

## APPENDIX A

### CANYON PARK HOMEOWNERS ASSOCIATION, INC. FINE RESOLUTION

This resolution is made this on the date set forth below by the Board of Directors for the Canyon Park Homeowners Association, Inc., a Utah non-profit corporation.

#### RECITALS

A. Certain real property in Weber County, Utah, known as Canyon Park Subdivision, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Covenants, Conditions, and Restrictions (the "Declaration");

B. Pursuant to Utah Code Ann. § 57-8a-208, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

C. The Board of Directors desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

D. This Resolution was properly adopted by the necessary vote of the Board of Directors in compliance with the provisions of the Bylaws of Canyon Park Homeowners Association, Inc.

#### NOW BE IT RESOLVED:

1. That the following schedule of fines be adopted:

a. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

b. Schedule of Fines:

(i) 1<sup>st</sup> Violation: \$25.00;

(ii) 2<sup>nd</sup> Violation or failure to cure after 1<sup>st</sup> Violation: \$50.00;

(iii) 3<sup>rd</sup> Violation or failure to cure after 2<sup>nd</sup> Violation: \$75.00;

(iv) 4<sup>th</sup> violation and all subsequent violations or failure to cure after 3<sup>rd</sup> violation or subsequent violations: \$500.00 per month additional fines or legal action.

Enforcement remedies are cumulative; accordingly, the Board of Directors reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process.

2. That all following procedures will be followed prior to levying a fine:

a. Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Board in its discretion may grant a cure period exceeding forty-eight (48) hours if the Board determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board of Directors to protest or dispute the fine. A request for hearing must be made in writing within fourteen (14) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Board of Directors, or their designated agent, within seventeen (17) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to Advanced Community Services, PO Box 179, Lehi UT 84043. The hearing shall be conducted in accordance with the procedures adopted by the Board of Directors.

d. Collection of Fines: Fines shall be collected as authorized by the Declaration and law. However, interest and late fees shall not accrue on fines until after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. That the following procedures shall govern an informal hearing of the Board of Directors:

a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Board meeting. The Board shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail, postage prepaid, by hand delivery, or be electronic means. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original hearing date. The continued hearing shall, within reason, take place at the second Board meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

b. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Board members. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Board may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Board may either render its decision at the hearing or take the evidence and argument under advisement. If the Board takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Board shall give written notice of their decision to the requesting

owner. As part of the decision, the Board shall state that payment of the fine is due within fourteen (14) days or interest and late fees will accrue. All decisions of the Board are final.

ATTEST:

Lucki S. Latimer  
President

Karson Wright  
Secretary

Effective Date: December 01, 2014