

Misty Harbor Community Association

Fine Schedule

Revised January 2023

1. Violators will receive warning notice and have 15 days to resolve.
2. After 15 days unresolved, violator will be fined \$50. Each additional day will count as a separate offense, incurring an additional \$50 fine per day.
3. If same covenant violation occurs within 12 months of initial violation, no 15 day warning will be provided, in accordance with Article 3 Section 23 of the by-laws, and a \$50 per day fine will apply.
4. If violations are not remedied and fines paid within 30 days from the assessment of the initial fine the board will suspend the right to use community recreational amenities.
5. If violations are not remedied and fines paid within 180 days the Board will suspend the owner's right to vote & place a lien on the owner's unit.
6. The homeowner shall be responsible for ALL fines, accrued late fees, charges, and/or legal fees that may be incurred during the collection process.

4.4. Enforcement. (Covenants)

(a) The Board may impose sanctions for violation of the Governing Documents after compliance with the and hearing procedures set forth in Section 3.23 of the By-Laws. In the event that any occupant, guest or invitee of a Unit violates the Governing Documents the Board or any committee established by the Board, with the Board's approval, may sanction such occupant guest or invitee and or the Owner of the Unit that the violator is occupying or visiting. Sanctions may include actions enumerated below. In every instance in which the Board may act, any committee established and approved by the Board, may act in the Board's stead.

(i) The Board may impose reasonable monetary fines which shall constitute a lien upon the Unit of the violator. In the event that any occupant guest or invitee of a Unit violates the Governing Documents and a fine is imposed the fine shall first be assessed against the occupant; however, if the fine is not paid by occupant within the time period set by the Board, the Owner shall pay the fine notice from the Board.

(ii) The Board may suspend an Owner's right to vote

(iii) The Board may suspend any Person's right to use any recreational facilities within the Common Area; provided however, nothing herein shall authorize the Board to limit ingress or egress to or from a Unit.

(iv) The Board may suspend any services provided by the Association to an Owner or Owner's Unit if the Owner is more than thirty (30) Days delinquent in paying any assessment or other charge owed to Association.

(v) The Board may levy Specific Assessments to cover costs incurred in bringing a Unit into compliance in accordance with Section 8.5(b) and 9.10.

(b) The Association may also elect to enforce the provisions of the Governing Documents by filing suit at law to recover monetary damages or in equity to enjoin any violation, or both.

(c) In addition the Board, or the covenants committee if established, may elect to enforce any provision of the Governing Documents by self-help as more particularly described in Sections 8.6 and 9.10 (specifically including, but not limited to the filing of liens for non-payment of assessments and or notices of violations in Public Records, the towing of vehicles that are in violation of parking rules and the removal of pets that are in violation of pet rules). Entry onto a Unit under this Section shall not be deemed a trespass.

(d) In any action to enforce the provisions of this Declaration the By-Laws, any Supplemental Declaration, or any rule or regulation, if the Association prevails, it shall be entitled to recover all costs, including, without limitation, reasonable attorneys' fees and court costs.in such action.

(e) The Association shall not be to take action to enforce any covenant, restriction or rule which the Board in the exercise of its business judgment determines is, or is to be construed as, inconsistent with applicable law, or in any case in which the Board reasonably determines that the Association's position is not strong enough to justify taking enforcement action. Any such determination shall not be construed a waiver of the right of the Association to enforce such provision under any circumstances or estop the Association from enforcing any other covenant, restriction or rule.

(f) The Association, by contract or other agreement, may enforce County, City. State or Federal laws, or rules if applicable, and permit local governments to enforce ordinances on the Properties for the benefit of the Association and its Members.

3.23. Enforcement (By Laws)

(a) Notice. Prior to imposition of any sanction requiring compliance with these procedures as set forth in the Declaration the Board or its delegate shall serve the alleged violator with written notice including (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed. (iii) a statement that the alleged violator may present a written request for a hearing to the Board or the covenants committee if one has been appointed pursuant to Article 5. within fifteen (15) Days of the notice; and (iv) a statement that the proposed sanction shall be imposed as

contained in the notice unless a request for a hearing is received within fifteen (15) Days of the notice. If a timely request is not received, the stated in the notice shall be imposed; provided however, the Board or covenants committee may, but shall not be obligated to suspend any proposed sanction if the violation is cured within the fifteen (15) Day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any Person. In the event of a continuing violation, each day the violation continues beyond the fifteen (15) Day period shall constitute a separate offense, and fines may be imposed on a per diem basis without further notice to the violator. In the event of a violation which recurs within one (1) year from the date of any notice hereunder, the Board or covenants committee may impose a sanction without further notice to the violator.

(b) Hearing. If a hearing is requested within the allotted fifteen (15) Day period, the hearing shall be held before the covenants committee, or if none has been appointed, then before the Board in executive session. The alleged violator shall be afforded a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder proof of proper notice shall be placed in the minutes of the Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or delegate who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator or its representative appears at the meeting. The minutes of meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

(c) Appeal. If a hearing is held before a covenants committee, the violator shall have the right to appeal the committee's decision to the Board. To exercise this right a written notice of appeal must be received by the manager, president, or secretary of the Association within fifteen (15) Days after the hearing date.