

RULE 1.0 8-13-2011

PENALTY FINES AND ENFORCEMENT FEES

To restate Auburn Valley Property Owners Association CC&Rs Section 13.06 (b), the Board may implement a schedule of reasonable fines and penalties for particular offenses that are common or recurring in nature and for which a uniform fines schedule is appropriate (such as fines for late payment of Assessments or illegally parked vehicles). Once imposed, a fine or penalty may be collected as a Special Individual Assessment, subject to the limitation on the use of lien and foreclosure remedies stated in Section 4.10(b)(ix), above. Whenever a fine schedule is adopted or revised, the Board of Directors shall distribute to each Member, by personal delivery or first-class mail, a copy of the fine schedule.

Please refer to Section 13.06 (c) for a definition of a violation and Section 13.06 (d)(iii – vi) for details regarding hearings and summary enforcement rights, conduct of hearings and notice, as well as the rules and procedures and appointment of a tribunal committee.

Section I

The Enforcement Committee reserves the right to enforce immediate compliance of Article VI of the CC&Rs (Minimum Improvement Standards; e.g. antennas, yard art, etc.), Article VII (Owner Maintenance Responsibilities; e.g. dry grass removal) and Article VIII (Property Restrictions; e.g. trailers, Inoperable vehicles, etc.) and/or rules through the use of agents and may elect to correct or mitigate a violation of the CC&Rs or ARC Rules without prior notice to the owner or general contractor, when:

- (a) an immediate and unreasonable infringement of, or threat to, the safety or quiet enjoyment of neighboring Owners,
- (b) a traffic or fire hazard,
- (c) a threat of material damage to, or destruction of, the Common Area or Common Facilities,
- (d) a violation of the Governing Documents that is of such a nature that there is no material question regarding the identity of the violator or whether a violation has occurred, the Board of Directors, or its duly authorized agents, may undertake immediate corrective or disciplinary action.

When such conditions as stated above do not exist, the Enforcement Committee shall use the following process for the enforcement of the CC&Rs:

(a) A written letter or citation (transmitted via US Mail or e-mail, with return receipt) will be issued to the owner of the property on which the violation occurred. A time frame for correction will be given.

(b) If the violation is not corrected within the specified time frame stated in (a) above, the Enforcement Committee will provide the offending Owner a letter stating that in 10+ days, the Board will impose a penalty or discipline the Member.

(c) Following the 10+ plus day waiting period, the Board will impose a monetary penalty

- (i) for failure of a Member to comply with the Governing Documents
- (ii) as a means of reimbursing the Association for costs incurred by the Association in the repair of damages to the Common Area or Common Facilities allegedly caused by a Member.
- (iii) In bringing the member and his or her Lot into compliance with the Governing Documents.

Fines for non-compliance with the CC&Rs (violations) will range from \$25.00 to \$1,000.00. (See schedule below)

VIOLATIONS FINE SCHEDULE

Violation	Fine Amount (\$)	Days to Remediate
Improper Set Back	25 / day	30
Improper roofing material	25 / day	60
Failure to submit landscape plan within 90 days after occupancy	25 / day	0
Improper house color	25 / day	60
Improper tree removal	500	
Installation of improper antenna	25 / day	30
Improper yard art	25 / day	7
Improper water softener	25 / day	30
Presence of weeds	25 / day	30
Failure to abate seasonal grasses by June 1st	25 / day	7
Improper maintenance and/or repair of lot and/or residence	100 / day	30
Illegal temporary structure	25 / day	30
Presence of RV, trailer or commercial vehicle	25 / day	3
Too many vehicles parked	25 / day	3

on property		
Presence of inoperable vehicle	100 / day	7
Presence of parked vehicles on street	25 / day	3
Illegal business activity	100 / day	0
Unauthorized yard / house signs	25 / day	3
Presence of sports apparatus	25 / day	3
Presence of >2 permitted domestic animals	100 / day	7
Presence of chained pet	500 / day	3
Failure to properly dispose of pet droppings	25 / violation	1
Failure to control dog barking	100 / day	1
Off premise unleashed pet	25/occurrence	0
Unscreened fuel storage tank	25 / day	30
Refuse containers not properly concealed	25 / day	1
Offensive activity	100 / day	0
Presence of clothes line	25 / day	1
Failure to promptly remove holiday lights	25 / day	5
Unauthorized excavation	500	0
Presence of refuse on lot	100 / day	5

Monetary assessment amounts will be recommended by the Tribunal / Enforcement Committee and approved by the AVPOA Board of Directors.

Fines for violations not listed above may be found necessary. As above, monetary assessment amounts will be recommended by the Tribunal / Enforcement Committee and approved by the AVPOA Board of Directors.

Section 2

Per Article V, Section 5.04 of the CC&Rs, various fees and deposits are required for new construction within the Development.

Case-by-case fees will be set by the Board of Directors. All fees and deposits are to be paid to the Auburn Valley Property Owners Association.

- (a) Compliance Fee (deposit) to AVPOA: less than or equal to \$5,000.00
- (b) Plan Review Fee: based on market rate of consulting engineers

Enforcement by the Architectural Review Committee. The architectural review of certain other activities (landscaping and other improvements, etc.) is vested in the Architectural Review Committee pursuant to provisions of the CC&Rs. Violators of the requirements of the Architectural Review Committee may be subject to monetary assessments (fines) which shall be applied as follows:

First Occurrence – A written letter or citation issued to the owner of the property on which the violation occurred. A time frame for correction will be given.

Second Occurrence – A fine will be assessed against the Compliance Deposit or otherwise assessed if correction is not completed. The offender may also be liable for costs of remediation in addition to the penalties below, if the costs are incurred to repair damage that is directly related to the particular violation.

- (a) Construction Without Approval

Starting and accomplishing construction and improvements requires written approval in advance from the ARC. Failure to comply with this regulation will subject the builder and/or owner to the below listed penalties, which may be in the form of forfeiture of all or part of the Compliance Fee (Deposit) or special individual assessments. Imposition of the penalty will not absolve the offender, but rather is in addition to other enforcement remedies available to the AVPOA and the ARC under the Governing Documents or by law.

Violation	Fine (\$'s)
Construction in Violation of Approved Plans (Without ARC Approval)	2,500
Starting Grading or Excavation of Residence (Without ARC Approval)	1,500
Starting Swimming Pool (Without ARC	1,500

Approval)	
Starting Landscaping (Without ARC Approval)	500

(b) Failure to Complete

For failure to complete construction within the allotted time, the following assessments apply:

Residence	\$500.00 per month
Landscape	\$250.00 per month

(c) Assessments for Other Violations

CONSTRUCTION VIOLATION FINE SCHEDULE

Violation	Fine (\$'s)	Days to remediate
Construction activity outside of permitted hours	100	0
Tree removal	250 to 1,500	0
Tree removal from Common Area	250 to 1,500	0
Limbing of tree within Common Area	500 to 1,500	0
Failure to properly dispose of tree debris	100	7
Earthwork or construction without permit	2,500	0
Major deviations from plans without ARC approval	1,500	0
Failure to clean up construction debris	250	7
Failure to schedule final inspection within 30 days of intended occupancy	100	0
Violation of sign ordinance	25	3
Installation of fence without prior approval	100	0
Use of Common Area without	250	0

permission		
Failure to screen pool equipment, propane tanks, etc.	250	30
Occupancy without occupancy permit	500	0
Failure to properly grade and drain site	500 to 1,500	21

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Per Article III, Section 3.07(b)(ii)(A), the AVPOA Board reserves the right to enforce immediate compliance of the rules through the use of agents and may elect to correct or mitigate a violation of the CC&Rs or ARC Rules without prior notice to the owner or general contractor, when:

- a. In case of emergency originating in or threatening the Lot or residence where entry is required or any adjoining Lots, Residences or Common Areas. The Association's work may be performed under such circumstances whether or not the Owner or his or her lessee is present.