

# Enforcement Procedure

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SPRING CHASE COMMUNITY ASSOCIATION, INC.

Registered with the Clerk of the Circuit Court of Wicomico County on 6/16/17

## ENFORCEMENT PROCEDURE

### Recitals

**Whereas**, Article VIII, Section 3 of the First Amended Declaration of Covenants, Conditions and Restrictions (“Declaration”) of the Spring Chase Community Association, Inc. (“Association”) empowers the Board to adopt rules and regulations governing the use of the Property; and

**Whereas**, Article VIII, Section 3 of the Declaration empowers the Board to levy sanctions, including reasonable monetary fines and the suspension of the right to vote and use recreational facilities, against owners who violate the Association’s Declaration, Bylaws or any duly adopted Rules and Regulations; and

**Whereas**, For the benefit and protection of the Association and of the individual owners, the Board deems it necessary and desirable to establish a procedure to ensure due process in cases involving noncompliance by an owner or resident with provisions of the Governing Documents;

**THE BOARD OF DIRECTORS HEREBY RESOLVES** that any and all previous enforcement procedures are repealed and the following enforcement procedures are adopted.

**1. Initial Notice.** In the event the Board of Directors or the Covenants Committee, if any, acting through its managing agent, determines that there is probable cause that any provision of the Declaration, the Bylaws or the rules and regulations of the Association is being or has been violated, written demand to cease and desist the violation shall be sent to the Owner, and if applicable, tenants, residents or guests therein. The notice shall include the specific nature of the alleged violation, the action required to abate the violation, and shall state a time period of not less than fifteen (15) days during which the violation may be abated without further sanction if the violation is a continuing one. If the violation is not continuing, the written demand will state that any further violation of the same rule or regulation may result in the imposition of sanction after notice and a hearing.

**2. Hearing.** If the violation continues past the period allowed in the initial demand for abatement without penalty or if the same rule or provision is subsequently violated, the Board of Directors shall send a second written notice to the defaulting Owner specifying the nature of the alleged violation, the proposed sanction to be imposed, and of the opportunity for a hearing before the Board of Directors (or the Covenants Committee if one is established) **upon written request made by the Owner** within ten (10) days of receipt of the written notice. In the event that a hearing is

requested by the Owner, a notice of the hearing date shall be sent to the Owner stating the time, date and location of the hearing and shall inform the Owner of his or her right to be present at the hearing, to be represented by counsel and to present any witnesses or evidence. The Notice shall also describe any sanctions which may be imposed on the respondent. At the hearing, each party shall be given an opportunity to be heard and to present all claims and/or defenses and witnesses that the alleged Owner or the Board of Directors wish to produce.

If no hearing is requested by the Owner within the timeframe prescribed, the Board may determine to levy sanctions against the Owner as set forth in Section 3 and 5 below.

**3. Fines.** After a duly conducted hearing, or if no hearing is timely requested, the Board of Directors, acting through its managing agent, shall determine whether there is sufficient evidence of a violation(s). If the Board of Directors determines that there is sufficient evidence of a violation(s), it may levy a fine not to exceed \$100.00 for the original occurrence of each violation and a fine not to exceed \$125.00 for each subsequent occurrence of the same violation. If the violation is determined to be a continuing violation, the Board may levy a fine not to exceed \$100.00 for the original violation, and each day the violation continues will be deemed a separate violation, subject to a separate fine, not to exceed \$25.00 for each subsequent offense, up to a maximum fine not to exceed \$1,000.00. Written notice of the Board's determination and any fine(s) shall be provided to the Owner. Determinations made by a covenants committee, if any, shall be appealable to the Board of Directors.

**4. Collection of Fine.** Any fines levied shall be placed on the Owner's assessment account and be subject to collection action in the same manner and under the same terms as any other Assessment in accordance with the Declaration.

**5. Other Enforcement Action.** Nothing in this Resolution shall prohibit or otherwise limit the Association's right to pursue other enforcement/legal actions available to it to correct or abate a violation of the Declaration, By-Laws, Articles of Incorporation, or rules and regulations.

Adopted 5/9/17