

# SUMMERWIND HOMEOWNERS' ASSOCIATION

## VIOLATION ENFORCEMENT POLICY

To supersede Community Rules and Regulations Section 8, Rules 8.0, 8.1, 8.2, 8.4 A-F, 8.5, 8.6 along with the fine policy revisions adopted on March 26, 2007

**Effective 6/1/2017**

### 1. PURPOSE

The Association has the legal duty to enforce the recorded declaration of covenants, conditions and restrictions that govern use of property. The Association's purpose per the governing documents is to maintain, repair and operate all common areas and improvements thereon, enforce beneficial restrictions on all properties within the development, and to do and perform any and all acts which may be necessary for, or incidental to, the exercise of any of the foregoing powers, or for the peace, health, comfort, safety and/or general welfare of owners of said property or residents thereon. As such, a uniform enforcement policy is necessary. The Association, through its Board of Directors, shall apply this enforcement policy equally and consistently.

### 2. AUTHORITY

The declaration of covenants, conditions and restrictions grants to the Architectural Control Committee the power to adopt reasonable regulations in respect to the enforcement of the covenants. The bylaws grant to the association, the power to conduct, manage and control the affairs and business of the association and to make such rules and regulations as are not inconsistent with law, the articles and bylaws.

### 3. NOTICES & FINES

Notice	Action	Days to Comply	Fine and Admin Charge
Courtesy	Courtesy Notice	14 days from date of notice	No charge
1st	Failure to Comply Notice	14	\$50.00 + \$10.00
2nd	Failure to Comply Notice	14	\$100.00 + \$10.00
3rd	Failure to Comply Notice	14	\$150.00 + \$10.00
4rd	Failure to Comply Notice	14	\$300.00 every 30 days + \$10.00

Each notice shall describe the violation. Notices shall inform the homeowner that unpaid fines and uncorrected violations could result in lien and/or potential legal action and payment of legal costs and fees. The Association may assess fines in excess of the above schedule if, in the opinion of the Board of Directors, the violation creates a hazard to the safety, welfare or property of other residents. The homeowner has the duty to inform the Association that corrective action has been taken and the violation cured, or the fine could continue. All violations must be corrected in good faith and permanently.

#### 4. REPEAT VIOLATIONS

For a repeat violation of the same nature within the same calendar year, there shall be no Courtesy Notice sent. Homeowner shall receive the Failure to Comply Notice and be charged a fine in that notice. Each violation is treated separately. For example, if a homeowner has three unrelated violations, they will be treated as three violations and not one and the process is applied to each violation separately, since the homeowner could correct one but not all of the violations.

#### 5. APPEAL PROCESS

RCW 64.38.020 grants to the homeowner the right to appeal any dispute with the Association. Homeowner must put request to appeal in writing, sent to the address of the Association Management Company by mail or email. All grievances, complaints and concerns shall be considered at the next scheduled Board of Directors meeting. At the discretion of the Board of Directors, further fact-finding can be accomplished by scheduling a hearing with notice sufficient to inform all interested persons of the time and date of the hearing and the subject matter to be considered. Notice shall be given no less than fourteen days prior to the hearing.

#### 6. GENERAL

If a compliance violation is not addressed within 30 days, then the Association has the option to contract the work to be performed and bill the homeowner in addition to other fines. In such cases, the Association will notify the homeowner in writing at least 14 days prior to work being performed.

If a compliance violation fine remains unpaid for 60 days, then the Association has the option to file a lien (which includes all associated costs and fees) against the lot. If the homeowner continues to ignore payment of the compliance fine and lien charges, then the Association has the option to forward the matter to small claims court or a collection agency for collection of the amount owed.

The Association's Board of Directors shall have the authority to change monetary fines or liens or alter the process, with the exception of the appeal process, through a formal vote of the Board. The secretary of the Association and the Association's management company will maintain copies of all notices and related correspondence.

The Summerwind Board of Directors approved this Amendment to the Enforcement Policy on March 9<sup>th</sup> 2017.