

OAK RIDGE MEADOWS HOA VIOLATION ENFORCEMENT AND DUE PROCESS POLICY

RESOLUTION

WHEREAS, a procedure for the imposition of fines or suspension of privileges or services is not provided for in the Declaration; and

WHEREAS, such a procedure is necessary for the orderly governance and operation of the affairs of the Association;

NOW, THEREFORE, BE IT RESOLVED that the following procedure is hereby adopted:

PROCEDURE FOR FINES AND/OR THE SUSPENSION OF SERVICES OF MEMBERS OF OAK RIDGE MEADOWS TOWNHOUSES HOMEOWNERS ASSOCIATION, INC.

Violation of ORM Policies and Procedures should be reported to the Management Company. The Management Company and/or the Board of Directors will review and respond as appropriate based on the violation and circumstances. This document serves as a guideline and is not designed to set precedent as all violations are not identical.

When a violation has been identified the Management Company will communicate directly to the resident concerning the violation and corrective action to be taken. Should the resident feel that they have received notification in error, it is their responsibility to respond within the designated timeframe in order to avoid a hearing as specified under NC Planned Community Act.

When the reported violation is said to be of the Abuse and Harassment Policy the Management Company will forward an Incident Report Form to be completed by all parties involved in the reported violation. All parties will have until the specified time, usually within 10 days, to submit the completed Incident Report to the Management Company. The Board of Directors will review the forms and if further investigation is needed the Management Company will be instructed take appropriate action.

Upon review of all documentation, a determination will be made by the Board of Directors if a hearing is warranted.

VIOLATION HEARING

The following process will be followed when determination has been made to conduct a hearing.

1. The Board of Directors, sitting as a panel, shall determine whether or not any homeowner should be fined and/or services rendered by the Association should be suspended for violations of the governing documents.

1. Any resident who is to appear before the panel shall be given notice of the hearing and an opportunity to be heard will be provided.
2. If the evidence presented warrants, the panel may:
 - a. Decide that no fine or suspension of privileges need be imposed.
 - b. Decide that a fine should be imposed. A fine not to exceed one hundred dollars (\$100.00) for the violation for each day more than five days after the decision that a violation has occurred.
 - c. Decide that a suspension of privileges or services should be imposed; the suspension is limited to 60 days per occurrence as stated in the Declaration. The exception being an outstanding fine or unpaid dues, then the suspension will continue until the delinquency is satisfied.
3. Upon conclusion of the hearing, the panel shall consider all the evidence presented, reach a decision and communicate it in writing to the homeowner within 7 days thereafter.

COSTS OF PROCEEDINGS AND LEGAL FEES:

In any legal or administrative proceeding arising between the association and an owner or occupant because of an alleged default or violation of the governing documents by an owner or occupant, the association is entitled to recover all costs and reasonable attorneys' fees incurred by it.

Approved: October 16, 2012

Signed: Susan G Mazzella
President

Revised: August 8, 2013

Oak Ridge Meadows Townhouses
Homeowners Association

INCIDENT REPORT FORM

Please complete the following information:

YOUR NAME _____

YOUR ADDRESS _____

DAYTIME PHONE _____ EVENING PHONE _____

E-MAIL ADDRESS _____

Please explain in detail the violation that you witnessed. Be sure to include the **date** and **time** of the incident. The information you are providing is for the Association's files and will be kept confidential from all owners other than members of the Board of Directors.

VIOLATOR'S NAME _____

VIOLATOR'S ADDRESS OR EMPLOYER _____

DATE _____ TIME _____

COMPLAINT (attach additional sheets, if necessary)

Have you contacted the violator directly _____ Yes _____ No

If so, what was their response _____

YOUR SIGNATURE _____ DATE _____

The following pages will be included with the enforcement letter and hearing agenda

**PROCEDURE FOR FINES AND/OR SUSPENSION OF SERVICES
OF MEMBERS OF OAK RIDGE MEADOWS
TOWNHOUSES HOMEOWNERS
ASSOCIATION, INC. (the “Association”)**

Upon receiving a report of a possible violation of any of the governing documents of the association a letter will be sent explaining the violation that has been reported and providing an opportunity for the individual(s) to take corrective action within a specified time frame.

If the reporting party claims there has been a violation of the Abuse and Harassment Policy the Management Company will request that Incident Reports be completed by the reporting and the responding parties and returned to the Management Company within 10 days. Upon review of the Incident Reports the Board of Directors may instruct the Management Company to take appropriate action.

Upon failure to correct the violation a determination will be made by the Board of Directors if a hearing is warranted.

1. The Board of Directors sitting as a panel will determine whether or not any homeowner should be fined and/or services rendered by the Association should be suspended for violations of the Declaration, By-Laws, or Policies and Procedures of the Association. All decisions are final.
2. The panel shall hear all matters to come before it, and all determinations will be by majority vote.
3. Any home owner who is to appear before the panel shall be provided notice of hearing and given an opportunity to be heard at that time.
4. If the evidence presented warrants, the panel may:
 - a. Decide that no fine or suspension of privileges need be imposed.
 - b. Decide that a fine should be imposed. A fine not to exceed one hundred dollars (\$100.00) for the violation for each day more than five days after the decision that a violation has occurred.
 - c. Decide that a suspension of privileges or services should be imposed; the suspension is limited to 60 days per occurrence as stated in the

Declaration. The exception being an outstanding fine or unpaid dues, then the suspension will continue until the delinquency is satisfied.

5. Upon conclusion of the hearing, the panel shall consider the evidence presented, reach a decision and communicate it in writing to the homeowner within 7 days thereafter.

COSTS OF PROCEEDINGS AND LEGAL FEES:

In any legal or administrative proceeding arising between the association and an owner or occupant because of an alleged default or violation of the governing documents by an owner or occupant, the association is entitled to recover all costs and reasonable attorneys' fees incurred by it.

APPENDIX A

Name
Address
City, State Zip

Dear _____:

RE: Notice of Hearing
_____, 20__ at __pm

As stated in previous letter sent you are in violation of _____ As of the date of this letter, the violation has not been corrected and in accordance with the NC Planned Community Act the Board of Directors will be hold a hearing as noted above.

You have the right to attend the hearing and be heard prior to fines or suspension of privileges and services being levied. The Board of Directors sitting as a panel will conduct the hearing All decision are final.

Failure to attend the hearing or request a new hearing time with the Board of Directors will be regarded as your waiving your rights to attend a hearing.

You will be notified of the panel's decision in writing within seven (7) days after the hearing. If the decision is made assess a fine and/or suspend privileges and services, you will have five (5) days to correct the violation. After that time fines of up to \$100.00 per day/violation may be added to your account.

Thank you in advance for your cooperation.

Very truly yours,

Oak Ridge Meadows Townhouses
Homeowners Association, Inc.

By: _____
Association Manager

APPENDIX B

AGENDA

1. Introduction of the panel by chair
2. Overview of procedures to be observed
 - ✚ Opening statement by chair as to issues before the panel
 - ✚ Procedure for Fines and Suspension Of Privileges Or Services Of Members of Oak Ridge Meadows Townhouses Homeowners Association, Inc. to govern the hearing
3. Statement and evidence offered by the homeowner
4. Questions by members of the panel
5. Questions by homeowner
6. Conclude hearing by chair
 - ✚ Written decision to be sent to homeowner within 7 days