

Fields of Nicholson Owners Association

RULES ENFORCEMENT POLICY AND PROCEDURE

WHEREAS, the Declaration sets forth Use Restrictions and provides that the Fields of Nicholson Owners Association, Inc. ("Association") shall have the right to proceed at law or in equity to compel compliance with or prevent the violation or breach of any of the covenants, conditions, restrictions, and reservations set forth therein; and

WHEREAS, the By-Laws provides that the Executive Board ("Board") has the power to manage the property, business, and affairs of the Association; and

WHEREAS, the Board has adopted, or may adopt, additional Rules and Regulations to govern the use of the Common Areas and Common Elements, and the personal conduct of the Unit owners, Occupants and their guests thereon; and

WHEREAS, to provide guidance and for the benefit and protection of the Association and the individual Unit Owners and Occupants, the Board deems it desirable to establish and operate by a set procedures to assure due process in cases where there is a question of compliance, by a Unit Owner or Occupant, or such person's family, guest, invitee, contractor or tenant, with the provisions of the Declaration, By-Laws, or any Rule and Regulation, as amended to date (hereinafter the "Property Documents"), thereby attempting to minimize the necessity of seeking action in or through a court of law; and

WHEREAS, it is the intent of the Board to establish procedures for when it must take action relative to questions of compliance by an individual or entity, with the provisions of the Property Documents; and

WHEREAS, all terms in this policy shall have the same meaning as those set forth in the Declaration.

NOW, THEREFORE, BE IT RESOLVED THAT this Resolution shall be adopted as the Rules Enforcement Policy and Procedure:

1. REPORTING OF ALLEGED VIOLATION

- a) To be acted upon by the Board, all alleged violations of the Use Restrictions must be documented in writing and signed by the person reporting the violation. The reported violation may be corroborated by either one (1) separate Owner, Occupant, Officer, Member, or management representative also by filing or signing a report on the same occurrence, or the violation must be easily visible to the inspection of the Board or its representative.

- b) The written report of a violation shall be a letter, note, e-mail or the approved rule violation form(see Exhibit A-1) from any Unit Owner, Occupant, or Member or a report from the management representative. The letter or report must state the following:
1. The nature of the violation.
 2. The date and approximate time of the violation.
 3. The approximate location of the violation.
 4. The name and/or unit address of the offending party, if known.
 5. The name and unit address of the person reporting the violation.
 6. A statement that the reporting person actually observed the violation.
 7. The reporting person's signature.
 8. Any other information that may aid the Board in resolving the violation.
- c) Based on the results of the investigation, the Board at its sole discretion will determine if enforcement is required.

2. INVESTIGATION OF ALLEGED VIOLATION AND NOTICE

The sequence of events in enforcing the Property Documents will be as follows:

- a) If, in the opinion of the Board or its authorized representative, the reported violation does not immediately endanger other residents or Common Areas and can best be cured by a warning, the Board or its authorized representative shall send a letter by mail and e-mail if available to the offending party describing the alleged violation and demand (1) that any such violation cease and (2) (if appropriate) any areas damaged by the violation be restored.
- b) If the violating party does not comply with the above-described warning letter within thirty (30) days from date of mailing, or, if in the opinion of the Board or its authorized representative, the violation could immediately endanger other residents or Common Areas, Common Elements, Common Facilities and Limited Facilities or, in any case, that a warning letter would prove ineffective, or if there is a repeated violation, then the Board or its authorized representative shall send to the offending party a written notice of the violation and pending penalty and/or fine containing essentially the following information:
1. A description of the nature and place of the violation.
 2. A demand that the violation immediately cease and that any damage to the Common Areas/ Common Elements be restored.
 3. A statement that a fine in the amount of Fifty Dollars (\$50.00) shall be imposed upon the offending party.
 4. A statement that if the accused person wishes to have a hearing prior to the levying of such fine, he must contact the Board or its authorized representative in writing, to be received no later than ten (10) days after the date of the written notice of violation, requesting a hearing.
 5. A statement that any written request for a hearing before the Board shall stay the imposition of any fine until the Board disposes of the case.

6. A warning that if no hearing is requested and if the violation continues past the deadline for requesting a hearing, an additional fine consistent with the below schedule will be imposed per day thereafter until the violation has been cured.
7. A warning that damage or corrective expense caused by any violation will be assessed against the offending party and that attorney's fees will be assessed if the Association attorney is deemed necessary to stop the rule violation.

3. HEARING, APPEAL AND SANCTIONS

- a) The accused person is entitled to a hearing before the Board for any alleged violation that is contested by the accused party. This may be accomplished by a written statement delivered to the Board or its representative no later than ten (10) days following the date of the written notice of the violation, denying the rule violation and requesting a hearing to present his position.
- b) If the accused person ceases the violation, pays the fine, and repairs or restores any areas damaged by the violation, the matter will be considered closed. If the accused person ceases the violation, does not request a hearing, but does not pay the fine within sixty (60) days of written notice of the violation, an additional One Hundred Dollar (\$100.00) fine shall be imposed.
- c) If the accused person does not request a hearing and the violation continues beyond the deadline for requesting a hearing described above, the offending party will be assessed as follows for each day that the violation remains outstanding beyond that deadline:

1. Day 1:	\$ 50.00
2. Day 11 - Day 20:	\$ 75.00 per day
3. Day 21 - Day 30:	\$150.00 per day
4. Day 31 Plus	\$300.00 per day
- d) If the alleged rule violator requests a hearing, the Board shall schedule a hearing to take place within thirty (30) days of the request and shall provide at least ten (10) days' advance notice of same in writing to the alleged rule violator. A majority of the Board shall constitute a quorum for purposes of hearing the matter and rendering a decision. After presentation of the alleged rule violator's defense, whether by testimony, argument, and/or documents, within five (5) days the Board shall vote as to whether to find the alleged rule violator in violation or not, and its majority decision shall be final.
- e) If the alleged rule violator requests a hearing, the Board may request the Association attorney to be present at the hearing. If the alleged rule violator does not attend the hearing or the Board renders a decision against the alleged rule violator at the hearing, then the attorney's fees charged to the Association will also be assessed against the alleged rule violator as damages caused to the Association due to the rule violation.

- f) If the alleged rule violator is found by the Board, after a hearing, to have violated any duty, including those imposed under the Declaration or rules and regulations, the Fifty Dollar (\$50.00) fine as set forth in the notice of violation shall be levied along with attorney fees and costs to repair damaged areas incurred by the Association. Additionally, the offending party shall be assessed a fine based on the above schedule that the violation remains outstanding after the date of the decision of the Board.

4. ADDITIONAL ENFORCEMENT RIGHTS

- a) At such time when accumulated unpaid fines levied against an offender reaches Five Hundred Twenty-five Dollars (\$525.00), legal action may be initiated to collect all outstanding fines and/or the Association's attorney will be instructed to take the necessary legal action to enforce the rule. If the Association manager or attorney must be secured to collect any fine, or to initiate legal action to enforce the rule, all court costs, attorney's fees, management charges and miscellaneous costs of enforcement or collection shall be charged to the offending party.
- b) The Association, acting through the Board may elect to enforce any provision of the Declaration, By-Laws, or rules and regulations of the Association by self-help or by suit of law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedures set forth above, as deemed appropriate by the Board in its business judgment. In any such action, to the maximum extent permissible, the Owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney fees actually incurred.
- c) **If a Unit owner violates the same rule or provision of the Property Documents for a second or subsequent time, within three (3) months, the same procedure as outlined above shall be followed except that the fines to be levied shall be doubled.**

5. NON-APPLICATION TO ASSESSMENT VIOLATIONS

Notwithstanding anything contained herein, this Rules Enforcement Policy and Procedure does not and shall not apply to the enforcement of Unit Owners' obligations to pay general and special assessments as provided for under the Declaration, and does not confer any additional due process rights on Unit Owners in connection with such matters. The Association reserves the right to proceed at law or in equity to enforce such obligations and to collect any unpaid general and special assessments in accordance with the terms of the Declaration.

This Resolution is effective immediately.

ADOPTED by majority vote this 16th day of April, 2015.

Board President

ATTEST:

Board Secretary

EXHIBIT A-1
Fields of Nicholson Owners Association
RULE VIOLATION REPORT

Before the Board can act upon any alleged violation to the Rules and Regulations or Use Restrictions, all alleged violations must be documented in writing. This form must be completed and mailed to the Management Office before any action can be taken.

1. Name of person reporting violation: _____
2. Name and address of offending party: _____

3. Nature of violation: _____
4. Date and time violation occurred: _____
5. Location where the violation occurred: _____
6. Statement of what you observed: _____

7. Any other pertinent information that may aid the Board in resolving the violation: _____

By signing this complaint form, I hereby attest that the information is true to the best of my knowledge and I am willing to participate with the Executive Board on this action in acting as a witness, if necessary.

Signature of Person Reporting Violation Date

Address Phone

Return completed form to: Community Management Group, Inc.
P.O. Box 779
Wexford, PA 15090
724.625.8095 (p) 724.625.8043 (f)