

## Terra Siesta Violation Enforcement Procedure 1.0

Adopted on March 10, 2022

### A. Notification of Violation

In the event that the Board of Directors and/or manager determines that a shareholder, occupant, tenant, or guest is in violation of the Lease, Bylaws, or the Rules & Regulations, the manager will contact the shareholder and the violator(s), if other than the shareholder, to discuss the violation:

- 1) During this discussion, a schedule to correct the violation or stop inappropriate behavior will be developed. If an agreement is developed, the manager will write a confirming letter to the shareholder and to the violator(s), if other than the shareholder, including time table for correction, citation of the Lease, Bylaw, and/or Rules & Regulations violated, and a statement that non-compliance will result in the commencement of the **Enforcement Process**, which may include the fining process and/or legal action.
- 2) If the efforts of the manager to remedy the violation are unsuccessful, the Association may commence the **Enforcement Process**, which may include the fining process and/or legal action.

### B. Enforcement Process:

- 1) **1<sup>st</sup> Notice of violation** sent in writing to the shareholder **and** to the violator(s), if other than the shareholder, stating the **specific** alleged violation, **what** governing document provision violated, how they must **comply specifically**, and the **compliance date**. This notice is to be sent by regular mail. The compliance date can be from 7 to 30 days depending upon the desired immediacy of correction. If the time table correction is met action is dropped.
- 2) If the time table for correction is not met or recurs within 3 months and the Board of Directors approves the levy of a fine and referral to the Fining Committee, the matter then the **2<sup>nd</sup> Notice and Notice of Fining Committee Hearing** is sent by regular and certified mail to the shareholder and to the violator(s), if other than the shareholder. This statement shall include the date, time, and place of the Fining Committee hearing. It must be at least 14 days from the date of mailing. The hearing will take place whether or not the shareholder and violator, if other than the shareholder attends. The Fining Committee will hear both sides and make a determination through voting whether or not to impose the fine levied by the Board. If the fine is imposed and the violation is no longer ongoing, the imposed fine is due within 5 days of the committee hearing. If the fine is approved and the violation is ongoing subsequent to the **Compliance date of the 1<sup>st</sup> Notice**, the fine can continue until the \$1000.00 cap is reached. The fine is then due within 5 days of the \$1000.00 cap being reached. The manager must be able to document the continued non-compliance. The Fining Committee cannot change the amount of the fine or otherwise negotiate compliance.

- 3) If the fine is not paid within 90 days the shareholder's voting rights of the owner will be terminated, and the amenity use rights for the Lot will be suspended until the fine is paid in full. This termination and suspension will be by Board vote.
- 4) If the Board or President determines that the nature of the violation requires additional legal action, such as pursuit of compliance through courts, arbitration, or other similar means, a violation may be referred to legal counsel for such action.