

**THE CAREFREE MOUNTAIN ESTATES COMMUNITY ASSOCIATION**  
**REVISED FINE POLICY AND APPEAL PROCESS**  
**Effective February 1, 2019**

**FINE POLICY**

Pursuant to the Declaration, the Association shall have the right to adopt a schedule of fines for violation of any provision of the Governing Documents. The following Fine Policy and Appeal Process shall be followed for The Carefree Mountain Estates Community Association:

**FINE STRUCTURE FOR:**

**ANY RENTALS FOR LESS THAN 30 DAYS**

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days - **NO FINE**.

**SECOND NOTICE:** If violation still exists fourteen (14) days after the initial notice of violation, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$5,000.00 FINE** will be assessed with the second notice of violation and is due immediately.

**THIRD NOTICE:** If violation still exists fourteen (14) days after the second notice of violation, a third notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$5,000.00 FINE** will be assessed with the third notice of violation and is due immediately.

**CONTINUING VIOLATIONS:** If the violation continues without resolution after the fourth notice of violation, the Board of Directors shall take legal action, the cost of which shall be invoiced to the Owner and collected in the same manner as assessments.

**FINES:** No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to correct the violation within fourteen (14) days or ***another occurrence of the same violation within three (3) months*** of the original violation shall make the Owner ***subject to imposition of a fine***. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under the Declaration.

**FOR ALL OTHER VIOLATIONS** including but not limited to trash can violations, vehicle parking on the street overnight, trailers, boats, campers, RVs parked on the lot.

**FIRST NOTICE:** An initial notice of the violation shall be mailed to the Owner requesting compliance within fourteen (14) days - **NO FINE**.

**SECOND NOTICE:** If violation still exists fourteen (14) days after the initial notice of violation, a second notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **250.00 FINE** will be assessed with the second notice of violation and is due immediately.

**THIRD NOTICE:** If violation still exists fourteen (14) days after the second notice of violation, a third notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$500.00 FINE** will be assessed with the third notice of violation and is due immediately.

**FOURTH NOTICE:** If violation still exists fourteen (14) days after the third notice of violation, a fourth notice requesting compliance within fourteen (14) days shall be mailed to the Owner. A **\$1000.00 FINE** will be assessed with the fourth notice of violation and is due immediately.

**CONTINUING VIOLATIONS:** If the violation continues without resolution after the fourth notice of violation, a **FINE of \$1000.00** shall be assessed **every fourteen (14) days** until the violation is resolved. In addition, the Board of Directors shall have the right to remedy the violation and/or take legal action, the cost of which shall be invoiced to the Owner and collected in the same manner as assessments.

**FINES:** No fine shall be imposed without first providing a written warning to the Owner describing the violation and stating that failure to correct the violation within fourteen (14) days or **another occurrence of the same violation within three (3) months** of the original violation shall make the Owner **subject to imposition of a fine**. Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under the Declaration.

**SELF HELP:** Pursuant to Article 9.19 of the Declaration, The Community Association or its authorized agents may enter any Lot in which a violation of this Community Declaration, the Articles, Bylaws, Community Design Guidelines or Community Association Rules, exists and may correct such violation at the expense of the Owner of such Lot. Such expenses, and such fines as may be imposed pursuant to the Bylaws, or Community Association Rules shall be a Special Assessment secured by a lien upon such Lot enforceable in accordance with the provisions of Section 4 of the Declaration. All remedies available at law or equity shall be available in the event of any breach by any Owner, Member, Occupant or other Person of any provision of Section 9 of the Declaration.

**Notwithstanding the foregoing, the Board of Directors reserves the right to seek Injunctive Relief at anytime regardless of the presence or absence of notices hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion constitutes a material danger to persons or property or requires immediate action for any other substantial reason.**

**The Board of Directors reserves the right to take any action permitted by law or the Declaration, in addition to the above mentioned fine policy.**

## **APPEAL PROCESS**

- When a violation notice is sent to an Owner, such notice shall include a statement notifying the Owner that he/she has the "RIGHT OF APPEAL."
- When an Owner desires to appeal a violation, he/she must so notify the Management Company in writing within ten (10) days after the date of the violation notice.
- Appeals shall demonstrate **extenuating circumstances** which require deviation from the Governing Documents.
- All decisions of the Board are final and may not be further appealed.
- Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered **DENIED**.
- The Owner appealing the violation will be given written notice that the appeal has been received and it will be reviewed by the Board.
- If the appeal is denied, the Owner must bring the violation into compliance within ten (10) days. If the violation still exists after ten (10) days, the Owner will be fined \$150.00 every ten (10) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as assessments.