

ORCHARD VALLEY HOMEOWNERS ASSOCIATION

POLICIES AND PROCEDURES REGARDING VIOLATION ENFORCEMENT

1. Any complaint, which alleges a violation of the Declaration, By-Laws or Rules and Regulations, shall be made in writing (Exhibit A). At a minimum, the complaint shall set forth:

- a. The name, address and phone number of the complaining association member.
- b. The association member's name and/or address of the Unit where the person or Resident complained of resides.
- c. The specific details or description of the violation, including the date, time and location where the violation occurred.
- d. A statement by the complaining witness that he or she will cooperate in the enforcement procedures and will provide testimony at any hearings or trial which may be necessary.
- e. The signature and address of the complaining witness and the date on which the complaint is made.
- f. The Association recommends that photographs be taken which clearly show the reported violation. Any such photographs should be attached to the Violation Information Sheet (Exhibit A) or forwarded to the Managing Agent as soon as possible. The photographer's name and the date on which the photographs were taken should be written on the back of each photograph.

2. If an Association Member violates or is otherwise liable for a violation of any of the provisions of the Declaration, By-Laws or Rules and Regulations, the following shall occur:

- a. Upon a first violation, the Association Member shall be notified by the Association or its duly authorized Agent(s). If found to be guilty of the violation, following an opportunity for a hearing as set forth in paragraph five (5) below, the Association Member may be assessed a liquidated amount of Twenty-five (\$25.00) dollars for the time, costs and expenses involved - in the enforcement process. On a first violation, the Board may elect either to waive or assess the liquidated amount.
- b. Upon a second or continuing violation by an Association Member, the Association Member shall be notified of the violation by the Association or its duly authorized Agent(s) and, if the Board so elects, by the Association's attorney. The Association's attorney if requested by the Association, shall make such demands as are necessary to protect the Association's interests in the event litigation becomes necessary. If found to be guilty of a violation, following an opportunity for a hearing as set forth in paragraph five (5) below, the Association member may be assessed a liquidated amount of Fifty (\$50.00) dollars for the time, costs and expenses involved in the enforcement process, plus the actual amount of any legal fees which were incurred by the Association as a result of the violation.
- c. Upon further or continuing violations by an Association Member, the Board may elect to send further notices of violation or to forward the matter to the Association's attorney for appropriate legal action. All legal fees and costs incurred by the Association will be assessed to the Association Member as a Common Expense of that Association Member. These fees and costs can not be waived .
- d. Any notification from the Association or its attorneys may contain such demands as are necessary to protect the interests of the Association.
- e. In the event any violation has resulted in damage to any Common Property, Limited Common Element or has resulted in an unauthorized condition on the Property, the Unit Owner will be given a notice of violation to correct the violation. If the violation is not corrected within seven (7) days after a determination of liability has been made by the Board following the notice of violation, the Association will proceed to have the

violation corrected, and the Association Member will be assessed for the full cost of labor and materials required. If the Association corrects the violation, the Association will assess the violating homeowner with an additional administrative charge of One Hundred (\$100.00) dollars or ten percent (10%) of the cost of labor and materials, whichever is greater.

3. Any assessments to a Association Member made pursuant to these enforcement polices and procedures shall be a Common Expense of the Association Member. Any Association Member assessed - hereunder shall pay the Common Expense incurred within thirty (30) days following notification that such assessments are made. Failure to make full payment of any assessment in this time shall subject the Association Member to all of the legal or equitable remedies necessary for the collection thereof. -

4. The remedies hereunder are not exclusive, and the Board may, in addition thereto, take any action available at law, or in equity, or in the Declaration and By-Laws to prevent or eliminate violations of the Declaration, By-Laws or the Rules and Regulations.

5. If any Association Member feels that he has been wrongfully or unjustly charged with a violation hereunder, the Association Member must proceed as follows:

a. Within ten (10) days after the Association Member has been notified of a violation, the Association Member shall submit, in writing, a protest to the Board stating the reasons the Association Member feels he has not committed a violation or shall request a hearing concerning the violation.

b. If no protest is filed within ten (10) days, a hearing will be considered waived and the allegations in the notice of violation shall be deemed admitted. If a protest or request for a hearing is filed, a hearing on the matter shall be held before the Board no later than six - (6) weeks after receipt of the written protest.

c. At any such hearing, the Board shall hear and consider arguments, evidence or statements regarding the alleged violation. Following a hearing and due consideration, the Board shall issue its determination regarding the alleged violation. The decision of the Board shall be final and binding on the Association Member.

d. Payment of charges made under this policy shall not become due and owing until the Board has completed its determination. However, other legal or equitable remedies -may be pursued by the Board during this time.

e. Time is of the essence of this policy. Notices are deemed made at the time of personal delivery to the Association Member or a member of his /her household who is ten (10) years of age or older or five (5) days following deposit in the United States Mail, postage prepaid, to the Association Member at the Unit address or to such other address as the Association Member shall previously filed with the Board in writing.