

FINE AND FEE WAIVER POLICY

WHEREAS, there are Owners in the community who request fees and fines to be waived; and

WHEREAS, there is a need to establish a policy setting forth the process for the Board of Directors to consider waiving fees and fines.

THEREFORE, be it resolved that the following policy shall be followed when an Owner requests a fee or fine to be waived.

Once any fine/fee is assessed, the Owner must submit a written request to the Association requesting a waiver/reduction of any fine/fee.

Architectural Review Fine (for failure to comply with ARC process)

1. If an Owner begins/completes an improvement prior to receiving written approval by the Architectural Review Committee, a fine is assessed after notice and opportunity for hearing,
2. The Board of Directors sends a letter to the Owner advising of the violation, and assesses a fine after such notice and opportunity for a hearing, if the violation is not corrected.
3. The Board of Directors may consider reducing fines up to 80%.

Fines Resulting from Other Violations

1. Fines are assessed after notice and opportunity for hearing, upon the recommendation of the Hearing Committee and the approval of the Board of Directors.
2. If the violation is not corrected, the fine will stand and the Owner will have 30 days to pay the fine and cure the violation or further fines may be assessed, after notice and opportunity for hearing.
3. If the violation has been corrected, the Association's Board may consider waiving a portion of the fine and any fees assessed per the Delinquency Policy. The amount waived will be determined by the date the appeal letter was received by the Association. The receipt date of the fine waiver request will be used as guidelines to the Board for consideration of fine reduction.
 - a. If the appeal letter is received 1-30 days after the date on the hearing decision letter, 90% of the fine/fees may be waived and the Owner will be responsible for paying 10% of the fine/fee.
 - b. If the appeal letter is received 31-60 days after the date on the hearing decision letter, 85% of the fine/fees may be waived and the Owner will be responsible for paying 15% of the fine/fee.
 - c. The amount the Owner may be responsible for paying will increase in 5% increments each 30 days thereafter.

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- d. The minimum amount on any account that should not be waived is the actual costs incurred by the Association, including but not limited to lien and legal fees.
4. If an Owner has multiple fines/fees on his/her account for the same violation, the date of the first hearing decision letter for that violation will be used to calculate what percentage may be waived.
5. If an Owner requests an extension, the violation must be cured by the last day of the extension. If not cured by that date, then percentages and fines will be recalculated using the hearing decision letter.

Pursuant to the Association's Collection Policy, the Board of Directors hereby will offer a reduction of fines and fees of fifty percent (50%) prior to turning the account over to the Association's attorney should the violation be cured. This offer will be made in the default letter. Once the default letter has been sent, the minimum percentage that can be waived is 50%. This amount can be paid in a payment plan of up to one year. Should the Owner default on the payment plan, the original full amount would be due and the account may be sent to the Association's attorney for further action.

The fee/fine waiver request will be reviewed at the next scheduled Board meeting by the Board of Directors, if the written request is received at least 3 business days prior to the Board meeting. Otherwise, the Board of Directors will review the request at the following Board meeting.

The amount the Association's Board agrees to waive will only be honored if the Owner pays the amount specified within 30-days after the date on the Board appeal decision letter or other time frame as stated by the Board of Directors.

Failure to pay the fine/fee may result in additional fees being assessed to the account per the Association's Delinquency Policy.

For extenuating circumstances, the Board of Directors may consider reducing fines beyond the above statement guidelines on a case-by-case basis.

Adopted by the Board of Directors on November 21, 2016