

Belmor Lakes Homeowners Association

Declaration of Fines and Penalties

- A) Every homeowner of a lot within Belmor Lakes is subject to the Covenants and Restrictions of all amendments hereto for Belmor Lakes. Upon notification and subsequent verification of a violation of any covenant contained in the declaration, the board or its duly authorized agent will issue written notice to the owner of such violation. Such written notice will include reference to the specific standard or prohibited activity that is being violated within the declaration as well as a copy of this declaration of violation fines.
- B) In the event that any owner fails to cure (or fails to commence and proceed with diligence to completion) the work necessary to remedy any violation of the terms of the declaration, or fails to request a hearing before the board, within thirty (30) days after receipt of written notice from the board or its duly authorized agent designating the particular violation and such other manners as required by law, the board shall have the power and authority to take the following actions.
- a. To impose upon that owner a reasonable fine (the violation "fine") of Fifty and no/100 dollars (\$50.00).
 - b. If, after the imposition of this initial violation fine, the violation still has not been cured or the owner has still not commenced the work necessary to cure such violation, the board shall have the power and authority to request the owner be ordered to cure said violation through judicial proceedings and may seek any remedy recognizable by law or in equity, including damages, injunction, or any other appropriate form of relief against the owner as permitted. Upon fifteen days written notice, the board may impose another violation fine in the amount of Fifty and no/100 dollars (\$50.00), plus any associated court costs or legal fees incurred by the HOA to cure said violation.
 - c. Additional violation fines in the amount of Fifty and no/100 dollars (\$50.00) may continue each succeeding fifteen (15) day period until the violation has been cured.

The violation fines shall be due and payable upon receipt. If unpaid, the fine and any costs of collection including attorney's fees, can and shall be a continuing lien upon the lot against which such violation fine is made.

- C) Whenever an owner, upon curing a violation and after receiving written notice thereof as described in (A) above, receives a written notice for a second infraction of the same covenant of the declaration within a 6 month period from the date the owner received the first written notice, such second written notice shall contain a copy of this declaration of violation fines along with said violation and action must be taken to cure within fifteen (15) days after receipt of written notice from the board or its duly authorized agent and will be subject to the fines discussed in (B) above. Also included in this notice will be a statement announcing that once the infraction is cured and a subsequent occurrence of the same infraction (that being the third

occurrence) occurs within six months of the first violation, an immediate fine of One Hundred and no/100 dollars (\$100.00) will be assessed without an amount of time to cure the violation, with additional fines to be assessed each 15 day period if not cured (see (D) below).

- D) If a subsequent and separate violation of the same covenant by the same owner is noted, that being the third separate violation of the same covenant within six (6) months from the date the owner received the first written notice, then the owner will immediately be assessed a violation fine in the amount of One Hundred without the necessity of providing the owner an amount of time to cure the violation. Notice of this violation fine will be issued to the owner of the property in violation and will be due and payable upon receipt, and if unpaid, will then be subject to the terms and conditions indicated in (B) above.
- E) If a hearing is requested within the allotted thirty (30) day period as described in section (B) above, the hearing shall be held before the board at their next scheduled meeting. All requests for hearings shall be made in writing to the board via its duly authorized agent and such request should provide details as to why the member is contesting the violation fines being assessed. The board, via its duly authorized agent, shall notify the violator of the date, time, and place of the hearing no later than the 10th day before the hearing. The alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.
- F) For any violation of a standard or prohibited activity within the declaration that is brought to the attention of the board or its duly authorized agent and is considered to be unique from any previous violations and notices issued to that owner, then such violation will be treated as being a “non-repeat” event and will be subject to the terms noted in section (A) above and thereafter, incurred.