

OAKLANDS OWNERS ASSOCIATION
RULES ESTABLISHING PROCEDURES FOR CC&R ENFORCEMENT
and for DETERMINING FINES

1.0 FILING COMPLAINTS: Any homeowner may file a written complaint with the Board of Directors alleging a violation of a provision in the Covenants, Conditions, and Restrictions (CC&R's) or the Board may consider an alleged violation on its own motion at any regular or specially called meeting of the Board. A complaint is formally received by the Board when it is received by the President or by any member of the Board.

2.0 CONTENT: In order to be considered by the Board the complaint must state with reasonable certainty:

- (a) the nature of the alleged violation;
- (b) the homeowner responsible for the violation;
- (c) the section of the CC&R's violated, if known;
- (d) any other information that may be helpful to the Board when investigating the alleged violation.

3.0 NON-PARKING VIOLATIONS OF THE CC&R's

3.1 BOARD ACTION: If the Board determines that a violation of the CC&R's has occurred, a letter will be prepared and sent to the homeowner by certified mail, return receipt requested, giving the homeowner 10 days from the receipt of the letter to correct the violation. The letter shall indicate the specific nature of the violation, reference the specific section of the CC&R's violated and include a copy of the section of the CC&R's violated. If the homeowner has not corrected the violation within ten days after the initial letter is received, a second notice will be prepared and sent to the homeowner by certified mail, return receipt requested, advising the owner that a fine will be levied if the violation has not been corrected beginning with the tenth day after receipt of the second letter.

3.2 HOMEOWNER'S APPEAL: A homeowner determined to be in violation of the CC&R's may file a written appeal of the Board's determination at any time after written notice is received. The written appeal will be considered "received" by the Board when it is received by the President or by an agent of the management company.

3.3 HEARINGS: A hearing on the appeal will be heard as the last item on the agenda at the next regularly scheduled meeting of the Board or at such other time as may be set by a majority of the Board. All fines will be held in abeyance until the completion of the appeal process. If the homeowner prevails no fines will be levied. If the Board rules against the homeowner then the fines, as specified herein, shall be assessed beginning the next day following the Board's

action and shall continue until such time as the violation has been corrected. The Board may extend the time period in which no fine is levied, without prejudice, if the Board finds that the homeowner is making a good faith effort to correct the violation or when it appears that a greater period of time is required for the homeowner to correct the violation.

3.4 NOTICE OF CORRECTION: The homeowner shall notify the Board President or the management company when the violation has been corrected. Notice may be made orally, in writing, or both. Neither the Board, nor any of its individual officers, nor the management company are under any obligation to inspect the premises to determine if the violation has been corrected until they have received notice from the homeowner.

3.5 INSPECTION, DETERMINATION OF COMPLIANCE: The Board may appoint a member of the Board, or agent of the management company, or a disinterested third party, to inspect the property in order to determine if the homeowner has corrected the violation. The person appointed to make the inspection must be someone other than the person who filed the complaint or a person directly affected by the violation. If the homeowner believes he has achieved compliance but the Board-appointed agent determines otherwise, then the homeowner may file a written appeal of the decision to the Board. If the Board finds that the violation has been corrected then no fine will be assessed from and after the date of the homeowner's appeal. If the Board finds that the violation has not been corrected, then the fine will continue until the violation is corrected in the same manner as if no appeal to the Board had ever been made.

3.6 FINES: The fine for each violation of the CC&R's will be as follows:

- (a) Ten dollars (\$10) per day for the first thirty (30) days.
- (b) Twenty-five dollars (\$25) per day for the next thirty (30) days.
- (c) Fifty dollars (\$50) per day for the next thirty (30) days.
- (d) One hundred dollars (\$100) per day for each day thereafter until the violation is corrected.

All fines shall be due the Oaklands Owners Association by the tenth day of each month and payment shall be made to the management company in the same manner as normal assessments. Each fine assessed shall constitute a lien on the homeowner's property and the Board may use any and all authority authorized by the CC&R's to collect such fines.

4.0 PARKING VIOLATIONS of the CC&R's

4.1 BOARD ACTION: If the Board determines that a violation of the CC&R's has occurred, a letter will be prepared and sent to the homeowner by certified mail, return receipt requested. The letter will notify the homeowner of the complaint,

request that the homeowner no longer utilize the street as a parking space, notify the homeowner that this is a formal notification, clearly identify the number of the notification, and outline the procedure henceforth.

4.2 PROCEDURE: After the first valid parking complaint is received and beginning with the date that the certified letter is received by the homeowner a ten month period will commence. If no additional complaints are received within the ten months the original complaint will be deleted from the records. Each homeowner will be allowed three complaints that are determined to be valid within the ten month period. Homeowners will be notified of complaints two and three via letters sent through certified mail, return receipt requested. Each letter will notify the homeowner of the complaint, request that the homeowner no longer utilize the street as a parking space, notify the homeowner that this is a formal notification, clearly identify the number of the notification, and outline the procedure henceforth. Fines, outlined in section 4.5, will be assessed on the fourth complaint determined to be valid by the Board of Directors.

4.3 HOMEOWNER'S APPEAL: A homeowner determined to be in violation of the CC&R's may file a written appeal of the Board's determinations at any time after written notice is received. The written appeal will be considered "received" by the Board when it is received by the President or by an agent of the management company.

4.4 HEARINGS: A hearing on the appeal will be heard as the last item on the agenda at the next regularly scheduled meeting of the Board or at such other time as may be set by a majority of the Board. All fines will be held in abeyance until the completion of the appeal process. If the homeowner prevails no fines will be levied. If the Board rules against the homeowner then the fines, as specified in section 4.5, shall be assessed beginning the next day following the Board's actions and shall continue until such time as the violation has been corrected.

4.5 FINES: The fine for the fourth and all subsequent parking violations will be fifty dollars (\$50) per incident. Fines can continue for an indefinite period of time. A letter notifying the homeowner of each fine will be sent via certified mail, return receipt requested. If a parking fine is not assessed within a ten month period of time, commencing with the date of the last notification, the procedure will cease and the initial three notifications will be deleted. All fines shall be due the Oaklands Owner's Association by the tenth day of the month and payment will be made to the management company in the same manner as the normal assessments. Each fine assessed shall constitute a lien on the homeowner's property and the Board may use any and all authority authorized by the CC&R's to collect the fines.