

**THE CASCADES AT SOLDIER HOLLOW HOMEOWNERS' ASSOCIATION, INC.
RESOLUTION OF THE BOARD**

This resolution is made on the date set forth below by the Board of Trustees (the "Board") for The Cascades at Soldier Hollow Homeowners' Association, Inc., a Utah nonprofit corporation (the "Association").

RECITALS

A. Real property in Wasatch County, Utah, known as Cascades at Soldier Hollow was subjected to covenants, conditions, and restrictions pursuant to a Declaration (the "Declaration");

B. Pursuant to Utah Code § 57-8a-208, the Association has the right to assess fines against an Owner for violating the Association's governing documents;

C. The Board desires to set forth procedures for the collection of rents and termination of services for nonpayment of assessments, the assessing of fines for violations, and the hearing procedures used for hearings requested by Owners;

D. This Resolution was properly adopted by the necessary vote of the Board in compliance with the provisions of the Association Bylaws;

NOW BE IT RESOLVED:

1. Fining for Violations. The Board may enforce the Declaration, Bylaws, and rules and regulations by assessing fines as follows:

a. Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

b. Unless otherwise specified in the rules or Declaration, the Association shall follow the following schedule of fines:

(i) Schedule I Fines any violations except for violations of Article X section 10.4 of the Second Amendment to the First Amendment to the Declaration of Covenants, Conditions, and Restrictions of Cascades At Soldier Hollow

(1) First Violation: For the first violation, a fine of \$25.00 shall be imposed on the Owner.

(2) Second Violation: for a second violation in any one-year time period, a fine of \$100.00 shall be imposed on the owner.

(3) Third Violation: For the third violation in any one-year time period, a fine of \$200.00 shall be imposed on the owner.

(4) Fourth Notice: For the fourth or subsequent violation in any one-year time period, a fine of \$300.00 shall be imposed on the owner.

(5) Uncured Violations: Any violation that is not cured within the time specified in the violation notice shall be considered an ongoing violation and the owner shall be fined \$300.00 every 30 day period, for the first 180 days without further notice. If the violation is not cured and continues beyond 180 days, the fine will be raised to \$500 per 30 day period for the duration of the violation, without further notice.

(ii) Schedule II Fines for violations of Article X Section 10.4 of the Second Amendment to the First Amendment to the Declaration of Covenants, Conditions, and Restrictions of Cascades At Soldier Hollow:

(1) First Violation: On the first violation, a fine of \$1,000.00 shall be imposed on the Owner.

(2) Second Violation: For a second violation in any one-year time period, a fine of \$1,500.00 shall be imposed on the Owner.

(3) Third Violation: For a third or subsequent violation in any one-year time period, a fine of \$2000.00 shall be imposed on the Owner.

(4) Uncured Violations: Any violation that is not cured within the time specified in the violation notice shall be considered an ongoing continuing violation and the owner shall be fined \$500.00 every day without further notice for the duration of the violation.

c. Enforcement remedies are cumulative; accordingly, the Board reserves its right to pursue any enforcement action authorized by law or the Declaration at any time during the fining process.

d. Fines shall be collected in the same manner as past due assessments. However, interest and late fees shall not accrue on fines until after the 30 days to request a hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. Notice of Fines and Cure Period: The following procedures will be followed prior to levying a fine:

a. All owners will be given a written notice of violation by any means approved in the Declaration or Bylaws of the Association. The notice will describe the violation and stating a time to cure the violation prior to a fine being levied.

b. All owners will be given a minimum of 48 hours to cure a violation, The Board in its discretion may grant a cure period exceeding 48 hours if the Board determines that 48 hours is an unreasonable time period to cure the violation in question.

4. Informal Hearing Request: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board to protest or dispute the fine. A request for a hearing must be made in writing within 30 calendar days from the date the fine is levied. If a request for hearing is not received by the Board, or their designated agent, within 30 calendar days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to the Association manager or a Board member. The hearing shall be conducted in accordance with the procedures adopted by the Board. An Owner may also contest the fine by initiating a civil action within 180 calendar days after the expiration of the 30 calendar day period.

5. Informal Hearing Procedures. The following procedures shall govern an informal hearing of the Board.

a. To request a hearing, an Owner must submit a written request to the Board within the timeframe identified above. The hearing shall, within reason, be conducted at the first Board meeting after the receipt of the request. The Board shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner and, if necessary, to the complaining Owner by electronic means, USPS first-class mail, postage prepaid, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they may request one continuance of the hearing date. To request a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association at least five calendar days prior to the original hearing date. The request must contain a valid cause for continuance. The Board has sole authority to determine what constitutes valid cause. If the Board continues the hearing, the continued hearing shall, within reason, take place at the second Board meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the enforcement action shall be deemed uncontested.

b. The hearing shall be conducted by one to three Board members or hearing officers appointed by the Board. The requesting Owner shall be given 15 minutes to dispute the issue for which the hearing was requested. The requesting Owner may present documentation or witnesses to dispute the issue. The Board or hearing officers may question the requesting Owner or witnesses during the hearing. If the request for hearing is based on the complaint of neighboring Owners, the Board or hearing officers shall interview or review written statements from the neighboring Owners during the hearing. After hearing the requesting Owner's position and evidence, the Board or hearing officers may either render its decision at the hearing or take the evidence and argument under advisement. If the Board takes the evidence under advisement, they shall render a final decision by the next scheduled regular Board meeting. If the hearing is

conducted by a hearing officer or hearing officers, the officer shall take the evidence under advisement, then shall report their findings to the Board, who shall render a final decision at the next scheduled regular Board meeting. If any member of the Board is present at the hearing, the member or members present may make a final determination at the hearing or may take the matter under advisement. Once a decision is rendered, the Board shall give written notice of their decision to the requesting owner. All decisions are final, with the exception of a hearing to contest a fine, which may be appealed by filing a civil action within 180 calendar days of the final decision.

ATTEST:

President

Secretary

Effective Date: _____