

APPENDIX A

PENALTY SCHEDULE

I. Standard Penalties

For purposes of determining what constitutes an “offense” under the penalty schedule, an offense is defined as an act or omission that violates the Committee’s rules. Each rule violation is assigned a penalty category in the Committee’s rules.

In the event that a particular offense occurs independently on more than one occasion within a two-year period, these repeat offenses will be treated as the second, third or subsequent offense and the penalty schedule prescribes a higher penalty. The two-year limitation on higher penalties for subsequent, repeat violations runs from the date of the first offense. Repeat offenses are different from an offense that is “on-going and uncorrected” as described in Sections II and IV.

Category 1:

\$100 first offense;

\$200 for second offense;

\$400 for each subsequent offense.

Category 1 violations include all rules enforced by the Home Maintenance Committee, unless the violation is specifically assigned to a different category in the Committee’s rules.

Category 2:

\$200 first offense;

\$400 for the second offense;

\$800 for each subsequent offense.

Category 3:

\$500 for first offense;

\$1,000 for second offense;

\$2,000 for each subsequent offense.

II. Legal Action

The Association may seek legal remedies at any time. When a violation is on-going and uncorrected for three 30-day periods or the total amount of fines unpaid by their due dates is \$3,000, whichever occurs first, the Association will pursue appropriate and available legal actions against the Member.

III. Reasons for Mitigating the Standard Fine

The Member may have the standard penalty reduced for good cause. For mitigation of the penalty for good cause, the Member must show the violation occurred because of unavoidable or excusable circumstances that were reasonably beyond the violator’s control. Examples of good cause include prolonged illness or hospitalization or other substantial reasons that reasonably prevented the violator from correcting the violation.

The fine also will be mitigated if the Member corrects the violation prior to the Committee’s decision regarding the NOV. Except regarding a Category 3 violation, no fine will be imposed for the first violation committed by the member, if it is corrected before the Committee’s decision. A penalty will be imposed for subsequent violations.

IV. Reasons for Aggravating the Standard Fine

Additional penalties will be assessed for on-going violations that are not corrected by the responsible Member as required by the Committee's rules. The penalty may be assessed every 30 days, with notice and opportunity for hearing, until the on-going violation is corrected.

A Member's enjoyment rights regarding the clubhouse and common property may be suspended for thirty days if a violation is not corrected as required by the Committee's rules.