

THE CLUSTERS AT CLIFTON MILL HOMEOWNERS' ASSOCIATION, INC.

POLICY RESOLUTION ESTABLISHING PROCEDURES TO ENFORCE THE ASSOCIATION'S RULES, REGULATIONS AND RESTRICTIONS

WHEREAS, the CLUSTERS AT CLIFTON MILL HOMEOWNERS ASSOCIATION is empowered and obligated to enforce the provisions and restrictions contained within the Homeowner Association Documents by virtue of Section 3.05 and 15.03 of the Declaration of Covenants and Restrictions and Section 11.01 of the By-laws; and

WHEREAS the Board of Directors is empowered to promulgate, adopt and publish reasonable Rules and Regulations as may be necessary to carry out the intent of the provisions and restrictions contained in the Homeowner Association Documents by virtue of Section 9.03 of the Declaration of Covenants and Restrictions; and

WHEREAS the Board of Directors is further empowered by virtue of Section 15.03 of the Declaration of Covenants and Restrictions and Section 11.01 and 11.02 of the By-laws to enforce said Rules and Regulations and the provisions in the Homeowner Association Documents by way of notice to and fines and legal proceedings against the offending party; therefore

BE IT RESOLVED that the following Enforcement procedure is hereby adopted by the Board of Directors of the CLUSTERS AT CLIFTON MILL HOMEOWNERS ASSOCIATION at its meeting on the ____ of _____, 2010, and shall be added as Section__ of the Association's Rules and Regulations:

Section _____. **PROCEDURE FOR ENFORCEMENT OF RULES AND REGULATIONS**

If a unit owner, family member, tenant, or guest of a unit owner violates a rule, regulation or other restriction or provision of the Clusters at Clifton Mill Homeowners Association, the following actions will be taken:

1. A letter will be sent to the offending unit owner by regular mail advising of the violation and requesting compliance with the Association's documents and rules and regulations. If the unit owner does not respond to the Association's property manager within ten (10) days of his or her receipt of the letter, it will be assumed that the unit owner does not contest the notice of violation and will immediately comply.
2. If the violation continues (or occurs again) after the ten (10) days from the initial notice, a second notice will be sent to the offending unit owner by certified and regular mail advising that if the violation continues (or occurs again) after a date certain, a fine of \$25.00 will be imposed for each violation thereafter. For purposes of this section, each

day a violation continues after notice to the offender shall be considered a separate and distinct violation.

This second notice shall advise the offending unit owner of his/her right to an Alternative Dispute Resolution (ADR) proceeding if the notice of violation is contested. If the offending unit owner chooses to exercise his/her right to an ADR proceeding, that unit owner must notify the property manager in writing within ten (10) days of his/her receipt of that notice. If he/she does not so notify the manager, he/she shall forfeit their right to ADR and it will be assumed that the notice of violation is not contested.

3. The fines as stated above will be imposed against the offending unit owner for each violation that occurs after the date certain stated in the notice. If those accumulated fines are not promptly paid and the violation abated, *a late fee of \$10.00 will be imposed against the unit for each month the accumulated fines remain unpaid and the violation remains unabated.* In addition, the Association may file a lien against the offending unit owner's property in the county clerk's office for the amount of those accumulated fines, *late fees* and any associated costs incurred in pursuing enforcement of the violated rule. The Association may then foreclose on that lien, file a lawsuit against the offending unit owner to recover those fines *and related charges* and/or to enforce his/her compliance with the rules and regulations, or both.
4. The Association may suspend the offending unit owner's membership rights and privileges, including his/her voting rights and parking privileges, until the violation is abated.
5. All costs incurred by the Association in pursuing enforcement of a rule or regulation, including legal fees and filing fees, are chargeable directly to the offending unit owner and shall serve as the basis for a lien to be filed against that unit until all outstanding costs are paid by that unit owner.

_____, Director

_____, Director

_____, Director

_____, Director

_____, Director