

AUDUBON SQUARE COMMUNITY ASSOCIATION, INC.

**GENERAL RESOLUTION GR-2019-01
VIOLATION ENFORCEMENT PROCEDURE**

WHEREAS, Article V, Section 3(d) of the By-Laws for Audubon Square Community Association, Inc. ("Association") establishes the authority for the Association's Board of Directors ("Board") to promulgate rules and regulations for the operation of the Association;

WHEREAS, the Board deems it necessary to establish appropriate procedures for handling violations of the Association's Declaration, Bylaws, adopted rules and regulations and guidelines (collectively, "Governing Documents");

WHEREAS, it is the intention of the Board to establish and institute such procedures;

NOW, THEREFORE, BE IT RESOLVED THAT the following enforcement procedure rules be adopted:

I. General

Pursuant to Article VII, Section 12 of the Declaration, the Association may impose fines against an Owner for a violation by the Owner, his guests, fellow residents, relatives, tenants, lessees and/or invitees of the Governing Documents. Before the Association may impose a fine, it shall give the Owner notice of the violation and an opportunity for a hearing.

All notices sent pursuant to this Resolution will be mailed, return receipt requested, to the Owner at the address on record, unless otherwise specified.

II. Procedure

A. Report of Violation

Owners may report alleged violations of the Governing Documents to the Association's property manager and/or agent, **in writing**. The report must detail the nature of the alleged violation, such as the time/place/location of the alleged violation and the parties involved.

Members of the Architectural and Environmental Control Committee ("AECC") and Board may also report alleged violations to the Association's property manager and/or agent.

B. Notice of Violation

1. Prior to the imposition of fines, the Board shall send a Notice of Violation ("Notice") to the Owner. The Notice may be sent within 60 days after the alleged violation is reported to the Association's property manager and/or agent pursuant to Section II.A. of this Resolution. A copy of the Notice may also be sent to the occupant.
2. The Notice may:
 - a. State the nature of the violation;

- b. Cite the applicable Governing Documents provision that has been violated;
- c. Provide the time frame within which the violation must be corrected;
- d. Describe the action necessary to comply with the applicable Governing Documents provision;
- e. State that the Owner may submit to the Association's property manager, within 15 days of the date of the Notice, a written request for a hearing by the Board; and,
- f. Inform the Owner that the violation will be referred to the Board for enforcement at the end of the designated time frame, if a hearing has not been requested or a violation has not been corrected.

C. AECC Inspection

At the conclusion of the designated time period in the Notice, the AECC may inspect the property for violation correction and conformance.

- 1. If the violation has been corrected and is acceptable at final inspection, the AECC may provide a signed copy of the certificate of compliance, if applicable, to the Owner.
- 2. If the violation has not been corrected or if the violation has been corrected, but is not acceptable as it stands at final inspection, the Owner shall be considered still in violation and may be referred to the Board for further action.
- 3. The Board may notify the Owner of the continuing violation and the actions that will be taken against him.

D. Hearing Procedure

- 1. Consistent with Section II.B.2.e. of this Resolution, the Owner may request a hearing by the Board, in writing, within 15 days from the date of the Notice.
- 2. If the Owner remedies the violation without a hearing, the Owner shall notify the Board or the Association's property manager of his compliance and/or abatement.
- 3. If a written request for a hearing is received pursuant to Section II.D.1. of this Resolution, the Board may send the Owner a "Notice of Hearing" to afford the Owner an opportunity to present his case.
- 4. The Notice of Hearing may contain the following:
 - a. The date, time and location of the hearing, which may be within 60 days from the date of receipt of the request; and

- b. An invitation to attend the hearing and produce any statement, evidence or witness on the Owner's behalf.
- 5. Attendance at the hearing by an alleged violator shall be deemed waiver of Notice of Hearing.
- 6. After the conclusion of the hearing, the Board may render a decision on the results of the hearing and may mail a written statement of the decision to the Owner within 60 days after the date of the hearing.

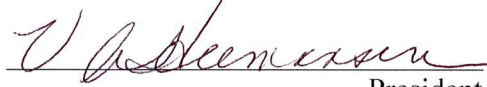
E. Enforcement

- 1. If an Owner fails to comply with the Notice, fails to request a hearing, or fails to attend a scheduled hearing, the Board may make a determination as to the validity of the alleged violation upon the information available.
- 2. The Board may impose fines pursuant to the Schedule of Fines in PR-0519, against any Owner found to be in violation of the Governing Documents. For violations not listed in PR-0519, the Board may levy a fine as it deems reasonable.
- 3. All fines assessed shall be payable to the Association.
- 4. In addition to the imposition of fines, the Board may impose other sanctions. Such sanctions include, but are not limited to:
 - a. The suspension of voting rights and right to use of the common areas, including parking areas, and community facilities pursuant to Article IV, Section 1(e) of the Declaration;
 - b. The entry of the Lot, after notice and an opportunity to abate the violation, to remove the violation and assess the costs to the Lot, pursuant to Article VII, Section 11 of the Declaration;
 - c. The right to collect attorney's fees incurred in connection with any action taken against an Owner to enforce the provisions of the Governing Documents pursuant to Article VII, Section 12 of the Declaration; and,
 - d. Any other remedy available under the law or the Governing Documents.
- F. Failure of the Association or the AECC to enforce any provision of the Governing Documents or of any resolution shall in no event be deemed a waiver of the right to do so thereafter. The provisions of this Resolution shall not be construed to limit in any way the right of the Association to take legal action at any time.

This General Resolution GR-2019-01 supersedes all previously adopted resolutions and practices governing the violation enforcement procedures.

This General Resolution GR-2019-01 is hereby adopted by the Board of Directors of Audubon Square Community Association, Inc., this 21 day of May, 2019, and shall be effective upon adoption.

Audubon Square Community Association, Inc.


, President

AUDUBON SQUARE COMMUNITY ASSOCIATION, INC.

GENERAL RESOLUTION GR-2019-01

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on May 21, 2019, 20__.

Motion by: [Signature] Seconded by: [Signature]

Name of Board Member	Vote:	Yes	No	Abstain	Absent
<u>[Signature]</u> , President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Dena Saunders</u> , Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> , Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> , Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u> </u> , Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: [Signature], Secretary

May 21, 2019
Date

GR-2019-01 Appendix A: Violation Enforcement Process Flow

This chart is not in addition to or in lieu of the enforcement procedures. The purpose of this chart is demonstrative only. **Please refer to General Resolution GR-2019-01 for the full text of the enforcement procedures.**

