



FERNBROOKE HOMEOWNERS ASSOCIATION VIOLATION ENFORCEMENT PROCEDURE

1. REPORTING VIOLATIONS

All complaints concerning violations of the Declaration, Bylaws or Rules and Regulations must be in writing or emailed and submitted to the Community Management Company (hereinafter referred to as “Managing Agent”). The complaint must indicate the address and be specific in details so that the Board of Trustees (hereinafter referred to as “Board”) may determine that an investigation is warranted. Complaints may be initiated by Residents, the Board, Managing Agent, and the Architectural Review Board (hereinafter referred to as “ARB”).

2. INVESTIGATION

The complaint will be investigated by an authorized member of the ARB to determine that the complaint is justified and that a violation exists and must be corrected.

3. WARNING NOTICE

When the ARB determines that a violation requires correction, the ARB will inform the Board and instruct the Managing Agent to send a Warning Notice to the homeowner and a copy to the occupant, where applicable, requesting the violation be corrected within the specified date stated in the notice in order to avoid any further action or proceedings. The Warning Notice could also specify the consequences, including fines and/or legal action, which may ensue.

4. VIOLATION NOTICE

If the violation stated in the Warning Notice is not corrected by the specified due date, the ARB could request the Board to levy a violation fine and instruct the Managing Agent to send a Violation Notice to the homeowner and a copy to the occupant where applicable, with a complied by date and the violation fine.

5. HEARING

If the homeowner wishes to contest either the Warning or Violation Notice, they must send a written dated letter or email to the Managing Agent within 10 days prior to the specified due date on the Notices, requesting a special hearing. The Managing Agent will inform the ARB and the Board of the requested hearing. The Board shall conduct a special hearing to allow the alleged violator, an opportunity to present evidence relevant to the violation. The Board has the right to continue or reschedule the hearing for the convenience of the parties, or to gather additional information. The Board shall render a written decision, making a determination of whether a violation took place, and further, what remedies or actions the Board intends to pursue. Failure to request a hearing or appear at the hearing will result in the appropriate decision taken by the Board. If the homeowner disagrees with the Board's rendering decision and a fair and reasonable resolution cannot be worked out between the parties, the homeowner may request an Alternative Dispute Resolution (hereinafter referred to as "ADR") with the Managing Agent. The ADR procedures will be initiated according to the Association's By-Laws (Exhibit C) with resolutions.

6. FINES AND PENALTIES / FINAL NOTICE

If a determination of violation is made by the Board subsequent to a hearing, or in the event no hearing was requested, a fine will be assessed by the Board and the Managing Agent will mail a letter via regular and certified mail advising of the amount of the fine. Fines will be assessed for no more \$100.00 for each violation. The Board has full authority to establish fines in accordance with the Association's governing documents and the seriousness of the violation. The fine (amount assessed) is due and payable upon receipt of the notice and will be collected in the same manner as assessments.

7. LEGAL ACTION

In the event that a violation is not corrected and the fine is not paid, the Board shall take legal action to obtain payment of the fine in compliance with the Association's governing documents. The homeowner will be assessed the following costs: enforcement costs, attorney's fees, court fees etc. Fines are collected in the same manner as assessments, and can constitute a lien on the Unit.