

SOLERA OAK VALLEY GREENS ASSOCIATION

Enforcement Policy and Violation Procedures

The following ~~procedure will apply~~ to all violations and infractions of the Solera Oak Valley Greens Association's governing documents. Owners may report violations to the Board of Directors ("Board") by submitting to Management a written notice describing the violation. The Board or its agents may also note any violation discovered during any inspections or by personal knowledge of any of the Board members or representatives.

At the time a violation is noted or reported, the ~~Association Board~~ will take the following actions:

1. The ~~Association Board~~ shall send a courtesy notice to the Owner, unless circumstances warrant a courtesy notice to be foregone and a violation notice sent. The courtesy notice will contain a description of the violation, instructions for the Owner's response to the courtesy notice, instructions regarding the Owner's correction of the violation, and a request for the Owner to correct the violation within 14 days of the date of the courtesy notice.

2. If the violation continues without correction, or recurs repeated, or if the Owner's response to the courtesy notice is otherwise unsatisfactory, the ~~Association Board~~ will send a second notice of the violation. The second notice will notify the Owner that discipline may be imposed if the Owner does not correct the violation within 14 days of the date of the second notice.

3. If the violation continues without correction, recurs, or is repeated, or if the response is otherwise unsatisfactory after the second notice, the ~~Association Board~~ will send the Owner a disciplinary hearing notice. The disciplinary hearing notice will include the nature of the alleged violation, the date, time, and location of the hearing, and a statement that the Member may has the right to attend the disciplinary hearing and may address the Board at the hearing. The disciplinary hearing notice shall be delivered either by first-class mail or personal delivery, and shall be delivered at least 10 days, but no more than 30 days, prior to the date of the hearing before the Board. If the Owner requests a postponement the Board may at its sole and absolute discretion proceed as scheduled or may continue the hearing to accommodate the Owner. The Board shall meet in executive session for the disciplinary hearing if requested to do so by the Owner/member being disciplined. The Owner may bring witnesses or documents to the hearing, but may not bring legal counsel or other advisor. The Board or appointed committee shall give fair consideration of the Owner's oral or written testimony in determining whether to impose a penalty.

4. An Owner may choose to submit a written response to the hearing rather than appearing in person. At the hearing, the Board may allow a reasonable time for the Owner to speak to the Board. The Owner may not review the complaint of any other Owner and the Board shall to the extent possible protect the anonymity of other complaining Owners. If the Owner brings documents, they shall bring six copies. shall allow the Owner to present evidence and testimony as reasonable under the circumstances. The Owner will be excused from the hearing after presenting their position, and the Board will then deliberate regarding the alleged violation. If the Board concludes that the alleged violation occurred, the Board may impose monetary penalties, temporarily suspend membership rights, including ~~voting and~~ common area privileges, for a period not to exceed 30 days, or take any other disciplinary action permitted by its governing documents.

5. If the Board imposes discipline on a Member, the Board shall provide the Member with written notification of the disciplinary action, either by first-class mail, electronic mail if the Owner has consented to electronic communication, -or personal delivery, within 15 days following the action. ~~The discipline the Board imposes shall be effective beginning 5 days following hearing date.~~

~~6.~~ If the violation is of a continuing and uninterrupted nature, the Board may impose a daily or monthly fine to be imposed from the effective date of the fine until the violation is corrected. These types of fines are generally imposed for architectural violations, but may be imposed for any violation that is continuing and uninterrupted.

7. If the violation continues or is repeated, or if other circumstances warrant, the Board may in its sole and absolute discretion ~~also~~ refer the matter to the Association’s legal counsel. If required by Civil Code sections 5905 or 5925, the Board will offer mediation as a form of alternative dispute resolution. Should the Association pursue legal action against any Owner to enforce the governing documents, it shall also pursue the recovery of attorney fees against the Owner in addition to other relief requested. ~~If the Board files a lawsuit to compel the Owner’s compliance with the Association’s governing documents, the Owner may be liable for the Association’s legal fees and costs.~~

8. The Association may take more action regarding serious violations or violations that present a hazard to person or property, and may omit courtesy notices and proceed to hearing or legal action in the Board’s sole discretion. If the circumstances warrant, the Board at any time may in its sole and absolute discretion refer a violation matter to Association legal counsel for review and action.

~~89.~~ Notwithstanding the foregoing, under circumstances involving conduct that constitutes: (a) an immediate and unreasonable threat to, or infringement of, the health, safety, or quiet enjoyment of neighboring Owners; (b) a traffic or fire hazard, (c) a threat of material damage to, or destruction of, the Common Area; or (d) a violation of the Governing Documents that is of such a nature that there is no reasonable dispute regarding the identity of the violator or whether a violation has occurred (i.e. parking violations), the Board or its agents may contact the appropriate authorities if the conduct violates any law or government regulation, undertake immediate corrective or disciplinary action, and conduct a hearing as soon thereafter as reasonably possible, if either (a) requested by the offending Owner within 5 days following the Associations actions, or (b) on the Board’s own initiative.

SOLERA OAK VALLEY GREENS ASSOCIATION

FINE SCHEDULE

The following schedule of fines shall apply where the Board ~~of Directors~~ finds a violation of the Association’s governing documents (i.e., the Association’s CC&R’s, Bylaws, or Community Rules) has occurred and, in its sole and absolute discretion, decides after hearing ~~determines~~ to impose a fine against an Owner(s):

Hazardous Activity ¹	\$100.00
---------------------------------	----------

¹ A “hazardous activity” is any activity that could cause or threaten serious harm to persons or property, ~~including, but not limited to, threats of physical violence by persons and/or their animals, dog bites, and in progress, unauthorized architectural modifications~~. The Board is not required to provide an owner with a courtesy notice for violations involving a hazardous activity.

Use Restrictions	\$100.00
Vehicle and Parking Restrictions	\$100.00
Any violation of Solera’s CC&R’s, Bylaws, or Rules and Regulations not specifically mentioned.	\$100.00
Unauthorized improvements to an Owner’s Lot	\$100.00

Any fines levied shall be in addition to any Special Individual Assessment levied pursuant to Solera’s CC&R’s. Fines for first time violations shall be \$100.00, fines for the second occurrence of the same violations will be increased to \$200.00, and fines for any third or subsequent occurrence of the same violations will be increased to \$300.00.

Continuous and Ongoing

Persistent, Continuing, and Uninterrupted Violations²

The Board may levy a fine of \$10.00 per day for any violation of Solera’s governing documents that is persistent, continuing, and uninterrupted in nature for each and every day that the violation persists.

Before imposing such daily fines, the Board shall provide the Owner with notice of the violation and call the Owner to a hearing as stated above in the “Enforcement Policy and Violation Procedures.” The hearing notice will state that the Board may levy daily fines if the violation is not cured by a specified date. At the hearing, the Board may provide the Owner with an additional time frame within which the violation must be cured and notice that if the violation is not cured within the stated time frame, the Board will impose the daily fines without further notice and a hearing. The Board may also levy a fine for the violation in accordance with the above-stated fine schedule.

If the Owner fails to attend the noticed hearing, the notice contained in the hearing notice and the post-hearing notice confirming the disciplinary action taken, including the Board’s intent to impose daily assessments, shall be sufficient.

The fines listed in the above fine schedule are the maximum fine amounts that may be levied per violation. These amounts are in addition to any Special Individual Assessment imposed on an Owner to reimburse the Association for actual costs, damages, or expenses incurred by the Association in gaining an Owner’s compliance with Solera’s governing documents and/or repairing or replacing property or improvements damaged, destroyed, or lost as a result of any such violation. The Board, in its sole discretion if it finds the circumstances surrounding a particular violation warrant, may impose a fine in an amount less than the maximum fine for a violation.

SUSPENSION OF MEMBERSHIP PRIVILEGES ~~POLICY~~

The Board may suspend the membership privileges of any Owner who is delinquent in the payment of assessments in an amount equal to one month’s regular assessments. Such suspension shall be lifted once the Owner brings his/her account current (i.e., pays all delinquent assessments, as well as

² A “persistent, continuing, and uninterrupted violation” is an ongoing, rather than repetitive, violation.

all related late charges, interest, and collection costs). The Board may also temporarily suspend the membership privileges of any Owner for a period of up to 30 days for any other violation of Solera's governing documents.

No suspension of membership privileges shall be imposed until the Owner has been provided with a noticed hearing pursuant to the Association's Enforcement Policy and Violation Procedures.

~~An Owner may not vote on Association matters or run for the Association's Board of Directors during any period in which his/her membership privileges are suspended. Additionally, n~~Neither the Owner nor his/her family members, tenants, other occupants or guests may use the Association's amenities or recreational facilities, including, without limitation, the pool, clubhouse, activity courts, etc., during any period in which the Owner's membership privileges are suspended. During the period of suspension of membership privileges RFID access will also be suspended, and residents of a suspended Lot will use visitor access to enter the community.

If the Owner's membership privileges are suspended for any violation of the governing documents other than the non-payment of assessments, he/she may be assessed the actual cost to the Association of administering the suspension.

APPROVAL AND ADOPTION

This Enforcement Policy and Violations Procedures, Fine Schedule, and Suspension of Membership Privileges Policy were duly approved and adopted at a meeting of the Board of Directors of Solera Oak Valley Greens Association held on ~~June 17, 2015.~~ _____, 2022.