

# **ROSEHEART HOMEOWNERS ASSOCIATION**

## **Policy Resolution of the Board Enforcement and Fining**

**WHEREAS**, the Board of Directors of the Roseheart Homeowners Association is empowered to impose fines for violations of the Declaration of Covenants, Conditions, and Restrictions (DCCR's) for the Roseheart subdivision, pursuant to Article X, Section 1, of the DCCR's; and

**WHEREAS**, there is a need to establish a policy for the enforcement of the Declaration of Covenants, Conditions and Restrictions (DCCR'S) for Roseheart along with a defined fining policy in accordance with the DCCR's, and

**WHEREAS**, it is the intent of the Board that this rule shall apply to all owners who may be living within the boundaries of the Roseheart master planned community, and owners who own property within the Roseheart community. This rule shall remain in effect until otherwise rescinded, modified, or amended by a majority vote of the Board of Directors, and

**NOW, THEREFORE BE IT RESOLVED THAT** the following process in regard to DCCR enforcement and fining process shall hereby be unanimously adopted by the Board of Directors:

### **Violation of the DCCR's Fining Policy**

1. Any owner found to be in violation of the restrictive covenants or DCCR's shall be notified in writing by the Association, explaining stated violation, and given a specific reasonable deadline to cure the violation. Any owner may report a violation of the DCCR's to the Association, in writing, stating the perceived violation.
2. If the violation remains after the expiration of the specific reasonable deadline allotted, the owner will be put on notice by certified mail, return receipt requested, that they are:
  - In fact in violation of the DCCR's.
  - Being given a specific reasonable deadline to cure the violation with no penalty.
  - Being notified that if they feel that they are not in violation, or if they wish to discuss things and attempt to resolve them, that they may schedule a formal hearing with the Board of Directors. The request must be in writing, and submitted within thirty (30) days of their receipt of the notice.
  - Being notified that if the violation remains they will be fined \$50.00 per day per violation, with each day the violation continues being considered a separate violation in accordance with ARTICLE X, Section 1 of the DCCR's.
3. Finally the Board will, after all of the above attempts to have the violation cured have failed, then forward the account to legal counsel. All fines will continue to accrue and be added to the owners account as long as the violation remains in effect.

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4. This policy shall not apply to violations that by their nature, are determined by the Board of Directors to require more immediate action.

This policy resolution shall become effective immediately.

**Unanimously approved by the Board of Directors: February 1, 2012**

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**Richard Cope, President**

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**Sandra Drummond, Secretary**

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**Gary McKinnon, Treasurer**

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**Susan Bakke, Director**

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**Henry Taylor, Director**