

**VICTORIA ESTATES ASSOCIATION**  
**MONETARY PENALTIES FOR RULES VIOLATIONS**

**Adopted: October 8, 2014**

**Effective: October 8, 2014**

Monetary penalties for violation of the CC&R's, Bylaws, and rules of the Association shall be imposed uniformly according to the procedures set forth as follows:

**SEQUENCE OF NOTICES AND MONETARY PENALTIES (See Page two for Appeal Process)**

Written notice will be sent to the homeowner at the mailing address as it appears on the records of the Association at the time of notice. The **FIRST NOTICE** shall be a violation letter with no monetary penalty imposed and shall give the owner a stated time to comply. The notice shall include:

1. The date of the violation and the provision of the community documents that has been allegedly violated.
2. A date for correction of the violation.
3. The fact that a monetary penalty may be imposed for repeat violation of the same rule as determined by the Board or Architectural committee.
4. The process to appeal (contest) the violation.

If the violation is not corrected within the given date or if the same violation reoccurs within ninety (90) days of the first written notice, a **SECOND NOTICE** will be sent. The second notice shall include:

1. The date of the violation and the provision of the community documents that has been allegedly violated.
2. The fact that a monetary penalty of \$50 will be imposed without further notice on a specific date.
3. The manner in which the owner will be provided with an opportunity to be heard with respect to the violation and/or the monetary penalty.

If the violation is not corrected within the given date or if the same violation reoccurs within ninety (90) days of the previous written notice(s), a **THIRD NOTICE** will be sent. The third notice shall include:

1. The date of the violation and the provision of the community documents that has been allegedly violated.
2. The fact that a monetary penalty of \$100 will be imposed without further notice on a specific date.
3. The manner in which the owner will be provided with an opportunity to be heard with respect to the violation and/or the monetary penalty.

If the violation is not corrected within the given date or if the same violation reoccurs within ninety (90) days of the previous written notice(s), a **FOURTH NOTICE** will be sent. The fourth notice shall include:

1. The date of the violation and the provision of the community documents that has been allegedly violated.
2. The fact that a monetary penalty of \$150 will be imposed without further notice on a specific date.
3. The manner in which the owner will be provided with an opportunity to be heard with respect to the violation and/or the monetary penalty.

If the violation is not corrected within the given date of the previous notice(s) or if the same violation reoccurs within ninety (90) days of the previously written notices, a **FIFTH AND SUBSEQUENT NOTICE(S)** will be sent. The fifth notice shall include:

1. The date of the violation and the provision of the community documents that has been allegedly violated.
2. The fact that a monetary penalty of an additional \$250 will be imposed without further notice on a specific date.
3. The manner in which the owner will be provided with an opportunity to be heard with respect to the violation and/or the monetary penalty.

**APPEAL PROCESS (applicable for all notices)**

The owner will be provided an opportunity to discuss notices and monetary penalties to be imposed in one of two ways:

1. Within ten (10) business days following the date of the notice, the owner may appeal the monetary penalty in writing to the Board, and/or;
2. Within ten (10) business days following the date of the notice, the owner may appeal the monetary penalty in person at a Board meeting if one is scheduled during that period.
3. If the owner does not respond as above, it will be deemed that the owner has waived his/her opportunity to be heard and to contest the violation and monetary penalty as set forth above.

**PLEASE BE ADVISED**

When an owner appeals, the Board will assess the problem and determine whether to levy the monetary penalty. The owner will be notified of the Board's decision and date of required compliance. If the violation is not in compliance by the last given date, the case may be referred to an attorney for corrective action through legal means. In accordance with the CC&R's, legal costs incurred will be borne by the owner.

**EXCEPTIONS TO ESCALATING MONETARY PENALTIES**

The following violation shall be enforced as per the above policy; however the monetary penalty shall remain at \$50 per occurrence:

- Leaving trash/recycle cans out.
- Leaving basketball hoops and sports equipment out.
- Fluid stains on driveways.
- Setting bulk trash out too early (more than 3 days prior to pick up).

**MONETARY PENALTY SUMMARY**

**NOTE: If at any time the Board determines that the homeowner has no intention of complying, the Board may exercise its option to pursue corrective action through legal means. In that case:**

1. The owner will be advised that legal actions, through the Board's attorney, have been started to seek compliance.
  2. That any further discussion about the violation is to be undertaken with the attorney.
  3. That, in accordance with the CC&R's, legal costs incurred will be borne by the owner.
- First Violation – a courtesy letter with no monetary penalty imposed will be sent
  - Second Violation – a monetary penalty of \$50.00 will be assessed if the violation has not been corrected within the given date stated on the first violation notice or if the violation re-occurs within a 90-day period.
  - Third Violation – a monetary penalty of \$100.00 will be assessed if the violation has not been corrected within the given date stated on the previous (second) notice or if it re-occurs within a 90-day period.
  - Fourth Violation – a monetary penalty of \$150.00 will be assessed if the violation has not been corrected within the given date stated on the previous (third) notice or if it re-occurs within a 90-day period.
  - Fifth Violation – a monetary penalty of \$250.00 will be assessed if the violation has not been corrected within the given date stated on the previous (fourth) notice or if it re-occurs within a 90-day period.
  - All violations past the fifth notice shall be a \$250.00 monetary penalty.
  - Any modification to the dwelling or the landscaping without prior approval by the architectural committee is considered a violation and will result in a monetary penalty in accordance with this policy.
  - Trash and recycle bins must be stored away from view. A monetary penalty may be imposed the morning after the day of pickup.