

KENTWOOD CONDOMINIUMS
FINE RESOLUTION

This resolution is made this on the date set forth below by the Management Committee for the Kentwood Condominiums.

RECITALS

A. Certain real property in Weber County, Utah, known as Kentwood Condominiums was subjected to certain covenants, conditions, and restrictions pursuant to an Enabling Declaration (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 Management Committee 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 Management Committee as set forth in the Bylaws.

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:

First Violation: The Homeowners Association shall give a **written warning** to the owner that shall inform the owner that a fine will be imposed if a second similar violation occurs or if a continuing violation is not cured within the time specified within the notice.

Second Violation: Upon the second violation of the same type after a warning in any one-year time period, or a continuing uncorrected violation after the initial warning period, a fine of **\$25.00** shall be imposed on the owner.

Third Violation: Upon the third violation of the same type after a warning in any one-year time period, or an uncorrected violation continuing at least ten days after the assessment of the second violation fine, a fine of **\$50.00** shall be imposed on the owner.

Fourth Violation: Upon the fourth violation of the same type after a warning in any one-year time period, or an uncorrected violation continuing at least ten days after the assessment of the third violation fine, a fine of **\$75.00** shall be imposed on the owner.

Fifth Violation: Upon the fifth violation of the same type after a warning in any one-year time period, or an uncorrected violation continuing at least ten days after the assessment of the fourth violation fine, a fine of **100.00** shall be imposed on the owner.

Sixth Violation: Upon the sixth and each additional violation of the same type within a one-year period, or each continuing violation of at least ten days after the assessment of the fifth and each subsequently assessed fine, a fine of **\$100.00** shall be imposed on the owner.

Cumulative fines for a continuing violation will not exceed \$500 per month.

(OVER)

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 Management Committee in its discretion may grant a cure period exceeding forty-eight (48) hours if the Committee 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 Management Committee 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 Management Committee, 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 P.O. Box 5555, Draper, UT 84020. The hearing shall be conducted in accordance with the procedures adopted by the Management Committee.
- 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 Management Committee:

- a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Committee meeting. The Committee 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 Committee 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 the Management Committee. 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 Committee may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Committee may either render its decision at the hearing or take the evidence and argument under advisement. If the Committee takes the evidence under advisement, they shall render a final decision within ten (10) days of the hearing. Once a decision is rendered, the Committee shall give written notice of their decision to the requesting owner. As part of the decision, the Committee shall state that payment of the fine is due within fourteen (14) days or interest and late fees will accrue. All decisions of the Management Committee are final.

ATTEST:

President

10/16/09

Effective Date