



SHADOW CREEK HOMEOWNERS ASSOCIATION

POLICY RESOLUTION #1

RULES ENFORCEMENT POLICY AND PROCEDURE

WHEREAS, Section 5302(a)(11) of the Pennsylvania Uniform Planned Community Act (68 Pa. C.S.A. § 5101 et. seq.) provides that an Association may after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws and rules and regulations of the association; and

WHEREAS, the Board has adopted, or will soon be adopting, Rules and Regulations to govern the use of the Common Areas and Common Elements, and the personal conduct of the Unit owners, Occupants and their guests thereon; and

WHEREAS, to provide guidance and for the benefit and protection of the Association and the individual Unit Owners and Occupants, the Board deems it desirable to establish and operate by a set procedure to assure due process in cases where there is a question of compliance, by an Owner or Occupant, or such person's family, guest, invitee, contractor or tenant, with the provisions of the Declaration, Bylaws, or any Rule and Regulation as amended to date (hereinafter the "Property Documents") thereby attempting to minimize the necessity of seeking action in or through a court of law; and

WHEREAS, it is the intent of the Board to establish procedures for when it must take action relative to questions of compliance by an individual or entity with the provisions of the Property Documents; and

WHEREAS, it is the intent of the Board to establish procedures for when it must take action relative to questions of compliance by an individual or entity with the provisions of the Property Documents; and

NOW, THEREFORE, BE IT RESOLVED THAT this Resolution shall be adopted as the Rules Enforcement Policy and Procedure as follows:

1. REPORTING OF ALLEGED VIOLATION

- a) To be acted upon by the Board, all alleged violations of the Property Documents must be documented in writing and signed by the person reporting the violation. The reported violation must be corroborated by either two (2) separate Owners, Occupants, Officers or Members also by filing or signing a report on the same occurrence, or the violation must be easily visible to the inspection of the Board or its representative. The two (2) separate Unit Owner, Occupant, Officer or Member filing requirement may be waived by the Board upon the written request of a single Owner or Occupant with a unique situation.
- b) The written report of a violation shall be a letter, note, or the approved rule violation form (see Exhibit A-1) from any unit Owner or Occupant or a report from the management representative. The letter or report must state the following:
 1. The nature of the violation.
 2. The date and approximate time of the violation.
 3. The approximate location of the violation.
 4. The name and/or unit address of the offending party.
 5. The name and unit address of the person reporting the violation.
 6. A statement that the reporting person actually observed the violation.
 7. Their signature.
 8. Any other information that may aid the Board in resolving the violation.
- c) Based on the results of the investigation, the Board at its sole discretion will determine if enforcement is required.

2. INVESTIGATION OF ALLEGED VIOLATION AND NOTICE

The sequence of events in enforcing the Property Documents will be as follows:

- a) If, in the opinion of the Board or its authorized representative, the reported violation does not immediately endanger other residents or Common Areas and can best be cured by a warning. The Board or its authorized representative shall send a letter to the offending party describing the alleged violation and demand (1) that any such violation cease and (2) (if appropriate) any areas damaged by the violation be restored.
- b) If the violating party does not comply with the above-described warning letter within fifteen (15) days, or, if in the opinion of the Board or its authorized representative, the violation could immediately endanger other residents or Common Areas/Common Elements or, in any case, that a warning letter would prove ineffective, or if there is a repeated violation, then the Board or its authorized representative shall send to the offending party a written notice of the violation and pending penalty and/or fine containing essentially the following information:
 1. A description of the nature and place of the violation.
 2. A demand that the violation immediately cease and that any damage to the Common Areas and Common Elements be restored.
 3. A statement that a fine in the amount of One Hundred Dollars (\$100.00) shall be imposed upon the offending party.
 4. A statement that if the accused person wishes to have a hearing prior to the levying of such fine, he must contact the Board or its authorized

representative in writing, to be received no later than five (5) business days after the date of the written notice of violation, requesting a hearing.

5. A statement that any written request for a hearing before the Board shall stay the imposition of any fine until the Board disposes of the case.
6. A warning that if no hearing is requested and if the violation continues past the deadline for requesting a hearing, an additional Twenty Five Dollar (\$25.00) fine will be imposed per day thereafter until the violation has been cured.
7. A warning that damage or corrective expense caused by any violation will be assessed against the offending party, and that attorney's fees will be assessed if the Association attorney is necessary to stop the rule violation.

1. APPEAL HEARING AND SANCTIONS

- a) The accused person is entitled to a hearing before the Board for any alleged violation that is contested by the accused party. This may be accomplished by a written statement delivered to the Board or its representative no later than five (5) business days following the date of the written notice of the violation, denying the rule violation and requesting a hearing to present his position.
- b) If the accused person ceases the violation, pays the fine, and repairs or restores any areas damaged by the violation, the matter will be considered closed. If the accused person ceases the violation, does not request a hearing, but does not pay the fine within sixty (60) days of written notice of the violation, an additional One Hundred Dollar (\$100.00) fine shall be imposed.
- c) If the accused person does not request a hearing and the violation continues beyond the deadline for requesting a hearing described above, the offending party will be assessed an additional fine of Twenty Five Dollars (\$25.00) per day for each day that the violation remains outstanding.
- d) If the alleged rule violator requests a hearing, the Board may request the Association attorney to be present at the hearing. If the alleged rule violator does not attend the hearing or the Board renders a decision against the alleged rule violator at the hearing then the attorney's fees charged to the Association will also be assessed against the alleged rule violator as damages caused to the Association due to the rule violation.
- e) If the alleged rule violator is found by the Board, after a hearing to have violated any Property Document, the One Hundred Dollar (\$100.00) fine as set forth in the notice of violation shall be levied along with attorney fees and costs to repair damaged areas incurred by the Association. Additionally, the offending party shall be assessed a fine of Twenty Five Dollars (\$25.00) per day for each day that the violation remains outstanding after the date of the decision of the Board.

2. ADDITIONAL ENFORCEMENT RIGHTS

- a) At such time when accumulated unpaid fines levied against an offender reaches Three Hundred Dollars (\$300.00) legal action will be initiated to collect all outstanding fines and/or the Association's attorney will be instructed to take the necessary legal action to enforce the rule. If the Association manager or attorney must be secured to collect any fine, or to initiate legal action to enforce the rule, all court costs, attorney's fees, management charges and miscellaneous costs of enforcement or collection shall be charged to the offending party.
- b) The Association, acting through the Board may elect to enforce any provision of the Declaration, By-Laws, or rules and regulations of the Association by self-help or by suit of law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliances

with the procedures set forth above. In any such action, to the maximum extent permissible, the Owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney fees actually incurred.

- c) If a Unit owner violates the same rule or provision of the Property Documents for a second or subsequent time within three (3) months the same procedure as outlined above shall be followed except that the fines to be levied shall be doubled.

This Resolution is effective immediately.

ADOPTED this 21 day of JANUARY 2011

Michael G. Mcg President
Signature

Styane Mikaelki Vice president.
Signature

Mark A. Williams SEC/TREAS.
Signature

COMMUNITY _____

RULES VIOLATION/COMPLAINT FORM

1) Person(s) registering complaint: Name: _____
Unit Owned: _____
Mailing Address: _____
Telephone Number: (H) _____
Telephone Number: (W) _____

2) Person(s) or Unit against whom complaint is registered:
Name: _____
Unit Address: _____

3) Detail: Times of Occurrence: _____
Date(s) of Occurrence: _____
Location(s) of Occurrence: _____
Other Witnesses to Occurrence: _____
Rule(s) being violated: _____

4) Nature of complaint: (What was done?) Continue explanation on back of form if necessary:

I hereby attest that the information on this complaint form is true to the best of my knowledge and request that the Board take action to cause this violation to cease. I am willing to participate with the Board on this action by acting as a witness.

Date

Signature of Person Reporting Violation