

GLENDOVER PARK HOMEOWNERS ASSOCIATION
ENFORCEMENT POLICY

The Board of Directors has adopted the following procedures and practices for the enforcement of the provisions of the Declaration of Covenants, Conditions, and Restrictions, Modifications Guidelines and for the elimination of violations of the Declaration and the rules promulgated thereunder. These procedures were adopted in an effort to encourage owners to comply with the Association's governing documents. The policy is as follows:

1. **PROCESS OF NOTIFICATION** – Prior to imposing a fine, the Board of Directors or Architectural Modifications Committee (AMC) must give an owner a written notice of violation and an opportunity to cure the violation. The following steps must be followed with supporting documentation kept on file in order to impose a fine:
 - A. First Notice – As soon as **reasonably possible after** a violation is discovered, the Association's management agent ("Management") shall send notice to the owner and resident, if different than the owner, of the discovered violation by First-Class Mail and by Certified Mail, Return Receipt Requested (the "First Notice"). A First Notice need not be sent if the alleged violator has previously received a "First Notice" relating to a similar Violation within six (6) months of the occurrence of the current Violation and was given a reasonable opportunity to cure the prior Violation. If the alleged violator was given notice and an opportunity to cure the prior similar Violation within the previous six (6) months, the Board may impose sanctions as authorized by the DCCR's and/or this Enforcement Policy without notice to the Owner other than the Notice of Fine Application described in Paragraph 1(B) below. The First Notice shall contain the following information:
 1. Reference to the provision(s) of the DCCR's or adopted rules which has been violated;
 2. The nature, description and location of the violation, including any property damage caused by the Owner and what specifically must be done to cure the violation;
 3. The amount of the proposed fine or the amount claimed to be due from the owner for property damage;
 4. A statement that not later than thirty (30) days from the date of the Owner's receipt of the First Notice, that one of the following actions must be taken to avoid suspension of membership privileges and the imposition of fines:
 - a. The violation must be cured, or
 - b. A written request for a hearing must be submitted to Management.

5. A statement that if none of the actions set forth in subparagraph 1(A)(4) are timely taken by the Owner, the Owner's membership privileges will be suspended and an applicable fine will be imposed and will become part of the owners assessment obligation.
6. A statement that the violation may be referred to legal counsel and that any Attorney's fees and costs will be charged to the Owner as an assessment if none of the actions set forth in subparagraph 1(A)(4) are taken by the Owner within the allotted period.

B. Notice of Fine Application – Where Management has observed the violation uncorrected and has not received a written request for a hearing within the allotted thirty (30) day period noted in the First Notice, Management shall notify the owner and the violator (if different than the owner) by First-Class mail and by Certified Mail, Return Receipt Requested, that a fine is being applied to the Owner's assessment obligation and their voting rights and membership privileges will be suspended. The Notice of Fine Application shall contain the following information:

1. The nature of the violation;
2. A statement that their voting rights and membership privileges are suspended and a fine in the amount of fifty dollars (\$50), double for every subsequent inspection where the violation per incident type has not been cured, is being applied against the owner's account for not curing the violation within the specified period of time contained in the previous notice;
3. A statement that there is no limit to the number of fine applications for separate violations, which may occur, and that the matter may be referred to legal counsel for further enforcement measures if not cured.

2. **HEARING/APPEAL/DUE PROCESS** – The following steps should be provided in the case where a homeowner has been given appropriate notice of a violation and has submitted to the management company a written request for a hearing or a written appeal to the application of a fine within the specified period of time:

A. Hearing – If the owner timely requests a hearing to challenge the proposed action or timely appeals a fine application, a hearing before the Board of Directors (composed of not less than three (3) nor more than five (5) Board members) shall be held in executive session affording the owner a reasonable opportunity to be heard. Such hearing shall be held no later than the 30th day after the date of the Board of Directors receives the Owner's request for a hearing. The Board of Directors shall send notice to the owner of a mutually agreed time, date and place of a hearing with an invitation to attend and produce any statements, evidence, and witnesses in support of the owner's challenge to the proposed fine application or violation. Such notice shall be sent no later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a

period of not more than ten (10) days. The minutes of the meeting shall contain a written statement of the Owner's reason for non-compliance and the results of the hearing (whether the fine is applied or not). The decision of the Board of Directors will be made in executive session after the homeowner has been excused from the meeting.

- B. Notification of Hearing Decision – Within **thirty** (30) days of the hearing the Board of Directors shall send notice as to their decision providing a support response for their decision. Any reasonable extension of time required by the Board of Directors shall also be noted in the response.
- C. Waiver of fines (Correspondence) – Contained within any correspondence sent to a homeowner, where a fine is applied, will be a notation to the homeowner that they may request waiver of the fine by appealing to the Board of Directors in writing after the violation is cured.

3. FINES AND OTHER FEES

- A. Fining Schedule – The imposition of fines per incident type will be on the following basis:
 - 1. First Violation - \$50.00 per incident type
 - 2. Additional violations – Double for every subsequent inspection where the violation per incident type has not been cured.
 - 3. Number of Fines – There is no limit to the number of fine applications for separate violations or the number of fines which may occur.
 - B. Administrative and Legal Fees – Any administrative and/or attorney's fees and any related charges incurred by the Association to enforce an owner's compliance with the Association's governing documents, including, without limitations, the administration of this policy as to a particular violation, shall become part of the violating owner's assessment obligation. The imposition of fines will be in addition to and not exclusive of any other rights or remedies of the Association as created by the Declaration or this Policy.
4. **CURE OF VIOLATION DURING ENFORCEMENT** – An owner may correct or eliminate a violation at any time during the pendency of any procedure prescribed by this Policy. Upon verification that the violation has been corrected or eliminated, the violation will be deemed no longer to exist. Unless proper appeal process is followed and fines removed, the owner will remain liable for the costs and fines under this Policy, which costs and fines, if not paid upon demand, will be referred to legal counsel for collection.

This policy was adopted by unanimous resolution by the Board of Directors on October 2, 2003.
Policy effective January 1, 2004.