

ENFORCEMENT PROCEDURES OF  
EMSWORTH MANOR SOUTH CONDOMINIUM DOCUMENTS  
AND RULES AND REGULATIONS  
EFFECTIVE JUNE 1, 1991

WHEREAS, for the benefit and protection of the ASSOCIATION and of the individual MEMBER, the BOARD deems it desirable to establish and operate by a procedure to assure due process in cases where there is a question of compliance by a MEMBER, his family, his guests or tenants with the provisions of 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 the BOARD where they must take action relative to questions of compliance by an individual with the provisions of the PROPERTY DOCUMENTS:

NOW THEREFORE, BE IT RESOLVED THAT THIS SPECIAL RESOLUTION shall be adopted in accordance with the following procedures:

To be acted upon all alleged violations of the Rules, Code of Regulations or Declaration must be documented in writing. This documentation could be a letter or note from any unit owner or a report from the maintenance staff or management representatives. The documentation 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 (or staff position) of the person reporting the violation.
- 6) A statement that the reporting person actually observed the violation.
- 7) Any other information that may aid the Board of Directors in resolving the violation.

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

If, in the opinion of the Board of Directors or its authorized Representatives, the reported violation does not immediately endanger other residents or common property and can best be cured by a warning, the Board or its authorized Representatives shall send a letter to the offending party describing the alleged violation and if the report is correct, demanding (1) that any such violation cease and (2) (if appropriate) any common areas damaged by the violation be restored.

If the violating party does not comply with the above warning letter, or if, in the opinion of the Board or its authorized Representatives, the violator could immediately endanger other residents or common property or, in any case, that a warning letter would prove ineffective, then the Board or its authorized Representatives shall send to the offending party a written notice of the violation and pending fine containing essentially the following information:

- 1) A description of the nature, the time and place of the violation.
- 2) A demand that the violation cease and that any damage to the common area be restored.
- 3) A statement that a fine in the amount of Fifty Dollars (\$50.00) shall be imposed on the offending party, ten (10) days from the date of the letter.

4) A statement that if the offender wishes to have a hearing prior to the levying of such fine, he must contact the Board or its authorized Representatives in writing, within ten (10) days from the date of the letter, requesting a hearing at the next Board Meeting.

5) A warning that, if the violation continues past the ten (10) day period, an additional Ten Dollar (\$10.00) fine will be imposed and fines of Ten Dollars (\$10.00) per day thereafter will be imposed until the violation has been cured.

6) That damage 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.

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 mailed to the Board or its Representative denying the rule violation report and requesting a hearing to present their position.

If the alleged rule violator requests a hearing and brings or states they are bringing an attorney to the hearing the Board will request the Association attorney to also be present. If the alleged rule violator does not attend the hearing or does not bring their attorney or the Board rules against the alleged rule violator at the hearing, then the attorney's fees charged the Association will also be assessed against the alleged rule violator as damages caused the Association due to the rule violation.

Any written request for a hearing before the Board shall stay the imposition of any fine until the Board disposes of the case.

If the violation continues beyond the ten (10) day period described above and no request for a hearing has been submitted in writing within such ten (10) day period, the offending party will be assessed an additional fine of Ten Dollars (\$10.00), and Ten Dollars (\$10.00), per day thereafter until the violation has been cured during the imposition of such continuing fines. The offending party may request in writing a hearing before the Board of Directors at any time up to thirty (30) days after the initial notice that a rule violation has been alleged. Upon such request, the daily fines will stop accruing until after the hearing at the next scheduled meeting of the Board of Directors. After the thirty (30) day appeal period, the alleged violation will be considered correct and appropriate action to enforce the rules will be taken.

At such time when the level of fines against the offender reaches Five Hundred Dollars (\$500.00) and have not been paid and/or violation is continuing, the case will be turned over to the Association attorney for collection, and/or a court order issued to enforce the rule.

If the violation has ceased but the fine not paid (regardless of the amount), the case will be turned over to the Association attorney for collection.

Costs of any damage to common areas caused by a reported violation will be assessed against the offending party. Ten (10) days before the Board or its authorized Representative assesses such costs, the Board or its authorized Representative shall notify the offending party in writing, such notice stating the amount of such costs and the violation which caused the damage. The offending party may appeal this notice of assessed costs by submitting within thirty (30) days of the date of such notice a written request to the Board or its authorized Representative for a hearing at the next Board Meeting.

If the Association attorney must be secured to enforce the rule or collect the fine, all court costs, attorney's fees and miscellaneous costs of enforcement or collection will be charged to the offending unit owner.

If at a hearing the Board rules in the favor of the unit owner, the occurrence shall be removed from the file and not be held, in the future, as a violation under this policy.

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