

Schedule of Fines for Violations of Governing Documents of Awbrey Park

Awbrey Park Homeowners Association Fine Schedule Process September 2006

The following process and fine schedule shall apply to violations of any of the Governing Documents (as defined in the foregoing resolution). The enforcing body may be the Board of Directors of the Association (the "Board") and/or the Architectural Review Committee (the "ARC"). The Board and the ARC shall each be referred to hereafter as the "Applicable Governing Body".

1. Notice. A written notice of an alleged violation will be mailed to the applicable owner. Such notice shall provide the owner with 21 days from the date of the notice to do one of the following:
 - (a) Correct the alleged violation; or
 - (b) Contact the Owner Relation Department and negotiate a timeline for correction; or
 - (c) Request a hearing in front of the Applicable Governing Body.

2. Hearing.
 - (a) In the event that the owner elects to request a hearing, Applicable Governing Body shall schedule one within 30 days of receipt of the request.
 - (b) At the hearing, the owner shall be given a reasonable opportunity to address the Applicable Governing Body and to present evidence in support of his or her position.
 - (c) Any parties opposing the owner's position (such as another owner within Awbrey Park) shall likewise have a reasonable opportunity to address the Applicable Governing Board and to present evidence of the alleged violation and/or to counter the evidence provided by the owner.
 - (d) Subject to the foregoing, the balance of the process shall be left to the discretion of the Applicable Governing Body.
 - (e) The Applicable Governing Body shall have the authority to continue the hearing to a later date to allow for the collection of additional evidence and/or to extend deliberations if it deems the same necessary.

(f) The Applicable Governing Body shall render its decision in writing within 15 days after the close of the hearing(s).

(g) In the event that the Applicable Governing Body rules against the owner, the owner shall have 10 days to correct the violation or be subject to fines and costs as provided in the attached schedule.

(h) The owner shall bear its own costs and expenses in connection with the alleged violation, including, without limitation, all costs associated with the hearing, regardless of the outcome.

3. In the event that the owner does not request a hearing within the 21-day period or, in the case the owner does not prevail in his/her hearing, the Applicable Governing Body shall then have immediate authority to impose fines and costs in accordance with the attached schedule.
4. Each violation may be assessed again every 30 days until the violation has been remedied.
5. In the event that the alleged violation relates to Article 5, Section 5.3 (Scope of Review), the owner charged with a violation shall immediately cease construction or other development work until such time as the alleged violation has been resolved, whether through remediation of the violation or a decision in favor of the owner through the hearings process.
6. All fines and costs levied hereunder as well as all costs incurred by the Association in connection with enforcing the CC&Rs against any owner (but specifically excluding costs associated with a hearing for an owner who substantially prevails after such hearing) shall be additional assessments against the applicable owner's lot under the CC&Rs.
7. Any fines levied against an owner shall be payable within ten (10) days after the date of written notice of the imposition of the fine. If fines are not timely paid, they will bear interest from the initial due date at the lesser rate of (i) twelve percent (12%) or (ii) the maximum rate permitted under applicable law. If fines and late fees are not paid within six months, the Association will have a lien on the owner's lot and may foreclose the same. The owner shall reimburse the Association for all costs associated with the lien, including, without limitation, all foreclosure costs and expenses. All fines received by the Board will be deposited in the Homeowner Association's operating account.

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All fines may be re-assessed every 30 days that the violation is not cured. i.e., a single violation may be assessed an additional fine for each month it is not remedied.

Article 9, Section 9.1, Exterior Lighting and Noise-making Devices

Violations of Article 9, Section 9.1 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Sections 9.2, Nuisances

Violations of Article 9, Sections 9.2 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.4, Temporary Structures

Violations of Article 9, Section 9.4 of the Awbrey Park CC& R's are subject to a fine of \$300 per violation.

Article 9, Section 9.5, Signs

Violations of Article 9, Section 9.5 of the Awbrey Park CC&R's will result in a fine of \$100 per violation.

Article 9, Section 9.6, Campers, Boats, Recreational Vehicles, Certain Trucks, Commercial Vehicles, and other Non-Passenger Vehicles

Violations of Article 9, Section 9.6 of the Awbrey Park CC& R's are subject to a fine of \$250 per violation.

Article 9, Section 9.7, Pets, Livestock and Poultry

Violations of Article 9, Section 9.7 of the Awbrey Park CC& R's are subject to a fine of \$100 per violation.

Article 9, Section 9.8, Garbage and Refuse Disposal; Wood Piles

Violations of Article 9, Section 9.8 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.9, Parking in Common Areas / No Parking Signage

Violations of Article 9, Section 9.9 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.10, Commercial or Institutional Use

Violations of Article 9, Section 9.10 of the Awbrey Park CC&R's are subject to a fine of \$500 per violation.

Article 9, Section 9.11, Detached Buildings

Violations of Article 9, Section 9.11 of the Awbrey Park CC& R's are subject to a fine of \$300 per violation.

Article 9, Section 9.12, General Landscaping and Exterior Maintenance

Violations of Article 9, Section 9.12 of the Awbrey Park CC& R's are subject to a fine of \$250 per violation.

Article 9, Section 9.13, Antennae, Satellite Dishes and Solar Collectors

Violations of Article 9, Section 9.13 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.14, Clothes Hanging Devices / Fences

Violations of Article 9, Section 9.14 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.16, Construction Activities

Any improvement/alteration, as defined by Article 9, Sec 9.16 of the Awbrey Park CC&R's that is not specifically approved in advance as provided for in the CC&R's and/or Rules and Design Guidelines will be subject to a fine of \$500 per violation. Failure to heed a Stop Work Order issued by the Architectural Review Committee will result in a fine of \$500 per violation. If the improvement/alteration is deemed to be out of conformance with Article 9, Sec 9.16 of the Awbrey Park CC&R's, an additional fine in the amount equal to 110% of the estimated cost of remedying the non-conforming improvement will be levied. The fine for a non-conforming improvement/alteration will compound quarterly until the improvement/alteration is remedied.

Article 9, Section 9.17, Unit Construction

Violations of Article 9, Section 9.17 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Article 9, Section 9.19, Motorized Vehicles

Violations of Article 9, Section 9.19 of the Awbrey Park CC&R's are subject to a fine of \$100 per violation.

Miscellaneous Violations

All other violations of the Awbrey Park CC&R's, Bylaws, Architectural Guidelines, or Rules and Regulations as adopted by the Awbrey Park Homeowners' Association Board of Directors and/or the Awbrey Park Architectural Review Committee will result in a fine of \$300 per violation.