

## **Violation Enforcement and Fines Policy Wyndmuir Homeowners' Association**

### **Violation Enforcement and Fines Policy**

i. Declaration Provisions: Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of right to do so thereafter. (Refer to Restated Covenants, Art.9.03, pg17)

The Board of Directors shall have the power after notice and an opportunity to be heard, to levy and collect reasonable fines from the Members or Owners for violations of the Declaration, By-Laws and Rules and Regulations of the Association. (Refer to Restated Covenants, Art.5.04.04, pg.11 and Restated By-Laws, Art.8.01.16, pg.8)

ii. Fine Structure: A violation of a Covenant, Condition, Restriction or Rule shall be subject to a fine not to exceed **\$100.00** per violation until the fine is paid and the violation is corrected. Any offense not corrected within the required time frame will be considered an additional offense and will be handled as set forth in the schedule below. Where there is a conflict between fine amounts, the higher fine will apply. The following is the fine schedule that generally applies:

1 <sup>st</sup> offense	Warning letter and 15 days to correct or request a hearing
2 <sup>nd</sup> repeat/uncorrected offense	<b><u>\$25.00</u></b> and 15 days to correct
3 <sup>rd</sup> repeat/uncorrected offense	<b><u>\$50.00</u></b> and 15 days to correct
Subsequent repeat/uncorrected offenses	Fine not to exceed <b><u>\$100.00</u></b> Plus legal action

The right to modify such fines, penalties and charges shall be at the discretion of the Board. The Board reserves the right to add additional costs for the repair of damaged property or goods resulting from the violation. In addition, the Board has the authority to assess a daily fine for each day of non-compliance. Any offense not corrected within the required time frame will be considered an additional offense and will be handled accordingly.

- iii. Procedure: If an owner is accused of an alleged violation of any of the provisions of the Declaration, By-Laws and/or Rules of the Association, the following shall occur:
1. The Owner shall receive a "Violation Notice". This notice will be sent via both First Class mail, return receipt requested, and may be issued by the Board, The Association's attorney or the Property Management Company.
  2. If the Owner feels that the violation has been wrongfully or unjustly charged, a written protest must be filed with the Board requesting a Hearing with the Board of Directors. The Protest must be in writing and it must be received by the Property Management company within fourteen (14) days after the date of issuance of the Violation Notice.
  3. Should no Protest be filed within this time frame, the allegations of the "Violation Notice" shall be considered true and taken as if confessed.
  4. Should a Protest be filed, a Hearing on the matter shall be scheduled with the Board of Directors for the next scheduled Board Meeting after receipt of the written Protest. Notice of the date, time and location of the Hearing will be sent via First Class Mail.
  5. At the Hearing, which will be held in executive session, the Board shall hear and consider arguments, evidence or statements regarding the alleged violation. After a full hearing, the Board shall state its determination. The decision of the Board shall be final and binding on the owner. Notification of the Board's determination will be mailed to the Owner.
  6. Payment of any fines assessed under this policy shall not become due and owing until the Board has completed its determination. However, other legal or equitable remedies may be pursued by the Association or Property Management Company during this time.

Notices are deemed made when deposited in the United States Mail, postage prepaid, to the Owner.

Owners are responsible for violations and fines caused by their tenants, relatives and guests.

iv. Payment of Fines: An Owner fined under this policy shall pay all charges within thirty (30) days of the notification that such charges are due. Failure to make the payment within this time shall subject the owner to all of the legal or equitable remedies necessary for the collection of the same. All subsequently received payments will first be applied to the oldest balance unpaid as of receipt.

v. Repeat Offenses: Upon further or continuing violations, the matter will be forwarded to the Association's attorney for appropriate legal action including injunctive relief or filing of a lien. All reasonable attorney's fees and administrative costs incurred will be charged back to the Owner's account.

vi. Additional Demands: Notification may also contain such demands as are necessary to protect the interests of the Association in accordance with the provisions of the Illinois Not for Profit Act, the Declaration, By-Laws and the Rules and Regulations of the Association.

vii. Additional Action: The remedies stated herein are not exclusive and the Board in addition, may take any action provided in the Declaration and By-Laws to prevent or eliminate violations thereof or of these Rules and Regulations. The Board does not undertake any responsibility to take corrective action. However, the Board in its sole discretion has the authority to remove or correct any violation, upon delivery or posting of notice, in an emergency situation that poses the potential for damage to person or property. Any costs for correcting such violation will be charged against the Owner.

Adopted by the Wyndmuir Board of Directors  
December 3, 2018