

## CAT MOUNTAIN HOMEOWNERS ASSOCIATION, INC. ENFORCEMENT POLICY

This is a statement of the enforcement policy for violations of the CCRs, Bylaws, or other rules and regulations of the Cat Mountain Homeowners Association.

### ENFORCEMENT POLICY

#### A. Remedies

In the event of a violation of the Covenants or any Rules and Regulations of the Association, the Board of Directors, acting on behalf of the Association, in addition to any other remedies provided by the Covenants, Conditions, and Restrictions, Bylaws, and remedies available pursuant to State Statute or other law, may:

1. suspend or condition the right of an owner and any tenants, occupants, or guests to use any facilities or common areas operated or managed by the Association;
2. suspend said owner's voting privileges in the Association as an owner;
3. record a notice of non-compliance in the Property Records;
4. levy a damage assessment against the Lot;
5. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an owner; and
6. assess a fine against the owner and Lot for the violation of owner, his tenants, occupants or guests in an amount to be determined by the Board of Directors and in accordance with the Procedure for Assessing a Fine, stated below as part of the Enforcement Policy.

The above remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same offense, suspend the right to use a common area amenity, impose a fine, and charge manager's or attorney's fees incurred incident to enforcement.

**Owners are responsible for all violations of their tenants, guests, invitees or occupants.**

#### B. Procedure For Assessing a Fine

1. The Property Manager shall mail a letter to the Owner involved, advising the Owner of the alleged violation and requesting that it be corrected within a specified time frame.
2. In the event the violation is not corrected within the specified timeframe, the Board shall give the Owner written notice by certified mail, return receipt requested. NOTE: A certified mail letter that is returned to the Association due to the owner's failure or refusal to claim the letter shall be deemed received by the owner on the 10th day after the postmark date of the letter. The written notice shall:
  - (a) describe the violation and state the amount and beginning date (Fine Commencement Date) of the proposed fine (see Step 3, below);
  - (b) allow the Owner a reasonable time, by a specified date, to cure the violation and avoid the fine. NOTE: This provision shall not apply if the Owner was given certified mail notice and a reasonable opportunity to cure a similar violation within the preceding 6 months;
  - (c) state that not later than the 30th day after receipt of the notice of violation, the Owner may request a hearing before the Board to contest the fine;
  - (d) advise that the request for hearing must be in writing and delivered to the Association's Manager;
  - (e) state that attorney's fees and costs will be charged if the violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing; and
  - (f) advise that if the hearing is held before a committee, the Owner has the right to appeal the committee's decision to the Board by written notice to the Manager. This notice of appeal must be given within 15 days after the date the committee's decision is sent to the Owner.
3. Based on the outcome of the hearing, or if no hearing was requested, the Board may assess a fine against the Owner. The fine shall start at a minimum of \$25 per day starting no earlier than the Fine Commencement Date and will continue so long as the violation is not corrected. Violations that involve the police that are a danger/safety issue to the community will be fined at a minimum of \$100 per day. For each repeat violation that is a danger/safety issue to the community and involves the police, the fine can be increased to a maximum of \$200 per day. The Board may, in its discretion, depart from the foregoing guidelines and impose a fine on a per occurrence (instead of per day) basis, or at a lesser or greater rate than specified above (but never exceeding \$200 per day).

Notes:

- The foregoing procedures do not apply to lawsuits seeking a temporary restraining order or temporary injunctive relief, nor do they apply to the collection of regularly scheduled assessments and late fees.
- Pursuit of the fine procedure shall not preclude pursuit of any other remedy provided in the Declaration or by law or equity. Use of the fine procedure in each case shall be optional with the Board, and shall not be a prerequisite to filing a lawsuit.