

Enforcement Policy and Schedule of Fines for violations of the governing documents of Highland Palms Senior Estates & Country Club, Inc.

The following policies and associated fines constitute the enforcement procedures governing Members of the Association who violate the governing documents of Highland Palms Senior Estates & Country Club, Inc.

These policies and fines were adopted by the Board of Directors at an open Board Meeting on Sept. 12, 2016 following publication for a 30-day comments period by the membership as provided for in Article 6 of the Bylaws and amended Nov. 5, 2020 and Aug. 12, 2021 following the same procedure.

The policies stated herein apply to violations of any of the governing documents of the Highland Palms Senior Estates & Country Club, Inc., including the Articles of Incorporation, the Bylaws, the Covenants, Conditions and Restrictions (CC&Rs) or the Policies, Rules & Regulations (Rules).

COMPLAINTS: Disciplinary proceedings may be based on complaints from other Members or residents or upon the initiative of the Board if a member of the Board personally observes a suspected violation. All complaints must be submitted in writing and signed by the complaining party (complainant). Unless the allegations can be verified independently by the Board, complainants must be prepared to appear at any disciplinary hearing based on their complaints to testify as to the nature of the alleged violation(s). As provided for in the governing documents, Members are responsible for any violations committed by them as well as those committed by their family members, tenants, pets, guests, caregivers or visitors or the pets of any of said persons.

NOTICE: Before any fines or other disciplinary measures are imposed, accused Members (respondents) will be given a written notice of the complaint or the alleged violation, including the specific section of the governing documents they are accused of violating, and be given 15 days from the date of the notice to provide the Board with written proof of the correction or, if they believe they are not in violation of the cited sections, to provide a written response to the Board stating why they are not in violation.

HEARING: In the event the respondent(s) fail to respond in writing within the designated period, or if the Board believes the proffered explanation is insufficient, a hearing (as provided in Article 10 of the CC&Rs) shall be scheduled to ascertain the facts. Respondents shall be given 15 days written notice of the date and time of the hearing, delivered either in person or by first-class mail. At the time stated, respondents may appear in person or may submit a written response and may present witnesses and evidence on their behalf. If the allegations stemmed from a complaint, the complainant shall be required to appear to testify about the complaint, unless the complaint can be independently verified by the Board. All hearings are held in executive session and are closed to the public.

POSTPONEMENTS: Requests for postponements to accommodate respondents for medical reasons should be submitted in writing at least 24 hours in advance of the hearing date and will be routinely granted. Respondents will be asked to discuss with the Board to arrange a mutually acceptable alternative date. All other requests for postponements must be submitted in writing at least 48 hours in advance of the hearing. As a general rule, only one postponement for reasons other than medical accommodations will be granted and may not be for more than 14 days.

DECISIONS: Upon completion of the hearing, the Board will deliberate and must provide respondents with a written notice of its findings and any disciplinary action within 15 days of the conclusion of the hearing. The decisions must be noted in the minutes of the next open Board meeting, but only in general terms to include the nature of the charges and the decision, but without identifying complainants or respondents.

PENALTIES: If the Board finds the respondents guilty of violating the governing documents, the following penalties may be imposed for non-continuing violations, either individually or in any combination.

1. Suspension of membership privileges, including the use of all common property facilities, i.e., the clubhouses, the swimming pool, and the golf course, for up to 30 days.
2. The Board may impose a fine of up to \$1,000 for each violation.

In the case of continuing violations, which are defined as violations that persist, the penalties may be imposed as follows (either individually or in any combination):

1. Suspension of membership privileges, including the use of all common property facilities, i.e., the clubhouses, the swimming pool, and the golf course, for as long as the violation persists.
2. The Board may impose a fine of up to \$1,000 for each violation. Because each day that the violation persists constitutes a new violation, the fine may be imposed on a daily, weekly, or monthly basis, and continues for as long as the violation persists.

Repeat offenses: Upon finding respondents guilty of repeat violations of the same offense, all fines shall be doubled, subject to a maximum of \$2,000 for a single occurrence and \$500/day for a continuing violation.

The maximum penalty for a safety violation is \$2,000, which may be imposed either as a onetime fine or, if it is a continuing violation, on a daily, weekly, or monthly basis for as long as the violation persists.

The Board may, for a first violation, waive the monetary penalty or issue a warning. In addition, the Board may, as an incentive to ensure compliance, offer to waive any monetary penalties if the violation is corrected within 30 days of the close of the hearing.

APPEALS AND RECONSIDERATIONS: Rulings of a committee of the Highland Palms Senior Estates & Country Club, Inc. may be appealed to the Board of Directors. Respondents may request reconsideration if they have new or different facts not presented in the original hearing. Such requests must be submitted in writing within 15 days of receiving the Notice of Decision. A respondent also may file a written demand for Internal Dispute Resolution.

SCHEDULE OF FINES: Following is a list of the schedule of monetary penalties (fines) that may be imposed following a properly noticed disciplinary hearing. These fines may be imposed in addition to any other penalties authorized by the governing documents (see item 7 above). All fines are in addition to any actual costs, damages, or expenses, including attorney fees, incurred by the Association in obtaining compliance with the governing documents. **Any violation not specifically listed below is subject to a minimum fine of \$10 and a maximum fine of \$1,000 (\$2,000 maximum for a second offence or \$2,000 maximum for a safety violation.)** Fines are due and payable within 30 days of the date of the hearing decision notice. The Board shall review the schedule of fines every other year (even years) to determine whether the schedule needs to be amended.

Schedule of Fines

Violation	Continuing violation	Single Occurrence
Age violation (each unauthorized person under age 55 is a separate violation)	Not less than \$75 per day per person	Up to \$500 per person
Architectural (landscape)	\$25 per day	Up to \$500
Architectural (failure to obtain approval prior to nonemergency work)	\$25 per day	Up to \$500
Excessive noise	\$25 per day	Up to \$500
Harassment/intimidation	\$50 per occurrence	Not less than \$50 per day per occurrence.
Parking	\$10 per day	\$25 per occurrence
Parking or stopping in a no parking zone	A warning for first offence, \$25 for a 2 nd , each subsequent offence increases by \$25.	
Pet (over limit)	\$25 per day	Up to \$500
Pet (excessive barking)	\$50 per day	Up to \$500
Pet (leash violation)		\$10 per occurrence
Pet (common property)		\$25 per occurrence
Smoking in clubhouses, pool area, courtyard or golf clubhouse covered patio		\$500 (doubled for repeat violations within 1 year).
Storage violation	\$25 per day	Up to \$500
Trash cans	\$10 per week	\$25
Trash left on common property		\$25 (Doubled for repeat violations within 1 year)
Yard/Estate sale (unauthorized)		\$50