

AMERICAN MEADOWS CONDOMINIUM ASSOCIATION  
**House Rule (HR) 2017 08 06 Due Process**

**I. Collection Fees and Costs**

**Unit Owner responsibility For collection Fees and Costs:** When the Association incurs fees such as collection agency fees, legal fees or other costs in the course of collecting delinquent fees, dues, assessments, fines, legal fees; or other amounts owed to the Association by a unit owner these costs will be assessed the owner and added to the account balance owed by that owner. If an owner contests any assessment by the Association, including but not limited to, dues, special assessments, fines, costs, legal fees and costs, late fees, interest charges or other assessments and does not pay the assessments at the time the owner is notified of them, they shall be deemed delinquent and late charges and/or interest shall be charged on them in the same manner and amount as on late dues payments.

**II. Enforcement of Rules**

**1. Complaint and Notification or Violation Procedures**

**A. Complaints Alleging a Violation or Association Rules:** The Association may initiate an action to enforce Association rules when it has adequate reason to believe a violation is occurring or has occurred. Adequate reason is:

1. A written complaint alleging the commission of acts which are in violation of the rules of the Association as promulgated in the Declaration, Bylaws and House Rules of the Association. Complaints must refer to specific incidents and must state times and locations where the violations occurred. Complaints must be signed and complainants are witnesses for the Association in hearings on their complaints. When a complainant is called as a witness, failure or refusal to come to the hearing or give testimony is a violation of Association rules subject to fines equal to the maximum fine the respondent in the hearing was subject to.
2. Verbal complaints without written back-up or documentation are not adequate grounds to initiate a notice of violation.
3. A verbal report of a violation by the manager is grounds for the initiation of a Notice Of Violation in that the manager's written complaint will be incorporated as part of the Notice of Violation itself.

4. The Board may issue a Notice of Violation on its direction when the Board itself is a witness to the violation.

## 2. Fines and Penalties

**A. When Fines May be Assessed:** When the Board finds that an act in violation of the Declarations, By-laws or House Rules of the Association results from the actions of an owner, tenant or invitee of an owner or tenant in American Meadows Condominiums a fine may be levied against the unit and its owner. The owner is responsible for correcting the violation and paying all costs arising from the violation including fines.

**B. Obligation to Pay Fines:** If a unit owner requires that tenants pay, or reimburse the owner, for fines incurred as a result of acts of the tenants or their guests that agreement or requirement is between the owner and the tenant and in no way alters or changes the owner's obligation to pay fines to the Association except that if a tenant pays a fine directly to the Association, the owner's obligation to pay the fine is satisfied.

### C. Penalties:

**1. Fines:** The fine for a first violation is \$50. The fine for a second like violation or continued violation is \$100 for each violation. In the case of an ongoing (continuing) violation, fines may be determined the number of acts committed or by assessing a fine for each interval of time the violation continues or is not corrected.

**2. Suspension of Common Area (outside) Parking Privileges:** If residents, guests or invitees of a unit repeatedly violate parking rules including parking pass provisions the right or privilege of that unit (residents or invitees of the unit, other than contractors performing work on the unit) may be ordered suspended for a period of time determined by the Executive Board. Violation of a suspension order may incur fines and/or increased suspension time.

**D. Failure of Owner To Correct Violation:** If an owner fails to correct a violation or perform repairs needed because of a violation or when the Board, in its discretion, determines that it is in the best interest of the Association, the Association may take any action necessary to correct the violation or repair damages from the violation and charge the costs of its actions to the owner.

**E. Authority of Board to Mitigate Penalties:** The Board may, in its discretion, waive, modify or otherwise compromise fines levied, without prejudice to other fine levies against the same or different individuals.

## 3. Hearing Procedures

**A. Authority:** Pursuant to Article II, Section 2 (f), of the Association Bylaws, the Board of

Directors of American Meadows Condominium Association is required to enforce provisions of law, the bylaws of the Association, the covenants, conditions and restrictions applicable to the Association, and the rules and regulations adopted by the Board.

**B. Notification of Violation:** An enforcement action is begun by the issuance of written statement of the violation (Notice of Violation) by the Board, specifying the rule or regulation violated. A copy of the Notice of Violation shall be delivered to the unit owner deemed responsible for the violation at the last address registered with the Association. Delivery or attempted delivery to the owner at the last registered address shall be deemed adequate notice to the owner. Owners are required to keep a valid contact address on file with the Association.

**C. Notice of Defense**

1. Within fifteen (15) days after delivery or adequate attempted delivery of the Notice of Violation upon the unit owner, the unit owner may file with the Board a written notice of defense. In the notice of defense, the unit owner may:

(a) request a hearing;

(b) object to the Notice of Violation on the grounds that it does not state a violation of a rule or regulation, or, that the Notice of Violation is so vaguely worded that the unit owner cannot identify what is being complained about or prepare a defense; or

(c) admit the Notice of Violation in whole or in part.

2. The unit owner is entitled to a contested hearing before the Board if the unit owner, within the required fifteen (15) days, files a written notice of defense. If a notice of defense is not timely filed, or if the unit owner does not appear at the scheduled hearing, the Board may hold an uncontested hearing on the Notice of Violation and take action on the Notice of Violation without further notice to the unit owner. If a notice of defense is timely filed by the unit owner, the Board shall schedule a hearing on the Notice of Violation within 60 days of the Board's receipt of the written notice of defense and provide the unit owner with notice of when and where the hearing will be held.

**D. Evidence** The Board shall decide the matter(s) raised in the Notice of Violation by using a standard known as the preponderance of evidence. Technical rules of evidence shall not apply. Relevant evidence shall be received by the Board if it is the sort of evidence upon which responsible persons are accustomed to relying upon in the conduct of serious matters. Irrelevant and unduly repetitious evidence shall be excluded at the hearing.

**E. Conduct of Hearing.**

1. Hearing Panel: The Board shall determine how the hearing will be heard. The Board may elect to: a) have a hearing officer, appointed by the Board, hold the hearing and submit findings, conclusions and recommendations to the Board for adoption;

b) delegate a sub-committee made up of one or more members of the Board, to hold the hearing and submit findings, conclusions and recommendations to the Board for adoption; or

c) hold the hearing itself, with or without using a hearing officer to direct the procedure. If the hearing is held by other than the full Board (i.e. a quorum of the Board) the Board may adopt, reject or modify the recommendations of the hearing body. The Board may reduce recommended penalties in any way it sees fit. The Board may increase penalties only to the limits specified in the Association rules for violations found and supported in the hearing panel's findings.

2. The case against the unit owner shall be presented first. The unit owner shall have the right to question each witness after the witness has given his or her testimony. Upon completion of the evidence in support of the Notice of Violation, the unit owner shall have the right to testify and to call any witnesses with relevant knowledge about the pertinent facts, each of whom shall be subject to questioning by the Board and/or the Board's designee.

3. Rebuttal evidence may be received if such evidence rebuts evidence presented in the opposing party's case.

ADOPTED by the Board of Directors of American Meadows Condominium Association this 6th day of August 2017. HR 2013 03 01 is hereby repealed.

President

American Meadows Condominium Association