

## PELICAN BAY ESTATES ASSOCIATION

### FINE SCHEDULE RESOLUTION

**WHEREAS**, the Pelican Bay Estates Homeowners Association Declaration of Covenants, Conditions and Restrictions has a general monetary fine provision in Article XIII Enforcement Remedies, Section 13.3 Monetary Penalty:

The Project Association or Project Board may impose upon an Owner a monetary penalty in an amount not to exceed fifty dollars (\$50.00) for each violation. If unpaid upon reasonable demand, the Project Association or Project Board may levy an Enforcement Assessment against said Owner pursuant to Article VIII of the Declaration.

**WHEREAS**, the State of California has added to the Civil Code Section 1363(i) requiring associations which impose or intend to impose monetary fines to adopt and distribute each year a schedule of monetary penalties that may be assessed for violations. Distribution must be by personal delivery or first class mail.

**THEREFORE, LET IT BE RESOLVED**, that the Pelican Bay Estates Owners Association schedule of fines is as follows:

- 1. For all violations not corrected within 30 days of notification of the violation pursuant to the Pelican Bay Estates CC&Rs Enforcement Procedures, the Board will assess the owner's account \$50.00**
2. After the opportunity for a hearing before the Board has been provided to the owner, the fine will be **added** to the owner's account, along with any other penalties deemed warranted by the Board, if:
  - a. Owner was not in attendance at the scheduled hearing and did not request a rescheduled hearing pursuant to the Pelican Bay Enforcement Procedures not inform the Board, in writing, that the violation has been corrected; or,
  - b. It was determined, by the Board, upon the conclusion of the Hearing that the owner did not show good cause as to why they feel they were not in violation.
3. Continuing violations (violations not corrected within 30 days) will be deemed a "continuing violation" and subject to additional fines every 30-day period.
4. For all violations relating to the installation and/or maintenance of landscape or other real property not corrected within 30 days of notification to the homeowner and after a hearing has been held, the Board has the option to levy a single Benefit Project Assessment equal to the Association's cost of correction, plus a 15% Administrative Fee. A late fee will be charged on the payment demand of the unpaid balance after 30 days at an annual rate of 10%.