

Amended Fine Policy & Schedule
Hill Farms Homeowner Association, Inc.
("Fine Policy")

Adopted November 4, 2020

Recitals

- A. The Association adopted the previous Fine Policy Resolution on October 19, 2016.
- B. The Association desires to replace and supersede the Fine Policy Resolution by adoption of this Fine Policy.
- C. The Subdivision remains within the Class B Control Period. Accordingly, Declarant may adopt this Policy in its sole discretion, which shall be effective upon the adoption date.

I. BASIS FOR THE POLICY:

A uniform and systematic procedure for enforcement of violations through communications, fines and further legal action when appropriate is in the best interests of all Owners of the Association.

II. DEFINED TERMS

- A. **"Association"** shall mean Hill Farms Homeowners Association, Inc., a nonprofit corporation organized under the laws of the State of Utah.
- B. **"Board"** shall mean the Board of Directors of the Association.
- C. **"Declaration"** shall mean the *Declaration of Covenants, Conditions & Restrictions for Hill Farms Subdivision*, recorded November 25, 2013, as Entry No. 2778856, as amended.
- D. **"Governing Documents"** shall mean the Declaration, articles, bylaws, rules, regulations, policies and adopted procedures of the Association.
- E. **"Owner"** shall mean the owner(s) of a Lot in the Association.

III. LEGAL AUTHORITY

The Community Association Act and the Declaration authorize the Association to enforce violations through the imposition of fines, together with all amounts incurred in obtaining compliance with the Governing Documents, together with interest, attorney fees and costs of collection, which amounts may become lienable as provided in the Community Association Act.

IV. REPORTING VIOLATIONS

All violations of the Governing Documents must be observed by a member of the Board, managing agent, or reported to the Board or managing agent in writing, which writing shall specify: the date and time of the violation; details of the violation, including applicable evidence; and the name and contact information of the person reporting the violation. The Association or its managing agent may utilize a required form for reporting violations.

V. FINE AMOUNTS

When the Association determines that a fine is warranted, the following amounts, which are subject to change through modification of this Fine Policy, shall apply:

- Nuisances & City Ordinance Violations (including but not limited to loud parties, noise and other activities that impact the quiet enjoyment of neighbors and community members): \$250.00;
- Rental Violations (including short term or nightly rentals): \$250.00;
- Business Use violations \$250.00;
- Commencement or ongoing construction of an Improvement without ARB approval \$250.00;
- Other design or architectural violations: \$250.00;
- Continuing Fines: assessed every ten (10) days for ongoing violations: \$250.00 (including doubling this amount, as set forth in Paragraph VI).
- Parking & Vehicles: \$100.00;
- Landscaping: \$50.00;
- Garbage: \$50.00;
- Pets: \$50.00;
- Signs: \$50.00; and
- Other unnamed violations of the Governing Documents: \$50.00

VI. FINE SCHEDULE

1. On the first offense, a warning notice will be sent via email to the offending Owner (and occupant if available). No fine will be levied with this first warning notice. The offending Owner will be given a minimum of 48 hours to bring the violation into compliance.
2. If the Owner or occupant fails to correct the violation within the time frame provided in the first notice, a fine will be levied in the amount listed above.
3. Thereafter, if a second or subsequent like-violation is committed within one (1) year from the first notice, the fine amount above will double (or the maximum amount allowed by law) for each like-violation within the next year.
4. For a continuing violation that has not been corrected, a fine may be levied every ten days and will follow the amounts and schedule above, unless a lesser amount is determined in the sole discretion of the Board. No further notice from the Association is required for continuing violations.
5. The Association shall follow the procedures set forth in the Act for owners that request a hearing in response to a violation notice.

VII. ENFORCEMENT

Once a fine has been levied, the Association may pursue any and all collection efforts to collect the fine amount, including but not limited to: (1) turning the matter over to an attorney for collection; (2) recording and foreclosing a lien, in accordance with the Community Association Act; (3) initiating a lawsuit through state court; and (4) other appropriate legal action. Pursuant to the Governing Documents and Utah law, an Owner in violation of the Governing Documents shall be obligated to pay reasonable fees and costs, including attorney fees, incurred in enforcing and collecting the fine amount, regardless of whether further legal action is initiated.

BE IT RESOLVED that the Board may, in addition to fines, also take legal action, including but not limited to Limited Assessments, to enforce violations that remain unresolved after the first notice, as allowed by the Governing Documents and/or Utah law.

This 4th day of November, 2020.

Declarant

By: _____

Its: Member