

PROPOSED ENFORCEMENT & VIOLATION POLICY

ORANGECREST COUNTRY COMMUNITY ASSOCIATION

Adopted: November 20, 2018

ENFORCEMENT GENERALLY

The Association has the express authority to enforce the terms of the Governing Documents and the Association's Rules and Regulations. Exercising that authority permits the Board to take disciplinary measures against a violating resident/Owner, which may include, but are not limited to, the levying of monetary penalties (fines), suspension of membership privileges, and/or the use of formal legal action to compel the violator's compliance and to recover all legal fees and costs incurred by the Association in doing so.

TENANT AND GUEST VIOLATIONS

Owners are legally responsible for the actions of the guests, tenants or tenant's guests. A Notice of Violation may be issued to a tenant for a violation of the Governing Documents; however, the Owner assumes all liability arising from a violation by the Owner's guest, tenant or tenant's guest.

REPORTING VIOLATIONS

Any resident may report a violation of the Governing Documents, including the Association's Rules and Regulations, by contacting the Association's management company. Reports should be made in writing, and any photographs evidencing the violation should be attached. *Note - Any activity constituting a nuisance (i.e., loud parties, loud vehicles, barking dogs or related issues) should be directed to law enforcement or animal services.*

MONETARY PENALTIES

Monetary Penalties ("Fines") may be levied against an Owner (or an Owner's guest or tenant) who causes damage to the Association Property, or for bringing an Owner (or his guest or tenant) or his/her Unit into compliance with the provisions of the Governing Documents. Fines will appear on the Owner's next monthly statement and will be due and payable with that statement. Fines shall be levied pursuant to the following "Schedule of Monetary Penalties," and the enforcement procedures contained on the following page.

SCHEDULE OF MONETARY PENALTIES

First Offense	\$100.00
Second Offense	\$200.00
Third Offense	\$400.00
Continuing Violation*	The Fine for a first, second or more, violation, plus a periodic fine of up to \$25.00 per day.

**The periodic fine commences the day after the hearing in which it is determined to assess a fine for a continuing violation.*

ENFORCEMENT PROCEDURES

Upon notification or observation of a violation of the restrictions set forth in the Governing Documents, including the Rules and Regulations, the Board will authorize the Association's management or general counsel to send a Notice of Violation to the violating Owner, or violating resident and non-resident Owner if applicable. The Notice of Violation will (1) set forth the basis for the violation, (2) the restriction or provision of the Governing Documents at issue, and (3) demand that the violation be corrected within a reasonable time period. *Note* - The above actions by the Association may be modified for violations which the Board determines to be a "Neighbor-to-Neighbor" dispute in accordance with the Association's "Neighbor-to-Neighbor Dispute Resolution Policy" (if any).*

Upon notification or observation of a second instance of the violation, or of a continuation of the first violation after the applicable time period has expired, a Notice of Hearing will be sent to the violating Owner, or violating resident and non-resident Owner if applicable. The Notice of Hearing will invite the violating Owner, or violating resident and non-resident Owner if applicable, to a Hearing with the Board in an executive session Board meeting or before a Hearing Committee ("Committee") established by the Board, for the purpose of explaining the reasons for the continued non-compliance and for determining whether the Board/Committee will impose discipline upon the Owner. The Notice of Hearing will be sent at least ten (10) days prior to the date of the Hearing.

Following the Hearing the Board/Committee will determine what action is to be taken to address and resolve the non-compliance. Such action may include, but is not limited to, the levying of a Monetary Penalty (i.e., Fine) against the Owner or suspension of the Owner's membership privileges. The Board/Committee will notify the Owner within fifteen (15) days following the Hearing as to what action will be taken in response to the violation, as well as what further measures the Board/Committee may take should the non-compliance continue (i.e., the continued levying of Fines and/or the institution of legal action).

At any time during the Board's efforts to enforce a violation and to gain a resident's compliance with the Governing Documents, the Board may determine that it is in the Association's best interest to expedite the resolution of the matter through, among other things, the transfer of the matter to the Association's legal counsel, and participation in formal legal action.

Note* - Legal Liability; Payment of Association's Attorneys' Fees and Costs

As stated in Section 12.5 of the CC&Rs, failure to comply with any of the terms of the Governing Documents, including the Rules and Regulations, shall be grounds for relief which may include legal action by the Association to recover damages, injunctive relief and/or any other similar remedy at law or in equity. Should such legal action be instituted, the Association is entitled to recover from the violating Owner the Association's reasonable attorneys' fees and costs incurred.