

AVPOA ASSESSMENTS, FINE PROCEDURES AND FINE SCHEDULE (rev. 2020)

The By Laws and CC&Rs (Governing Documents) of the Auburn Valley Property Owners Association (AVPOA) authorize the Board to implement a schedule of reasonable fees and fines for failure to timely pay AVPOA assessments and for violations of Governing Documents.

AVPOA ASSESSMENTS:

Assessments for AVPOA dues and road maintenance fees will be billed to each AVPOA Property Owner twice a year for the previous six-month period. Payments are due on June 30th and December 31st. Failure to pay the assessment on time will result in the charge of a late fee and the accrual of interest, which will continue to accrue until the past due balance is paid in full. Persistent late payments and the failure to bring an account current will result in a lien being recorded against a Property Owner's property. Such a lien can interfere with the sale or refinancing of an Owner's property. Once a lien is recorded against a property, it will remain on the property until the past due balance owed has been paid in full.

DAMAGE TO COMMON AREA OR COMMON FACILITIES BY A PROPERTY OWNER OR A PROPERTY OWNER'S GUEST

In the event a Property Owner or a Property Owner's guest causes damage to AVPOA Common Areas or Common Facilities, that Property Owner will be liable to the AVPOA for the costs to repair or restore the damaged property. If an insurance claim is made, and the AVPOA is not required to make such a claim, the Property Owner will be responsible to the AVPOA for any and all amounts not covered by insurance including, but not limited to, the deductible and any increase in premiums that may result from the claim. The amount owed by the Property Owner as the result of this damage is considered a Reimbursement Assessment for which a lien may be placed on the Property Owner's property if the Reimbursement Assessment is not timely paid.

VIOLATIONS OF GOVERNING DOCUMENTS:

The AVPOA board strives to assist the community in living in and enjoying a beautiful, safe and peaceful neighborhood. From time to time, issues between neighbors may arise that require the intervention of the AVPOA board to meet this goal and to enforce the requirements of our Governing Documents. However, before the AVPOA board intervenes, the neighbors involved in the issue should make a good-faith, diligent attempt to resolve the matter between themselves in a fair and reasonable manner. Then, if the neighbor-to-neighbor approach is not successful in resolving the issue and if the issue involves a violation of the AVPOA Governing Documents (but is not an emergency matter as emergency matters will be dealt with immediately pursuant to the CC&Rs), the AVPOA will follow the procedures set forth below:

1. A Notice of Violation letter will be sent to the AVPOA Property Owner informing the Property Owner of the violation, citing the section of the Governing Documents that is at issue and stating a date for which compliance and/or correction is required. The compliance date will generally be between five (5) and ten (10) days following the date of the Notice of Violation letter. The Notice of Violation letter will inform the Property Owner that further action, including monetary fines and legal action, can result if the Property Owner fails to correct the violation by the stated deadline.

2. If the Property Owner fails to correct the violation by the time stated, a Penalty Notice will be sent to the Property Owner informing the Property Owner that a monetary fine will be assessed if the violation remains uncorrected ten (10) days following the date of the Penalty Notice. The Penalty Notice will inform the Property Owner that the Property Owner may request a hearing on the matter and such a request must be made within five (5) days from the date of the Penalty Notice.

3. If a Property Owner requests a hearing pursuant to the above paragraph, a Hearing Notice will be sent scheduling the date for the hearing at least ten (10) days but not more than thirty (30) days after Hearing Notice is given. The Hearing Notice must be given to the Property Owner by personal delivery, email or regular mail (if email is not available). If at the conclusion of the hearing monetary fines are found to be appropriate, a Fine Notice will be given to the Property Owner within fifteen (15) days following the conclusion of the hearing. Said Fine Notice will be delivered to the Property Owner by personal delivery, email or regular mail (if email is not available) and said fines will be immediately due and payable.

4. If the Property Owner persists in failing to correct the violation and does not request a hearing, monetary fines in the amounts set forth herein will be assessed. A Fine Notice will be given to the Property Owner by personal delivery, email or regular mail (if email is not available) and fines assessed will be immediately due and payable.

5. If the Property Owner fails to immediately pay the fines stated in the Fine Notice upon the Property Owner's receipt of the Fine Notice, the fines will continue to accrue, daily or monthly as the case may be, until such time as the fines are paid or the Board determines to take legal action, in the form of a Small Claims Court action or a Superior Court action. The accrual of fines will terminate when the Property Owner takes action to correct the underlying violation but fines accrued up to that time remain due and payable.

6. In the event Superior Court action is contemplated, the Property Owner will be offered the opportunity to participate in Alternative Dispute Resolution (ADR) in order to resolve the matter. The Property Owner will have thirty (30) days to accept or reject participation in ADR. If the Property Owner accepts ADR, ADR must be completed within ninety (90) days. If the Property Owner rejects or ignores the offer of ADR, the Board may proceed with legal action. In the event a Small Claims Court action is contemplated, an offer of ADR is not required.

The Fine Schedule for Violations of Governing Documents is as follows:

VIOLATIONS FINE SCHEDULE

CC&R VIOLATIONS	\$ FINE AMOUNT	DAYS TO REMEDIATE
Presence of excess weeds or dead vegetation	25 / day	30
Failure to abate seasonal grasses by June 1 st	25 / day	7
Failure to properly clear space surrounding fuel storage tank according to fire department guidelines	100 / day	1
Presence of refuse on lot	100 / day	5
Presence of RV, trailer or commercial vehicle	25 / day	5
Excess vehicles parked in driveway	25 / day	5
Vehicles parked on street	25 / day	5
Presence of inoperable or non-operable vehicle	100 / day	7
Presence of clothesline	25 / day	1
Unapproved antenna	25 / day	30
Improper maintenance and/or repair to lot or residence	100 / day	30
Failure to remove trash bins from street within 24 hours after collection	25 / day	1
Failure to properly conceal trash bins	25 / day	1
Unapproved tree removal	500	
Unapproved temporary structure	25 / day	30
Unapproved house color	25 / day	60
Unapproved yard art	25 / day	7
Unapproved water softener	25 / day	30
Unapproved roofing material	25 / day	60
Failure to submit landscaping plan within 90 days after occupancy.	25 / day	
Improper set back	25 / day	30
Unapproved excavation	500	
Unauthorized business activity	100 / day	
Unauthorized yard/house signs	25 / day	3
Unauthorized presence of sports apparatus	25 / day	3
Offensive activity	100 / day	
Failure to remove holiday lights by January 31 st	25 / day	5
Presence of more than authorized number of pets	100 / day	7
Presence of chained pet	500 / day	3
Failure to properly dispose of pet droppings	25 / per occurrence	1

Failure to control dog barking or other intrusive pet noise	100 / day	1
Off premise unleashed pet	25 / occurrence	
ENFORCEMENT OF ARCHITECTURAL REVIEW COMMITTEE (ARC) GUIDELINES:	\$ FINE AMOUNT	
Construction in violation of approved plans	2,500	
Starting grading or excavation prior to ARC approval	1,500	
Begin construction of swimming pool without ARC approval	1,500	
Starting Landscaping without ARC approval	500	
CONSTRUCTION VIOLATIONS: (Fines are in addition to the Contractor's Compliance Deposit, as required by the Governing Documents)	\$ FINE AMOUNT	
Fine amounts for Construction Violations may be deducted from contractor's Compliance Deposit. However, if there are insufficient funds in the Compliance Deposit, the fine may be levied directly against the contractor or against the lot as determined by the Board)		
Construction activity outside of permitted hours	100	
Tree removal from building site or common area	250 to 1,500 depending on size of tree	
Tree limbing in common area	500 to 1,500	
Failure to properly dispose of tree debris	100	7
Earthwork or construction without permit	2,500	
Major deviations from plans without ARC approval	1,500	
Failure to clean up construction debris	250	7
Failure to schedule final inspection within thirty (30) days of intended occupancy	100	
Violation of sign ordinance	25	3
Installation of fence without prior approval	100	
Unauthorized use of common area	250	
Failure to screen pool equipment	250	30
Occupancy without occupancy permit	500	
Failure to properly grade and drain site	500 to 1,500	21