

**Enforcement Policy and Schedule of Fines****WOODRIDGE MUTUAL WATER AND PROPERTY OWNERS CORPORATION**

\_\_\_\_\_ 2021

1. It is the goal of the Woodridge Mutual Water and Property Owners Corporation (the Association) to make its owners and residents aware of the covenants, conditions, and restrictions (CC&Rs) and rules that govern use of property in the Woodridge Lake Estates Subdivision and to provide for an orderly, fair manner in which to enforce these documents. This enforcement policy and schedule of fines will list certain possible violations of the CC&Rs, rules, and regulations and provide for the Board of Director's (the Board's) response to such violations.

2. It is the policy of the Association to receive information concerning alleged violations from board members, committee members, and residents. Reports of violations must be in writing and signed. On receipt of notice of an alleged violation, the Board and/or its committees will investigate the alleged violation within a reasonable time thereafter. If the Board and/or its committee determines that a violation has probably occurred, the Board will take the following actions:

(A) Mail a letter/report to the owner of the property, setting forth the alleged violation and requesting corrective action to be taken within 10 days of the letter. This letter shall be referred to as a "Warning Letter." The letter may be mailed first-class, certified, or both. An example of the Warning Letter is attached to this policy as Exhibit A; however, the Board or its management company may choose to use another form.

(B) If no corrective action has been taken within 10 days of the first Warning Letter, the Board, in its discretion may either send another warning letter or may mail the owner of the property a Notice of Hearing on the issue of whether to impose discipline in connection with the alleged violation. The Notice of Hearing will be in substantially the form set forth in Exhibit B attached to this policy.

(C) The hearing will take place at a board meeting at which at least a quorum of the Board is present. The hearing will commence with a recital of the Board's reasons for determining a violation has occurred. The owner may then provide evidence either in writing or orally. The owner may present witnesses. The Board, having performed its own investigation and presented its own findings, is not required to identify the person or persons who brought the matter to the Board's attention, although the Board may do so if it deems such disclosure in the best interests of the community. The owner shall not be entitled to counsel during the hearing. Deliberation of the Board after the hearing need not be undertaken in the presence of the owner or in open session. Within 15 days after the hearing, the Board will provide written notice to the owner of its decision. If the Board decides to impose discipline, that discipline shall not take effect until 5 days after the Board notifies the owner of its decision to impose discipline.

(D) If the owner fails to appear, the Board must nevertheless consider evidence presented to it in connection with its investigation, and it must determine whether or not a violation has

occurred. If the violation is found to have occurred, the Board must determine what disciplinary action to impose, if any.

(E) The following items are considered to be disciplinary actions requiring a hearing before imposition:

- (i) Fines (see paragraph 3, which contains the fine schedule);
- (ii) Suspension of voting rights for failure to pay any assessment; and
- (iii) Reimbursement assessment under Article X III, § 13 of the CC&Rs.

If the violation is continuous in nature (such as an unremedied landscaping or architectural violation), the Board may impose the periodic fine described in paragraph 5 without further hearing. However, for multiple violations of the same restriction, further hearings would be required. Multiple violations of the same restriction may subject the owner to enhanced fines.

3. In the event a governing document violation also constitutes a violation of federal, state, or local law, the Board may, in addition to the other actions identified herein, notify the appropriate governmental agency of its findings and provide that with the evidence the Association possesses. For example, if the Board finds that the Defendant Party violated state and federal anti-discrimination law, it may file a complaint with the U.S. Department of Housing and Urban Development and/or the Department of Fair Employment and Housing.

4. For certain alleged governing document violations, such as alleged nuisances, harassment, or unlawful discrimination, the Board may offer the Complainant and Defendant Owner (and Defendant Party if different than Defendant Owner) mediation in an effort to effectively and amicably resolve the matter even if the Board determines that no violation occurred or that insufficient facts and evidence exist for it to make a good faith determination as to whether a violation occurred.

The following items are not considered disciplinary actions and therefore do not require a hearing before imposition:

- (i) Warning letters;
- (ii) Institution of legal proceedings;
- (iii) Emergency entry of a lot to remedy a health or safety problem;
- (iv) Initiation of alternative dispute resolution proceedings;
- (v) Collection of overdue assessments; and
- (vi) Towing vehicles improperly parked on the common areas under Veh C §22658.

#### 5. Schedule of Fines

(A) Landscaping/Tree Violations:

First Offense: \$500.00

Second or More Violation of Same Offense: \$750.00

Continuous Violation: The fine for a first, or second or more, violation, plus a periodic fine of up to \$25.00 per day.

(B) Construction/Architectural Control Violations:

First Offense: \$250.00

Second or More Violation of Same Offense: \$500.00

Continuous Violation: The fine for a first, or second or more, violation, plus a periodic fine of up to \$25.00 per day, up to a limit of \$\_\_[amount]\_\_.

(C) Violation of Other Use Restrictions:

First Offense: \$50-\$300

Second or More Violation of Same Offense: Double the fine for the first offense.

Continuous Violation: The fine for a first, or second or more, violation, plus a periodic fine of up to \$25.00 per day, up to a limit of \$\_\_[amount]\_\_.

(D) Violations of Commercial Logging

First Offense: \$10,000

In each case above, the periodic fine commences the day after the hearing in which it is determined to assess a fine for a continuous violation.

Members are required to notify the Board of correction of any alleged offense so that the Board may inspect the correction.

6. The Board may, at any time it deems such appropriate, file a civil action to obtain compliance with the governing documents; the Board need not fine an owner first. In a court action, the Board may seek either, or both, injunctive relief (that is, a court order requiring an owner to obey the governing documents) and/or recovery of fines, if any.

7. Occasionally violations are committed by tenants or guests of the owner. The owner is responsible for those violations. The notice of hearing will be sent to the owner, although the Board may, should it desire, send a copy of the notice to the tenant as well. Notices will be mailed to the owner at the property address as well as any other address which the owner has supplied to the Association for the purpose of receipt of notices.

EXHIBIT A

Woodridge HOA letterhead (if available)

Date

Name

Address

RE: Violation of Rules and Regulations

Dear Sir or Madam \_\_\_\_\_:

This letter is being written on behalf of the WOODRIGE MUTUAL WATER AND PROPERTY OWNERS CORPORATION, at the directive of the Board of Directors.

We have received a complaint and conducted an inspection of your property/ we conducted a routine inspection at your property. The following violations were identified:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

These above mention violations violate Section \_\_\_\_\_ of the (Governing Documents or (Covenants, Conditions, and Restrictions) or regulationn which prohibit \_\_\_\_\_.

Please make the necessary changes by \_\_\_\_\_ (date within 10 days of this letter). Failure to comply will result I a fine of \$\_\_\_\_\_.

Your cooperation is greatly appreciated in order to have a safe and beautiful community for you and your neighbors.

Should you have any concerns regarding the violation, we are ready to schedule a hearing at the HOA Board's earliest convenience. If you have any further questions or concerns please do not hesitate to contact the HOA management team at \_\_\_\_\_.

Thank you for your help in maintaining Woodridge Lake Estates a beautiful community.

Sincerely,

HOA Board member