reserves the right to check that the key locks are matching. Security door must be white in color.

Local Broadcast TV Antennas- You must get prior approval from the Board of Directors. You must submit a photo with your architectural request. The antenna may not be attached to the roof shingles. You may attach it around a roof vent pipe or wood siding on the roof that is pre-approved by the Board.

Satellite dishes do not require an architectural request if it is a common residential size. However, the dishes may not be attached to the roof shingles. They must be attached to a roof pipe. You may attach it to wood siding on the roof that is pre-approved by the Board.

In compliance with Ocean Palms CCRs', ARTICLE XIV, ARCHITECTURAL AND DESIGN CONTROL (b) (d); (the board of directors holds the authority to make final decisions on any and all architectural request and conditions.)

In accordance with Ocean Palms Association Bylaws, ARTICLE X, BOARD OF DIRECTORS, 10.2, POWERS AND DUTIES; The Board of Directors shall have the powers and duties as allowed by law and the governing documents of the Association.

LEASING / RENTAL REQUIREMENTS

All homeowners who lease their unit are required to provide the Board of Directors and management company with a copy of the fully executed initial 12-month lease prior to the initial occupancy. Failure to do so can result in a minimum fine of \$100. The lease must include the names of all persons living in their Unit including a written statement by the tenant acknowledging receipt of the rules and regulations and their intent to abide by such rules and regulations.

FOR SALE, FOR LEASE AND FOR RENT SIGNS

(See page 26 of the CCRs' for further details)

- 1.) Real Estate signs may be posted on the front lawn, with prior approval of the Board of Directors.
- 2.) Exterior “For Sale” or “For Lease” signs may be displayed on the permanent white sign post located the right side of the front lawn.
- 3.) Members may display signs visible through the windows of their own separate interest, or that of another Member with the Members consent.

WATER SHUT-OFF

- 1.) When you are in need of plumbing repairs, you must give an advance notice to your affected neighbors and the association prior to turning off the water, unless it is an emergency. A 2-day advance notice is required.

Water is shut off by stack, for example: 201, 301, and 401, so notification is only required to residents in your stack.

CONTRACTORS/REMODELING WORK:

- 1.) Hours of work are as follows:

9:00 AM – 5:00 PM Mon – Fri

10:00 AM – 4:00 PM Sat or Sun

Work on Sundays is allowed only if one’s religious Beliefs prevent working on Saturdays. No work on holidays.

- 2.) Contractors must be informed of the rules and regulations for remodeling work.
- 3.) All materials must be hauled away by the contractor.
- 4.) Owners must ensure that all materials are removed from the premises and not dumped into our trash container.
- 5.) When necessary, a protective cover will be placed on walkways to protect the common area from being soiled or damaged. Owners must ensure that the common area is cleaned up at the end of the day.

COMMON AREA:

- 1.) No littering in the elevators or common area. If you drop or spill anything, please clean it up immediately. Cigarette butts are not to be disposed of in the planters or anywhere on association property except in an appropriate container for such purpose.
- 2.) Any personal property left in the common area WILL be removed at the owner's expense.
- 3.) Furniture outside the unit is prohibited, especially if it's in the common area.
- 4.) Propping open common area doors or gates is prohibited, unless you intend to close them immediately.
- 5.) Children under the age of 14 shall not use pool/Jacuzzi without a parent or adult guardian in attendance.
- 6.) No bicycles, skateboards, or other human-powered wheeled vehicles are allowed in the common area sidewalks and walkways.

GUEST PARKING:

Owners will be issued guest parking placards for their guests/visitors.

- 1.) Guests staying two (2) hours or more must be given a guest parking placard to place on the driver's side dashboard.
- 2.) Vehicles that do not display a placard are subject to towing. If you have lost your placard you may request another one from the Board of Directors.
- 3.) Email the OPHOA Board of Directors if a guest will need to park in our visitor parking for more than three days. With only four guest parking places, we need to be sure that parking is always available for guests.

GARAGE PARKING:

- 1.) Speed limit in garage is 5 mph.
- 2.) Homeowners/residents must park in assigned spaces only and vehicle must be contained completely within owner's space. Vehicle may not extend outside the space solely for the vehicle owners' convenience. Vehicles longer than the space must be parked as far into the space as possible.
- 3.) Parking spaces are not to be used for storage of any kind (i.e. car batteries, boxes, furniture, etc.) Nothing is to be stored on the floor or outside of the storage area.

- 4.) It is the responsibility of each owner to prevent their vehicle from fouling the garage by leaking fluids, exhaust, or any other general nuisance, including noise.
- 5.) No major automotive repairs or washing of vehicles is permitted in the garage.
- 6.) When leaving or entering the garage, please wait for the gate to close behind you before proceeding. This will help ensure the safety and security of our property
- 7.) Garage gate openers are not to be left in vehicles. Owners whose garage gate openers are stolen will be subject to a fine. It is the responsibility of residents to assure vehicles are locked and protected. The OPHOA is not liable for any damage, vandalism or loss of any items in the garage, bicycle or storage rooms.

There are two distinct pads on the floor of the garage on either side of the gate. The purpose of these pads is to prevent the garage gate from closing on your vehicle. However, it is recommended that if the gate is closing as you approach it, you should allow the gate to close completely and then hit the button on your Genie. You're responsible for any damage caused to the gate and your vehicle UNLESS THE GATE MALFUNCTIONS.

GARAGE STORAGE UNITS:

- 1.) Storage of gasoline and other volatile fluids is strictly prohibited in any storage unit.
- 2.) Never store valuable or perishable property in your storage unit.
- 3.) Homeowners are responsible for the security and maintenance of their unit. The association accepts no responsibility for damage or stolen items.

Please be aware that perimeter storage units could be susceptible to water leaks.
HOMEOWNERS WHO WISH, MAY WATERPROOF THE INTERIOR OF THEIR RESPECTIVE UNITS.

3rd AND 4th FLOOR STORAGE UNITS:

These rooms are for owners to store additional items as necessary. It is important that everyone has an equal opportunity to store items in these rooms if they choose to do so. These storage rooms are not be used for exclusive use to any owner. All owners will have full key access to the storage room on their floor at any time.

- 1.) All items must be identified by unit number in order to determine ownership.
- 2.) The key locks may only be changed by the board of directors
- 3.) Each owner is must have full key access to the storage room on their floor.

BICYCLE AND STORAGE ROOM:

The storage shelves were added to provide additional storage to owners who have only one storage unit above their parking space. Shelf space is identified by unit number. Those units not wishing to use their allocated space may allow another Ocean Palms resident to utilize their space.

In order to prevent a fire hazard, no storage is allowed on the bike room floor other than bicycles.

- 1.) Personal items (other than bicycles) stored on the floor is prohibited and will be discarded.
- 2.) You may not use the storage shelves of a unit number that has not been allocated to you without the permission of the owner of that space
- 3.) Bicycles must have a tag with the unit number of the owner. You may request a tag from the board of directors or any director.
- 4.) The bicycle storage room is for Ocean Palms residents only.

BALCONIES:

The only items allowed on balconies are outdoor furniture, flowers and plants in pots with drain saucers underneath and a barbecue.

- 1.) Plants, clothing, towels or rugs may not be placed over the balcony railing.
- 2.) Balconies are not to be used for storage.
- 3.) No indoor-outdoor carpeting is allowed on balconies. Small mats outside at the entrance is acceptable.
- 4.) Charcoal barbecues are not allowed on balconies.

JACUZZI AREA:

The SPA area is available for use from:

Sunday thru Thursday: 8:00 a.m. to 10:00 p.m.
Friday thru Saturday: 8:00 a.m. to 11:00 p.m.

- 1.) The SPA area is to be used in such a manner as not to disturb nearby residents. Remember that voices echo and can be heard by your neighbors. Loud or unnecessary noise is prohibited. These facilities are intended for the enjoyment of all and must be used in a manner that will not disturb other residents. Boisterous talk or other disturbing noises are prohibited. Radios must be turned low and no running or boisterous play is permitted
- 2.) Owners must always be present in the Jacuzzi area when their guests are using the Jacuzzi.
- 3.) Unsupervised use of the Jacuzzi by children under the age of 14 is prohibited.
- 4.) No persons in diapers or swim diapers are allowed in pool or spa.
- 5.) Always allow ample time (approximately 45 min. to an hour) after eating before using the Jacuzzi.
- 6.) Turn up the Jacuzzi temperature 1 hour before using and turn back to the $\frac{3}{4}$ mark when you are finished.
- 7.) No bicycles, skateboards, or other wheeled vehicles are allowed in the SPA area.
- 8.) No running, diving, horseplay or any other activity that is dangerous or disruptive may take place in the SPA area.
- 9.) Absolutely no glass containers are allowed in the SPA area. Due to the high potential of injury from broken glass and the cost of draining the SPA, if an owner or the owner's guest is determined to have had glass in the SPA area, the owner will be subject to a fine of up to \$100.00 after notice and a hearing.
- 10.) All trash must be taken out of the SPA area when you are done using it.
- 11.) All spa furniture must be returned to its proper place before leaving
- 12.) The gate leading to the SPA area is required by law to be kept locked. All residents must make sure that the gate is properly locked behind them after they have passed through.
- 13.) Nothing except pool equipment and supplies and furniture covers shall be stored in the pool equipment enclosure. Other items found stored therein shall be disposed of as trash.

BBQ:

The community BBQ is for the use of all residents of the Association. It is located adjacent to the office over by the jacuzzi.

- 1.) Those using the BBQ are required to clean up after use and to maintain the BBQ in good order.
- 2.) Turn off the gas after use.

PETS:

Please refer to the CC&R's for detailed pet restrictions (pages 30-31)

- 1.) Pets may be walked or exercised in the Common Areas. While in the Common Area, dogs must be on a leash and in the supervision of the Member or resident.
- 2.) If your Pet has urinated or defecated in the elevator or any portion of the common area, you must clean up the affected area by wiping up and disinfecting it immediately.
- 3.) If your Pet has defecated on the front lawn or side yards, you must remove the feces and dispose of it immediately. Not doing so will be considered a violation.
- 4.) Pet owners whose animals create a nuisance noise such as constant or chronic barking, yelping or whining will be considered a violation.
- 5.) No more than three (3) domesticated birds, cats, dogs, or combination thereof may be kept within any unit at one time unless it is a visit by a fellow pet mate (Your guest is visiting and brings their pet).

DRY DRAIN RULE:

Drain pipes subjected to prolonged inactivity begin to dry out. It can take two to four weeks for a pipe to dry out completely, and when it does, so does all the sludge, slime and other debris that might be trapped inside it. Drain debris is the real culprit that causes the problems. When the drain is put back into service, the water loosens the debris, which can then clog the drain or

even the main sewer line. A clogged drain or sewer line is a major inconvenience. Aside from the sewage odors drifting around in your home, removing the blockage can be a real mess and extremely expensive. The solution is prevention.

- 1.) It is the homeowner's responsibility to assure to run water down the drain at least once a month. This applies to not only your kitchen sink, but to all sinks, tubs and toilets in your household. When you're away from home for extended periods, pour a few tablespoons of vegetable oil down each drain before you leave. The oil helps to keep your drain moist by slowing down evaporation. Failure to do so will cause the drain to dry and damage cause by the dry drain may be extensive and expensive and the Homeowner's financial responsibility.

PROOF OF INSURANCE:

- 1.) All homeowners who live in their units are responsible for carrying a HO-6 insurance policy. Homeowners who rent or lease their property shall require their tenants to carry a HO-4 insurance policy.
- 2.) Each new fiscal year or upon request, the Homeowners Association will require each Member to provide proof of insurance which includes the name of the insurance carrier as well as the policy number. If the insurance carrier has been replaced, it is the Members responsibility to provide the Association with the updated insurance policy information.

Please see ARTICLE V INSURANCE and 5.2 (d) for further details.

WATER LEAKS AND MOLD:

Each Member and not the Association, is responsible for water damage and mold in and to units negligently caused by the Member, Member's tenant, etc.

- 1.) Each Member shall regularly inspect their Unit for plumbing leaks, water accumulation, water intrusion through windows, doors and roofs and signs of mold.
- 2.) Members must periodically service and /or replace supply and drain lines to appliances, HVAC equipment, sinks, toilets, and the like in their Units.

Please refer to ARTICLE VII FURTHER CONDITIONS OF OWNERSHIP, including 8.2 (g)

RULE VIOLATION REPORTING:

1. When a problem or violation occurs, you SHOULD:

- a) First speak to the homeowner/resident allegedly committing the violation.
- b) Each homeowner has the responsibility to report any rule violation to the property management company and/or the Board of Directors. Do not wait for the association meeting to submit the complaint. Complaints should be in writing and include pertinent information such as: the violation, date, time, name and unit number of the person committing the violation. All complaints will be signed by the complaining party. The Board will review the report and consider what action should be taken, if any.
- c) As a citizen, you have the right to request the assistance of the Long Beach Police Department if the violation is criminal in nature. You may contact the LBPD at (562) 435-6711 or dial 911 in case of an emergency.

COMMUNICATION PROTOCOL:

Generally, the first step to any concerns you may have is to contact our current Manager at Paragon Equities at (562) 494-4455. Our manager will inform the board of your concerns within a timely manner. You will find detailed contact information on our website at OPHOA.net.

If you need to contact the board or any of its directors you may do so Monday – Friday between 9am – 5pm. If there is an emergency any resident may contact any director at any time, or call our management company. If there is any emergency such as a fire or crime, you should immediately call 911. The contact information for our management company, Paragon Equities and your Board of Directors can be found on our homeowners' association website at OPHOA.net.

In addition, please be informed that the board of directors will not tolerate abusive or harassing contact from Members/Residents by any method of communication including e-mails, text messages, phone calls, etc. The Board will not respond and has the right not to respond but require Members to bring their complaints or concerns to open forum at the Board of Directors Meeting or submit by first class mail.

Each board will provide permissible methods of contact for their term at OPHOA.net and its Annual Policy Statement. For a more detailed description of permissible methods of contact please refer to OPHOA Director Contact Policy available on our website at OPHOA.net. The Director Contact Policy are rules and regulations, including under this title of Contact Protocol.

ENFORCEMENT PROCEDURE:

Any activity, instance or circumstance that is an alleged violation of the governing documents will generally be processed according to the procedures outlined herein.

In the event any member of the Association or Board of Directors files an Alleged Violation Report form with the Board, the following steps will be taken:

- Step No. 1. Determine if the alleged violation has potential merit, and if so, proceed with Step No. 2.
- Step No. 2. Send a Notice of Intent to Impose Discipline to the owner stating the nature of the alleged violation and the member's right to appear before the Board of Directors at a hearing in executive session on at least 10 days notice (or at least 15 days notice if the board is to consider the suspension of voting or other member rights) by first class mail or by personal delivery, before the imposition of a formal warning, a monetary fine and/or any other discipline.
- Step No. 3. A hearing with the Board of Directors will be held, in executive session at the member's option, so that the member may be heard, orally or in writing, and may present pertinent evidence, along with the testimony and evidence of interested persons.
- Step No. 4. If the member is found to be in violation of the Association's governing documents, the Board may exercise any of the following options:
 - (a) seek a remedy in the legal system, including, without limitation, the imposition of a lien and/or foreclosure on the member's property, where allowed by law;
 - (b) impose and assess monetary fine(s) against the member pursuant to the Fine Schedule;
 - (c) choose to correct (or cause to be corrected) the violation and assess the member for the costs and expenses of doing so, including attorney's fees; and/or
 - d) suspend the member's voting or other privileges, effective no sooner than five (5) days after the date of the hearing.
- Step No. 5. The member will be notified as to any disciplinary action rendered by the Board of Directors within 15 days after such decision.

NOTE: The governing documents are defined as the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements (CC&R's), Bylaws, and the Rules and Regulations.

ALLEGED VIOLATION REPORT:

DATED: _____

I. PERSON MAKING REPORT NAME: _____
(Complainant)

ADDRESS: _____

PHONE NUMBER: _____

II. Time, Place & Nature of Alleged Violation (fill in as completely as possible)

DATE: _____ TIME: _____

LOCATION: _____

NATURE OF VIOLATION: _____

III. DESCRIPTION OF VIOLATOR:
(Respondent)

NAME: _____

PHONE NO.: _____

ADDRESS: _____

IV. ADDITIONAL WITNESSES:

NAME: _____

ADDRESS/PHONE: _____

NAME: _____

ADDRESS/PHONE: _____

V. OTHER EVIDENCE (PHOTOGRAPHS, DOCUMENTS, ETC.) SUPPORTING THE VIOLATION: _____

VI. SPECIFIC GOVERNING DOCUMENT VIOLATED (Cite exact provision of Declaration of Covenants, Bylaws, Rules or Regulations violated):

VII. ORIGINAL COMPLAINANT:

The original complainant (person making this complaint) acknowledges that he or she must agree to appear as a witness at any formal hearing hereon or the Board may refuse to consider the alleged violation.

It is so acknowledged: _____

(Signature of Complainant)

NOTICE OF INTENTION TO IMPOSE DISCIPLINE:

To Member: _____

Please be advised that you are hereby given notice that the Board of Directors will hold a hearing on:

_____ (Date)
_____ (Time)
_____ (Place)

to consider the imposition of a formal warning or a monetary fine or other disciplinary measure against you concerning an alleged violation of the Association’s governing documents, that is:

You have the right to attend the hearing and be heard orally or in writing before the Board of Directors and to present any pertinent witnesses or evidence on your behalf.

You also have the right to ask that the hearing be held in executive session.

Please acknowledge your receipt of this notice and indicate, by checking the appropriate box (1) if you will contest the alleged violation and if so (2) if you desire the hearing to be held in executive session.

Very truly yours,

BOARD OF DIRECTORS

I hereby acknowledge my receipt of this notice and:

will not oppose the alleged violation or

will oppose the alleged violation and

desire a hearing in executive session.

Dated: _____

Signed: _____

PROCEDURE FOR MEMBER HEARING:

1. Member in alleged violation decides to hold hearing in executive session or not.
2. Statement of alleged violation(s) by acting chairperson.
3.
 - (a) Each party will be entitled to make an opening statement, orally or in writing, starting with the complainant's case;
 - (b) Each party will be entitled to produce documentary evidence and testimony and to cross-examine the opposing party and the opposing party's witnesses;
 - (c) Each party will be entitled to make a closing statement, orally or in writing;
 - (d) Formal rules of evidence will not apply and all relevant evidence should be admitted, although hearsay evidence, by itself, will not be sufficient to support a finding;
 - (e) Any party will be permitted to waive the right to exercise his or her rights in any part of the hearing process, and the Board will be entitled to exercise its reasonable discretion in specifying the rules by which the hearing will be conducted, as long as the alleged violator is given an opportunity to confront and to cross-examine the evidence introduced by the opposing party and to be heard in his or her own defense.
4. Alleged violator, complainant and witnesses are excused.
5. Discussion and decision by the Board, or, that the matter will be taken under submission with a determination within 35 days after the hearing. Notice to member given within 15 days of the imposition of disciplinary action, if any.
6. Adjournment.

DOCUMENTATION

Name of Member: _____ Phone Number: _____

Address: _____

Factual Findings on Issues: _____

Board ruling on any discipline to be imposed: _____

Additional Comments: _____

Date: _____ By: _____

SIGNATURE OF CHAIRPERSON

FINE SCHEDULE:

1. If a member does not oppose the alleged violation or if the result of the hearing is a decision that a violation of the governing documents existed, a fine of \$100.00 may be imposed for each separate violation of the governing documents, subject to the following:
 - (a) For violations of a continuous nature which necessitate remedial action, but do not constitute a continuing nuisance affecting the enjoyment of other owners, the failure of the member to remedy the violation within 60 days of the imposition of the first monetary fine, will constitute a new and separate alleged violation, subject to an additional fine of \$200.00. The failure of the member to correct such a violation within 120 days of the imposition of the first monetary fine will constitute a third separate alleged violation, subject to an additional fine of \$400.00. The failure to correct such a violation within each 60 day period after the third violation will constitute a fourth and subsequent violation, every 60 days, each subject to an additional fine of \$400.00.
 - (b) If a member violates the same provision of the governing document, which is not in the nature of a continuing nuisance affecting the enjoyment of other owners, on two separate occasions within any 12 month period of time, the member will be subject to a fine of \$200.00 for the second offense. If the member violates the same provision three or more times within any 12 month time period, the member will be subject to fines for the third and subsequent violations of \$400.00 each.
 - (c) For violations constituting a continuing nuisance affecting the enjoyment of other owners, each day of the continuing nuisance, whether consecutive or not, shall constitute a separate violation and shall be subject to a fine of \$25.00 per day until the nuisance is abated subject to a maximum fine of \$500.00 per month.
 - (d) Each violation subject to discipline, whether new, continuous in nature or a repeat of a prior violation shall require the same notice and opportunity to be heard as described in the enforcement procedure above. However, multiple violations, whether individual or continuous in nature, may be addressed in a single notice of violation to the owner and may be the subject of and heard at a single hearing.
2. If not prohibited by other governing documents, at any point, the Board may choose to use the legal system or cause a correction of a violation to effect a remedy or cure, and the member may be assessed the costs and expenses incurred by the Association, including attorney's fees.
3. If a violation occurs which causes the Association to incur a financial obligation or expense, then the member responsible for the violation shall be assessed the amount of the obligation or expense incurred by the Association. For example, if a member damages any common property, the repair and replacement costs will be assessed to the member.