

HEARTHSTONE CONDOMINIUMS COMMUNITY ASSOCIATION

2020 RULES ENFORCEMENT & FINE RESOLUTION

A RESOLUTION PERTAINING TO CC&R's ARTICLE V

AUTHORITY AND PURPOSE OF RESOLUTION:

Whereas, the Hearthstone Condominium Community Association (the Association) is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada; and CC&R's Article V, gives the Board Enforcement and Remedies authority and details the action which may be taken to enforce the obligations of each homeowner to obey the Association Covenant, Conditions and Restrictions (CC&R's) and the Rules and Regulations through the use of such remedies as are deemed appropriate by the Board of Directors and available by law or in equity, including but not limited to the hiring of counsel, the imposition of fines and monetary penalties, the pursuit of legal action, corrective action in an emergency and/or the suspension of the homeowner's right to use the common areas; and

SCOPE OF RESOLUTION

Whereas, there is a need to establish an orderly procedure for violations of the Declaration, Bylaws, CC&R's and Rules and Regulations for the Association, and NRS gives the Board rule making authority to implement schedules of reasonable fines and penalties for particular offenses that are common or recurring in nature after proper notice and opportunity to be heard.

PLEASE BE ADVISED THAT IF A HEALTH, SAFETY OR WELFARE VIOLATION IS NOTED, THIS POLICY WILL BE EXPEDITED AND/OR ABANDONED WITH OTHER STEPS TO ELIMINATE THE LIABILITY AS SOON AS POSSIBLE.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, that the enforcement procedure be as follows:

1. An unbiased individual will conduct monthly inspections. The report will be continuous and list all outstanding violations.
2. The homeowner(s) will be sent a Courtesy letter advising them that they are in violation of the Covenants, Conditions and Restrictions (CC&R's) or Rules and Regulations of the Association. This notice is intended to remind the owner of the rule. The homeowner will have 15 days to correct the non-compliance.

3. If the homeowner(s) fails to take action to cease and desist from further violation after 15 days of the request for compliance, the Board or its designee shall order a hearing and send a "Hearing Notice/Fine Pending" which will identify the date, time and location of the hearing in which the Board will review the noncompliance. The fine will be placed on the owners accounting pending ratification at the Hearing.
4. At that hearing, the accused homeowner may present any reasonable evidence or make any statement relating to the violation, either in person or in writing to the Board. The violating owner may submit a written statement in lieu of attending the hearing or may have someone represent himself/herself. The Board or its designee shall have the right to limit the time of the hearing and limit the time in which any evidence may be presented.
5. Upon hearing the evidence or reviewing the correspondence, the Board or its designee may, by majority vote: find that no violation exists, or find that the member is in violation and impose a penalty as set forth below.
6. If it is determined that a violation exists or was committed, the Board or its designee may order any or all of the following penalties: Impose a \$50 fine per occurrence in accordance with NRS 116 and collect such fine as a fine imposed against the unit owner as provided in NRS 116.31031. The Board shall have the power to levy a fine against the member of \$50 for repeated occurrences as referenced above. Suspend or condition the right of the owner to use any common areas and facilities as provided in the CC&R's. Suspend homeowners voting privileges as provided in the CC&R's.
7. If a fine is imposed and the violation is not cured, the fine will be considered a "Continuing Violation" and notice will be sent to the homeowner(s) on a monthly basis advising them of the Continued Violation.
8. If after the hearing, the offending homeowner refused to abide by the decision imposed by the Board or its designee, the Board may without further notice, elect to compel compliance as provided in the CC&R's, including, but not limited to, recording a lien against the unit for failure to pay the monetary penalty imposed or initiate litigation to recover the lien amount with all costs and fees incurred as a result of the lien. Any action taken by the Board under this section shall not deprive either party any remedies otherwise available by law. If a designee of the Board held the hearing, the violator shall have the right to appeal the decision to the Board. To pursue this right, the President, Secretary or the Manager must receive a written notice of appeal within 10 days after receipt of notification of the decision.
9. Within ninety days of initial hearing, Owners may request waiver of fines only if the violation(s) have been corrected within said timeframe. Owner

must submit a formal request to the Board with an offer to pay within same ninety-day time frame. Manager may approve offers of at least fifty percent payment if fines are corrected and request is received within ninety-days of hearing. Request to waive fines received after ninety days of the hearing will not be accepted and fines will be due and payable in full per the Assessment Collection Policy.

10. If after 60 Days, fines are not paid, a lien shall be filed against the property for any violation costs, fines and attorney fees. Fines will be assessed per NRS116.31031.
11. In the case of a Health and Safety Violation, an immediate Fine Pending/Hearing notice will be mailed to homeowner(s) or sub-association and fines may be assessed per NRS.

This resolution is adopted and made part of the minutes of November, 13, 2019, Board of Directors meeting.

Signed:

Chris Tyne

Title:

Board Member

Attested By:

Robin Emerson

Title:

President