

Definitions, Inspection & Enforcement

Definitions

Infraction: Failure to comply with the CC&Rs and rules as outlined by the Association. For these situations, the board will offer up to two (2) reminders to correct the problem.

Violation: A situation that has progressed to the point that the Board believes an imposition of fines may be required to obtain corrective action. A violation may be deemed as repetitive if the noncompliance is continuing, and the issue has not been resolved between the homeowner and the Board. This could result in continued fines until a resolution has been reached.

Inspection Process

Front yard and common area inspections will be held periodically by the members of the Board of Directors, landscaping committee or management company. If upon inspection, or as a result of a legitimate complaint filed in writing by a Belcorte resident, a member is in noncompliance with the Covenants, Conditions and Restrictions (CC&Rs), Rules, or other governing document, the homeowner will be notified. All infractions and violations will be recorded by the inspector and kept on file following the inspection.

Enforcement Process

When an infraction of the CC&Rs, Rules or Landscape Standards has been observed by the inspector or submitted in writing by a Belcorte resident, the homeowner will be sent a letter entitled "Courtesy Notice" by the managing agent. The homeowner is responsible to take corrective action. A copy of the "Courtesy Notice" will also be sent to the President of the Board.

If corrective action is not taken within ten (10) days of the "Courtesy Notice" or the same infraction is noted on a second inspection or twice within three (3) months, the homeowner will be sent a letter entitled "2nd Reminder" by the managing agent advising him/her that the Board of Directors is requesting the infraction be corrected within fifteen (15) days. A copy of the "2nd Reminder" will also be sent to the President of the Board. The homeowner shall mail to the managing agent an action plan stating when the infraction will be corrected or that the infraction has since been corrected.

If corrective action is not taken within fifteen (15) days of the "2nd Reminder" or three times within six (6) months, a "Notice of Violation and Hearing" will be sent by certified mail, return receipt requested, to the homeowner by the managing agent. A copy of the "Notice of Violation and Hearing" will also be sent to the President of the Board. This notice will contain the following information:

The nature of the alleged violation(s);

The date(s) on which the violation(s) occurred;

The time and place of the hearing, which shall not be less than seven (7) days from the date of the notice;

An invitation to attend the hearing and produce any statement, evidence, and witness on his or her behalf; and

The proposed sanction to be imposed includes the imposition of a fine of \$100.00 and an additional \$100.00 fine for each 30 day period if the violation has not been remedied and the payment of any attorney fees incurred by the Association. Violations remedied after a penalty fine has been assessed do not cancel the fine.

At the hearing the homeowner will be given reasonable time to make a statement, present evidence or a witness on his/her behalf. The Board of Director's will deliberate and may or may not impose a fine. The decision of the Board is final. The Homeowner will be notified in writing, sent by certified mail, return receipt requested, of the Board's decision.

Should the homeowner/leasing agent fail to appear before the Board, the Directors may impose a fine *in absentia*. The fine assessed may continue to double if upon further inspections the violation has not been corrected.

Once a fine has been imposed the homeowner will be sent notification and given fifteen (15) days to pay the fine. If the fine is not paid, the Board may authorize legal action, and the homeowner will be responsible for all attorney fees and costs.

Violations remedied after a penalty fine, has been assessed, do not cancel the fine.

The President or the Board of Directors may, at their sole and absolute discretion, waive the three (3) notice requirement in the event of an extreme situation needing immediate resolution.

Fine Schedule

Board imposed fine: \$100.00 for first offense.

Additional \$100.00 will be assessed each subsequent thirty (30) day period the violation has not been remedied and the fine paid.

When the fines reach \$500.00, the debt will be turned over to a collection agency. The fines will continue on a 30 day basis until the infraction is remedied and the fines have been paid.

All fines will be treated as delinquent assessments and will accrue penalty and interest according to the Belcorte By Laws.