

Oakwood Homeowner's Association Fine Schedule

Board's Justification For Fining Members & Collect Associated Costs and Expenses

Declarations, Article VII titled "Collection of Charges And Remedies For Breach Or Violation", Section 7.06 titled "Other Remedies Of The Board" which states the following:

"In addition to or in conjunction with the remedies set forth above (referring to the preceding Sections of Article VII), to enforce any of the provisions contained in this Declaration or any rules and regulations adopted hereunder the Board may levy a fine or the Board may bring an action at law or in equity by the Association against any person or persons violating or attempting to violate any such provision, either to restrain such violation, require performance thereof, to recover sums due or payable or to recover damages or fines, and against the land to enforce any lien created hereunder; and failure by the Association or any Owner to enforce any provision shall in no event be deemed a waiver of the right to do so thereafter."

Declarations, Article VII titled "Collection of Charges And Remedies For Breach Or Violation", paragraph 7.07 titled "Costs And Expenses" which states the following:

"All costs and expenses incurred by the Board in connection with any action, proceedings or self-help in connection with the exercise of its rights and remedies under this Article, including, without limitation, court costs, attorney's fees and all other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at the rate of eighteen percent (18%) per annum or the maximum rate permitted by law, whichever is less, until paid, shall be charged to and assessed against the defaulting Owner, and the Association shall have a lien for all the same, upon his Lot as provided in Section 7.01."

Fine Schedule Approval

The initial Fine Schedule was approved at the Annual Meeting held on May 31, 2000. It was recently revised at the Working Board Meeting held on July 26, 2005 (Revision 1.0) and subsequently revised at the Special Board Meeting held on May 16, 2006 (Revision 2.0). This version supercedes all previous versions.

Violation Notices

First Notice of Violation

After investigating a reported violation, either the Board of Directors or the Property Manager will communicate the problem to the homeowner. This will be done verbally or through a written notice of violation or both. Any written notice sent to a Member will detail the problem, necessary remedy, the fine levied (if applicable), deadline for compliance, and consequences of noncompliance or repetition of the violation (intent to fine). If a Member wishes to respond, it must be within 14 days of receipt of the violation notification and may be by letter to the Property Manager. If you have questions, call the Property Manager immediately.

If the violation is ARC related, any requested ARC documents must be received within the 14-day response period. If special circumstances occur affecting the deadline compliance, call the Property Manager to discuss it.

Second Notice of Violation – 14 Days

If no response or documents are received by the Property Manager within 14 days, a second notice will be sent and an initial fine will be attached to the Member's Assessment Account. For simple violations that include a fine, no response to the Property Manager is necessary other than payment of the fine. If the fine is not paid within 30 days of the Violation Notice, it will be attached to the Assessment Account and billed until paid.

Third Notice of Violation – No Response – 30 Days

If no response is received for violations, a third letter will be sent advising the Member of immediate action the Board will take to bring the violation into compliance. If applicable, a daily fine non-compliance will begin accumulating until the improvement/item is brought into compliance. The violation will be reviewed for turnover to our Legal Representatives at the next Board Meeting.

Member (Homeowner) Remedies

Within 30 days from the date of notification of a violation, if the homeowners are not satisfied with the resolution process, they may submit a written request to schedule a hearing at the next Board Meeting. Witnesses to the violation will also be notified to appear. A ruling on the violation will be made at that Board Meeting, even if the Member and/or witnesses are not in attendance. Decisions made by the Board are final. If the Member desires to bring Legal Counsel to the hearing, it must be noted in the Hearing Request, thus giving the Board time to arrange for its Legal Representative to be present. Legal Counsel won't be recognized at the hearing unless prior notification is given.

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Lot Appearance, Property Code, & Common Space Area Violations

First Violation	\$25.00
Second Same Violation	\$50.00
Third Same Violation	\$100.00
Subsequent Same Violation	\$100.00
Daily Accumulating Fine	\$5.00 (per day)
If the Board requested actions are not completed within the deadline specified in the Notice, a \$5.00 per day fine will be levied until brought into compliance.	
Dumping Landscape Waste in Common Space Areas	\$100.00
Plus any other administrative, Legal, and removal expenses.	
Damaging Common Space Areas	\$200.00
Plus any other administrative, legal, and repair expenses. This includes, but is not limited to, unauthorized tree cutting or any other type of habitat removal in Common Space Areas.	
Unauthorized Use Of Common Space Areas	\$100.00
Plus a \$5.00 per day accumulating fine until the unauthorized use is terminated. This is in addition to any other administrative and legal expenses. This includes the placement of any kind of personal property in the Common Space Areas, for example but not limited to play equipment, sump/down spout drainage lines, firewood, garbage cans, and yard waste containers. Includes unauthorized maintenance of Common Space Areas.	

Architectural Review Violations

Non-submission of ARC Request Form	\$50.00
If the Member homeowner completes an exterior improvement without first having the project reviewed and approved by the ARC Committee, an initial fine of \$50.00 will be charged to the Member's Assessment Account. If after 30 days following notification the Member has still failed to respond with the appropriate documentation for ARC Committee review, a \$5.00 per day accumulating fine will be charged until the appropriate documentation is received by the ARC Committee.	
Non-compliance of ARC Request	\$5.00 (per day)
For projects "not approved" until brought into compliance. If after the ARC Committee does not approve a project that has already been completed, the Member will be given a deadline to bring the improvement into compliance. If the deadline passes without the improvement being brought into compliance, the fine of \$5.00 per day will begin until the project is brought into compliance. Also, at that time, the case will be reviewed by the Board of Directors for potential turnover to our Legal Representative(s).	

Deed Restriction Violations

Misuse of Deed Restricted Portion of a Lot	\$100.00
Only applies to those Member homeowners who have any portion of their Lot designated as "Deed Restricted for Natural Purposes Only". Misuse as determined in accordance with the Declarations and Bylaws which dictates that these areas are to be maintained in a natural state. An initial fine of \$100 will be charged to the Member's Assessment Account for failure to comply within 30-days of being notified of a noncompliance. If after 30 days following notification the Member has still failed to respond with the appropriate corrective actions, a \$5.00 per day accumulating fine will be charged until the appropriate corrective actions are taken.	
Non-compliance of Corrective Actions	\$5.00 (per day)
For ongoing misuse of any portion of a Lot designated as "Deed Restricted for Natural Purposes Only" until brought into compliance.	