

**CROSSPOINTE VILLAGE HOMEOWNERS ASSOCIATION
HEARING AND FINE SCHEDULE**

Adopted January 27, 2021

1. The Board has the authority to levy fines for violations of the Association's Governing Documents, which include, but are not limited to, the Declarations of Covenants, Conditions and Restrictions, (CC&R's), & Architectural Guidelines. Fines are not the exclusive remedy available to the Board to enforce Member compliance with the Association's governing documents. Instead, the Board may choose to suspend membership rights or pursue legal and/or equitable action against such member. If the Board chooses to exercise its authority to levy a fine against a Member who violates the Association's Governing Documents, the amount of the fine and any accompanying action will be determined by the Schedule of Fines referenced below.
2. A Member will be sent an initial violation notice and the time requested to remedy the violation. If the violation is not corrected within the timeframe noted in the notice, a second notice will be sent scheduling a hearing date. However, for violations concerning damage to Association property, only a notice of violation and hearing date will be sent to the Owner. No initial violation notice will be sent.
3. When a Member does not correct the violation after the second notice, a hearing shall be scheduled before the Board in which the Member shall be requested to attend. If the Member fails to attend the hearing, the Board may proceed with the hearing in the absence of the Member. If the Board determines that a violation has occurred, the Board may levy fines in accordance with the Schedule of Fines identified below:

SCHEDULE OF FINES

- a. The following fine schedule shall apply per occurrence for each violation of a provision of the Governing Documents:

- **First Violation: \$100**
- **Second Violation of the Same Provision: \$200**
- **Third Violation: \$300**
- **Fourth and Continuing Violations¹ of the Same Provision: \$500**
- **Safety Violation Warning or Fine up to \$500, as determined by the Board.**

After the fourth offense and if a violation continues, an additional \$200 will be added to the prior fine on the same violation for the thirty (30) day period that the violation continues, an additional \$200 will be added for subsequent thirty (30) day periods the violation continues. For example, after the fourth offense and if the violation continues a \$500 fine will be imposed on the first 30 days; an additional \$200 if the violation is not corrected on the thirty-first day; and \$200 if the violation is not corrected by the sixty-first day following the first citation of the violation. If a violation continues for more than four (4) months, the Board will consider other available remedies to obtaining a correction of the violation.

- b. Repeat Offender: In the event a Member commits three (3) violations within 12 calendar months in which fines have been levied, the Association shall levy an additional fine in the amount of \$300.00 per subsequent violation, if it is determined that the Member was previously notified of the same or similar violation. Prior to levying the "Repeat Offender"

fine, the Board of Directors shall deliver independent notice to the Member of its intent to assess this fine and schedule a hearing in which the Member will be asked to attend. The hearing may occur simultaneously with the hearing addressing the Member's third or more subsequent violation.

- c. In addition, if the Member does not remedy the violation, the Association may schedule an Association approved vendor to do the work and charge the Members account in addition to the amount of the violation level.
- d. Commencement of Work: The Association may levy a fine in the amount of \$500.00 against any Member who commences any work to their unit or lot without obtaining Architectural approval prior to commencement of any work for which Architectural approval would otherwise be required. This fine is for failure to submit plans for approval prior to commencement of a project and may be levied regardless of the subsequent approval of a project, or in the event the Member obtains approval for a project but commences construction in a manner not conforming to the approvals received.
- e. The Association may levy a fine in the amount of \$500.00 for initiation of a project requiring Architectural approval, before such approval has been received in writing regardless of subsequent approval of project, or in the event the Member obtains approval for a project but commences construction in a manner not conforming to the approvals received.

¹ An example of a "continuing violation" would be an architectural violation, improper storage of a garbage can, obstruction of Common Areas, or any other violation that is not rectified within a 30-day period.

THE BOARD'S POWER TO FINE A MEMBER IS ONLY ONE OF THE REMEDIES AVAILABLE IN SEEKING A MEMBER'S COMPLIANCE WITH THE ASSOCIATION'S GOVERNING DOCUMENTS. THE BOARD MAY, AT ITS OPTION, SEEK OTHER REMEDIES TO GAIN A MEMBER'S COMPLIANCE AT ANY TIME BASED ON THE NATURE AND GRAVITY OF A VIOLATION. FURTHERMORE, THE BOARD, IN ITS DISCRETION RESERVES THE RIGHT TO LEVY A FINE IN A LESSER AMOUNT DEPENDING ON THE SEVERITY OF THE VIOLATION.