

BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION RULES AND REGULATIONS COMPLIANCE PROCEDURE

WHEREAS, Article IV of the Declaration creating Brookside Estates Homeowners Association provides for a Board who shall manage business, operation, and affairs of the property; and

WHEREAS, Article IV, Section 5 of the Declaration gives the Board the duty to adopt and amend as well as enforce compliance with the rules and regulations; and

WHEREAS, the Board has adopted and expects to continue to adopt or amend rules and regulations pursuant to the provisions of its legal documents; and

WHEREAS, Section [5302 of the Pennsylvania Uniform Planned Community Act] gives the Board the power to impose fines for violations of rules and regulations; and

WHEREAS, the Board has determined that more specific procedures should be outlined to enforce Association rules and regulations,

Be it therefore resolved that:

- 1.) A complaint regarding a rules and regulations violation must be received in writing by Management. The written complaint must be signed and provide adequate information regarding the date, time, and location as well as the nature of the violation in order for Management to take action. Whenever possible, confidentiality will be maintained. Additionally, violations which are observed by an Association representative will also be processed as a violation complaint.
- 2.) When a violation is noted, a warning letter will be sent to the Owner describing the violation and, a date by which the violation must be corrected. A copy of this Compliance Procedure Resolution will be included. The Owner will be further advised that should the violation continue, the Board may impose a Rules Violation fine after giving the Owner an opportunity for a hearing. All appeals for a hearing must be received in writing by Certified Mail to Management within ten (10) business days from receipt of the initial notice.
- 3.) Owners who lease their home are responsible for their Tenants' actions and any resulting fines. If there is a Tenant, a copy of the violation letter will be sent to the Tenant as well as the Owner.
- 4.) Should the violation continue or reoccur after the date specified in the first letter a fine of not less than \$25.00 will be imposed. Such notice will be sent by Certified Mail with Return Receipt Requested. A time period of ten (10) business days will be given to bring the violation into compliance, in order to avoid continuing fines as defined in paragraph seven (7). The Owner has an opportunity for a hearing with the Board if the hearing request is received in writing by Certified Mail to Management within ten (10) business days of the date of the letter notifying the Owner of the rules violation and fine.

- 5.) Upon receipt of an appeal for a hearing the Board will have thirty (30) days within which to set a hearing date; providing the unit owner a minimum of 5 days notice as to the date, time, and location of the hearing.
- 6.) Any decision of the Board following a violation hearing shall be final.
- 7.) Any fine imposed in accordance with this Compliance Procedure Resolution shall constitute an assessment which is collectable in the same manner as provided for the collection of all other assessments. Accordingly, all legal fees, interest, court costs, and other fees incurred in the collection of a fine shall be the responsibility of the Owner.
- 8.) Continuing violations of the same rule or regulation will subject the Owner to continuing fines that will accumulate at a rate of \$5.00 per day until all fines have been paid in full and the violation has been corrected.
- 9.) If the violation and fines continue to persist for a period of ten (10) business days after mailing of the fine notice, the matter may be turned over to the association's legal counsel.

This Resolution was adopted by the Board on July 20, 2006 and replaces an earlier Resolution adopted on March 17, 2004.

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