

Sunnybrook/Shadow Creek Manor Homeowners Association Resolution Policy for Fines
in regards to the Violation of the Rules & Regulations, CC&R's, Governing Documents
and NRS 116
September 15, 2016

WHEREAS, the Board of Directors for Sunnybrook/Shadow Creek Manor Homeowners Association is empowered to govern the affairs of the Sunnybrook/Shadow Creek Manor Homeowners Association pursuant to Nevada Revised Statute: 116.3103.

WHEREAS, the Board of Directors for Sunnybrook/Shadow Creek Manor Homeowners Association feels there is a need to adopt a policy to comply with new Nevada Revised Statutes 116.31031(1-11).

WHEREAS, it is the intent that this policy shall be applicable to all owners, tenants, guests of owners, and any others and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors for Sunnybrook/Shadow Creek Manor Homeowners Association.

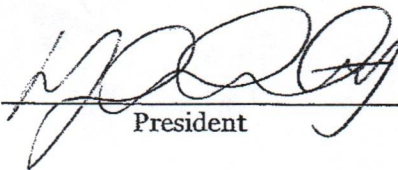
WHEREAS, NOW, THEREFORE, BE IT RESOLVED THAT:

- A. All violations reported to the Association must be in writing, signed by the complainant and mailed, faxed or emailed to the Association or their Agent. Emergency situations will be accepted by phone. Violations will be processed as follows:
 1. The person alleged to have violated the rule has received a written notice within a reasonable time, specifying the details of the violation, the amount of the fine, and the date, time and location of hearing.
 2. At the hearing the person will have a reasonable opportunity to contest the violation.
 3. The person responsible for the alleged violation has been given a written notice at least 30 days prior. The written notice has set out the applicable provisions of the governing document for the basis of the violation.
 4. Alleged Violations of governing documents, committed by an invitee/tenant requires owner to:
 - a. Participate or authorize the violator to participate.
 - b. Has been given an advisory notice of the alleged violation.
 - c. Has been given the opportunity to cure the violation within a reasonable time frame and has failed to do so.
 5. An "Advisory Notice" will be sent to the Owner of the first alleged violation by invitee/tenant and given 30 days to correct. The second violation will result in a Courtesy Notice mailed to owner and the third violation will result in the Intent to Fine Notice along with a hearing date and time scheduled, to allow the alleged offending owner to appear in person to be heard by the Board or a designated committee.
- B. First: When a unit is in violation a "Courtesy Notice" will be sent with a compliance form attached. The "Compliance Form" must be filled out once the violation has been corrected and returned to the Association by mail, fax or email within Fourteen (14) days from the date of the reported violation.
- C. Second: "Intent to Fine Notice" with a possible fine of \$100.00 will be sent to the owner if there has not been a response to the "Courtesy Notice" after the Fourteen (14) days to correct the violation has expired. A "Notice of Defense" form will be attached to the "Intent to Fine Notice". The "Intent to Fine" notifies the Owner that a hearing date and time has been set by the Board, or a designated committee, to allow the owner to appear in person to be heard.
- D. Hearing: If the alleged violating member fails to return the "Notice of Defense" to the Association, if they fail to correct the violation and if Member fails to appear at the hearing the Member has waived his/her rights to be heard at a hearing.
- E. At the Hearing: The alleged violating member may present any evidence or make any statement relating to the violation, either in person or in writing. Upon hearing all of the evidence, the Board and/or its designee will make a finding and present that finding to the Board of Directors for approval.
 1. Find that no violation exists, or has been corrected the fine will be waived.
 2. Find that an owner is in violation and request a penalty/fine be imposed by the Board.

- F. In the event it is determined that a violation exists or was committed, the Board of Directors and/or its designee may order any or all of the following penalties:
1. Specially assess the owner according to the fine schedule of \$100.00 per violation and collect as assessments per the provisions of the CC&R's and Rules & Regulations.
 2. Suspend or condition right of the owner to use any common area facilities owned, operated or maintained by the Association
 3. Suspension of the Owner's voting privileges.
- G. If, after the hearing, the offending member has refused to abide by the decision imposed by the Board and/or its designee, the Association may, without further notice, elect to compel compliance with such decision as provided for in the CC&R's, including , but not limited to, placing a lien against the owner's unit in the Association.
- H. If the infraction is related to a health, safety, or welfare issue, here is no limit on the amount of the initial fine or maximum fine imposed for the violation. Should the infraction remain uncorrected, the association may take legal action against the owner.
- I. Continuing Violations: If a fine is imposed and the violation is not cured with 14 days (or within any longer period that may be established by the Board) the violation shall be deemed a continuing violation. Thereafter, the Board may impose an additional fine for the violation for each seven (7) day period or portion thereof that the violation is not cured. This additional fine may be imposed without any further notice and without the opportunity to be heard.
There is no cumulative limit to the amount of the continuing violation fine.
- J. A fine may not be imposed against a unit's owner or tenant or invitee of a unit's owner for a violation of the governing documents which involve a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner.
- K. If requested by a person upon whom a fine has been imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

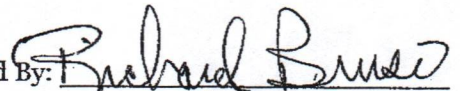
Agreed and Signed on 9/15/2016 , by Sunnybrook/Shadow Creek Manor Homeowners Association.

Signed By:



President

Signed By:



Secretary