



# Somerset Downs

## **Standardized Fine Policy and Structure for Violations of the CC&Rs**

The original developer of **Somerset Downs Homeowner's Association, Inc.** established certain criteria for the governance of **Somerset Downs Homeowner's Association, Inc.** including the right to issue notices of violations and levy fines for infractions of the Restrictive Covenants of the Association. The provision in the community's By-Law's which authorize the Board of Directors to act is:

**Section 10. Rules and Regulations – “The Directors are expressly empowered to adopt and promulgate, from time to time, reasonable rules and regulations governing the use of the Lots and the common areas, including the imposition of penalties for violation thereof.”**

The Board of Directors for the **Somerset Downs** (HOA) has established this policy as a standard procedure for notifications of violations and the issuance of fines related to those violations of the restrictive covenants, policies and procedures.

Notices, Timelines and Fines are based on the severity and frequency any violation. It is the intention of the Board to enforce this policy fairly and uniformly throughout the community.

## **Violation Policy**

### **Type I Violations:**

All non-architectural related violations; i.e. nuisance, storage, trash receptacles, parking, unsightly or unkept conditions, improper landscaping or lawn maintenance, etc.

- **1st Offense:** A courtesy notice is mailed requesting the violation be remedied before the next inspection which will occur 14 days of the date of the letter.

- **2nd Offense:** 1st fine assessed at \$50.00 requesting the violation be remedied before the next inspection which will occur 14 days of the date of the letter.

- **Subsequent Violations:** Fines will increase \$50 each inspection until the condition is remedied or;

- If the condition is not remedied within 28 days from the date of the first letter (courtesy notice) the Association's Right of Entry (**Article 5 Section 1**) may hire a vendor and correct the violation and assess the owner of the lot the cost of repairs.

- **Courtesy Notice shall remain active for subsequent violations for 12 months from the date of the 1st letter.**

- Failure to pay fine and costs within 30 days may result in a lien and legal charges including a 1.5% monthly interest charge until paid in full.



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## **Type II Violations:**

Architectural related violations; i.e. failure to make home repairs and maintenance, failure to receive ARC approval for any improvements that require ARC approval.

- **1st Offense:** Courtesy Notice is mailed requesting the violation be remedied within 30 days of the date of the letter.

- **2nd Offense:** 1st fine assessed at \$100.00 with 5 days to comply from the date of the letter.

- **Courtesy Notice shall remain active for subsequent violations for 12 months from the date of the 1st letter.**

- **Unapproved Exterior Modifications:** A “Stop Work” letter will be mailed with a **\$500.00** fine, and the homeowner will be informed about the ARC application process and requested to apply for ARC approval. If the application is not received within 30 days a **\$1,000.00** fine will be assessed. **Courtesy notices for ARC Violations do not apply.**

- Failure to pay fine and costs within thirty days may result in lien and legal charges including a 1.5% monthly interest charge until paid in full.

## **Protest or Grievance Process:**

The Board has established the following appeal process to allow Homeowners to appeal a fine or notice.

- Write or e-mail the Management Company at [email@ghertner.com](mailto:email@ghertner.com) and explain that you would like to protest the fine or notice you have received.

- Your protest must be received in 10 days of the date of the letter.

- If not appealed, Owner must correct the issue or a fine will be assessed.

- If appealed, the Board will review your issue further and deliver a final ruling.