

**ABERDEEN HOMEOWNERS ASSOCIATION**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
ADOPTING A POLICY FOR FINING**

WHEREAS, the governing documents of the Association permit fining for violations of the Declaration, By-Laws and Rules and Regulations; and

WHEREAS, the Board of Directors wishes to adopt a policy regarding the fining procedure which it will utilize in such circumstance.

NOW, THEREFORE, be it resolved by the Board of Directors as following:

1. The Board of Directors or its appointed agents are charged with determining whether there is probable cause that any of the provisions of the Declaration of Covenants, Restrictions and Assessments, the Bylaws, or the Rules and Regulations of the Association regarding the use of the lot or the common areas are being or have been violated.
2. The Board of Directors shall appoint a Fining Review Committee which shall consist entirely of three (3) lot owners, and any alternate members the Board may designate, who must be persons other than officers, directors or employees of the Association, or the spouse, parent, child, brother or sister of an officer, director or employee. Such Committee shall be charged with conducting the hearing and rendering the decision with regard to the levy of fines as herein provided.
3. In the event that a Complaint is received by the Association, or a violation is otherwise determined to have occurred, the Board of Directors ("the Board") or its agents will notify the alleged violator(s), and in appropriate cases, will provide an opportunity for such violation to be corrected within a reasonable time.
4. If the violation has not been corrected following notice from the Association and a request for correction of the violation, or in the case of a second violation, or a violation of a serious nature that the Board determines does not warrant an opportunity for the violator to correct it, the Board, or its designated agent(s) if proper authority and guidelines have been provided by the Board, may adopt a proposed fine, up to the maximum amount allowed by law. A fine may be imposed based upon each day that a continuing violation continues. The fine will not become final until a hearing has been held, or the right to a hearing is waived by the alleged violator. A proposed suspension of use rights to common areas or facilities may also be proposed, or may be proposed in the alternative, and will be subject to the same requirements for notices and hearings as those which apply to fines.

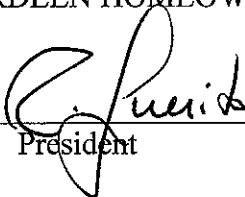
5. Following the adoption of a proposed fine, the alleged violator shall be notified by regular and certified mail, and a copy of these rules shall be provided, along with a notice that the alleged violator may request a hearing before the Committee within fourteen (14) days of the date of the violation letter. The notice to the alleged violator shall also include a short and plain statement of the violations and proposed penalties asserted by the Association, as well as a statement of the provisions of the Declaration, By-Laws, or Rules which have allegedly been violated. Failure to request a hearing within this fourteen (14) day time frame shall constitute a waiver of the right to a hearing.
6. The Committee shall hold a hearing if requested, after giving the lot owner fourteen (14) days written notice of the date, time and place of the hearing, unless the alleged violator waives this fourteen-day notice requirement. The Committee may overrule or modify the fine following the hearing.
7. The Committee shall appoint a Chairman and shall conduct hearings in accordance with the following rules, in addition to such other rules and procedures as may be established by the Committee, to hear any charges and defenses.
  - (a) A representative of the Association shall be heard first, in order to summarize the basis for the proposed fine, and to present any witnesses or documents in support of the proposed fine. Written affidavits shall be permitted, and the hearing need not be conducted according to technical rules relating to evidence and witnesses. A party or witness may also be allowed to appear by telephone conference, provided that the cost involved is paid by the party offering such evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules and privileges relating to court proceedings shall only be effective to the extent that they are required by law to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
  - (b) Each party shall have these rights: to be represented by counsel or another designated representative; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him.

- (c) Neither the accusing person nor the alleged violator must be in attendance at the hearing. The hearing may be open to attendance by other lot owners, if required by law or at the discretion of the Board and/or the Committee. In rendering a decision, official notice may be taken at any time of any generally accepted matter within the Declaration, the Articles, the By-Laws, the Rules and Regulations or the workings of the Association.
- (d) Either immediately following the conclusion of the hearing, or within ten (10) days, the Committee shall render a decision on the matter, and will prepare a written summary of the decision which is to be provided to the Association and the alleged violator. If the decision of the Committee, by majority vote, is to uphold the fine, or to impose a reduced fine, the fine shall be payable to the Association within twenty (20) days from the date that written notice of the decision is sent to the alleged violator(s). Any suspension of use rights shall be effective immediately upon the rendering of the Committee's decision upholding such suspension, or in the event that a hearing is not requested by the alleged violator within 14 days from the notice of violation.
8. Subsequent to the hearing, or if no hearing is requested within fourteen (14) days from the date of the letter notifying the alleged violator of the fine, any further enforcement action will be taken by the Board of Directors.
9. Any violator(s) will be responsible for interest, costs and attorneys' fees incurred in the enforcement of the fine, including costs and attorney's fees in connection with any correspondence or hearings, provided that the Committee upholds the fine, in whole or in part, and the person who is the subject of the fine fails to pay it within 20 days from the date of a letter advising them that the fine has become final.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution on this 20<sup>th</sup> day of June, 2011.

ABERDEEN HOMEOWNERS ASSOCIATION

By:

  
President

6-20-11  
Date