

WOODS END HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2008-_____

Due Process Procedures in Enforcement Cases

WHEREAS, Article VII, Section 1 of the Bylaws of Woods End Homeowners Association provides that the Board of Directors shall adopt and publish rules and regulations governing the use of the Properties, and the personal conduct of the members and their guests thereon, and to establish penalties/fines for the infraction thereof and for infractions of the Declaration/Bylaws; and

WHEREAS, for the benefit and protection of all Owners and to encourage compliance by all members, the Board deems it desirable to formally adopt the following procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. INITIAL CITATION

On behalf of the Association, the Board or management may issue a citation to any Owner (or that of his family, tenants, guests, etc.) whose behavior or use of the lots or common areas of the Association, does not conform to the governing documents. The citation shall:

- a) Be delivered by hand or by first class mail to the Owner at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the Association address.
- b) Generally advise the Owner in writing of the nature of the violation, cite the specific provision within the Association's governing documents which has allegedly been violated, and specify a period of time in which the Owner must correct the violation.

2. HEARING NOTICE

If the Owner repeats the behavior or use of property in question, does not remedy the matter within the number of days requested in the notice of citation, or if the Board decides to forgo the initial citation, a hearing notice will be sent to the Owner and shall:

- a) Advise the Owner of the alleged violation and cite the specific provision of the Association's governing documents which allegedly been violated;
- b) Remind the Owner of the Board's power to impose special charges and to suspend privileges as sanctions;

- c) Inform the Owner of his/her right to request a hearing before the Board to contest the citation, and that the Owner must confirm in writing within a specific number of days his/her desire for a hearing to contest the citation;
- d) Inform the Owner that if he/she does not contest the citation or does not request a hearing, he/she must provide proof that the matter has been resolved within a specific number of days after the date of the notice;
- e) Be delivered by hand or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address. Notification will be deemed effective if any Owner fails or refuses to sign for any registered or certified mailing from the Association.

3. ACTION WITHOUT A HEARING

If the Owner does not remedy the citation within the number of days requested in the hearing notice or if the Owner has not requested a hearing in writing by or before the confirmation date, the Owner shall be deemed to have waived the right to a hearing and the Board shall have the power to impose special charges and/or suspend privileges.

Notice of the Board's decision shall:

- a) Be delivered to the Owner by hand or mailed by registered or certified mail, return receipt requested, at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address;
- b) Be sent within ten (10) business days of the date of the decision.
- c) Specify the penalty to be imposed and any action that the Board deems to be appropriate in order to enforce the Association's governing documents.

4. HEARING

When a hearing is requested by the Owner in writing by or before the deadline, the Board shall set the time, date and place of the hearing at its discretion. Written notice of the time, date and place of the hearing shall:

- a) Be delivered to the Owner by hand or mailed by registered or certified mail, return receipt requested, at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address;
- b) Be sent at least fourteen (14) days in advance of the hearing date;
- c) Inform the Owner of the specific potential sanctions that may be imposed for each violation including charges and suspension of privileges;
- d) That the owner may have counsel present at the hearing.

At the hearing, the Board shall provide the Owner with a reasonable amount of time to be heard and to present information which bears on the alleged violation.

Following the hearing, the Board shall meet in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether special charges should be imposed and/or privileges should be suspended. Notice of the hearing results shall:

- a) Be delivered to the Owner by hand or mailed by registered or certified mail, return receipt requested, at his/her address listed in the Association's records, and to the property address, if the Owner's listed address is different from the property address;
- b) Be sent within ten (10) business days of the date of the hearing.
- c) Specify the penalty to be imposed and any action that the Board deems to be appropriate in order to further enforce the Association's governing documents.

4. NON-PAYMENT OF ASSESSMENTS

If the violation is for the non-payment of assessment and the Board is seeking to suspend the Owner's voting rights or privileges in using recreational facilities, the Board shall schedule a hearing and send notice to the Owner consistent with paragraph 3 of this resolution. Instead of advising the owner that charges may be imposed, the notice shall advise the Owner that the Board may suspend the Owner's voting rights or privileges in using recreational facilities.

5. OTHER REMEDIES

The procedures outlined in this Resolution may be applied to all violations of the governing documents, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's governing documents or law, including, but not limited to, the initiation of suit or self-help remedies.

The Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.

6. REPEAL OF PRIOR POLICIES

This resolution supersedes and replaces all prior policy and administrative policy resolutions relating to due process procedures and the enforcement of the Association's governing documents.

The effective date of this Resolution shall be Oct 21, 2008.

WOODS END HOMEOWNERS ASSOCIATION

Veronica Davila
Veronica Davila, President

FOR ASSOCIATION RECORDS

CERTIFICATION OF MAILING

I hereby attest that this Resolution was approved and adopted by the Board on _____, 2008 and that this Resolution will be mailed or hand-delivered to the address of record of all of the Owners.

By: Paul Horton, Managing Agent
The Commercial Management Group, Inc.

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