

Resolution

Maple Court Home Owners' Association, Inc.

ADMINISTRATIVE RESOLUTION NUMBER: 2009-11

Relating to Rules Enforcement Procedures

WHEREAS, the Association has Articles of Incorporation, a Declaration, Bylaws, and Rules and Regulations; and

WHEREAS, Section 6 of the Articles of Incorporation of the Maple Court Home Owners' Association, Inc. ("Association") states that the activities, property and affairs of the Association shall be managed by a Board of Directors, as provided from time to time in the bylaws of the Association; and

WHEREAS, Section 2(a) of the Articles of Incorporation states that the Association shall fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; and

WHEREAS, Article VII Section 1(a) of the By-laws of Maple Court Home Owners' Association, Inc. ("Bylaws") assigns the Board of Directors the power to adopt and publish rules and regulations governing the use of the Common Areas and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, Article VII Section 1(b) of the Bylaws assigns the Board of Directors the power to suspend the voting rights and right to use the residential facilities of a Member during any period in which such Member shall be default in the payment of any assessment levied by the Association and that such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of published rules and regulations; and

WHEREAS, Article VII Section 1(c) of the Bylaws states that the Board of Directors shall exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership the Association by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration; and

WHEREAS, the Board of Directors has determined it is necessary to create reasonable and uniform policies for the enforcement of the governing documents;

NOW, THEREFORE, BE IT RESOLVED that the Association will enforce said declaration, bylaws, and rules and regulations with the following procedure:

A. In order to begin the rules enforcement process, a person must state in writing to the Association Secretary, President, or Board of Directors any rule violation he or she wishes to complain about.

1. The person making the complaint must be identified in the letter.
2. The person making the complaint will be called to testify at all hearings.
3. Committees, as well as groups of owners or residents, may also bring complaints.

B. Upon receipt of an alleged rule violation letter stating the date and approximate time of the alleged violation, a notice will be sent to the alleged violator, stating the alleged violation and a time period during which the alleged violation may be abated without further sanction (not less than 7 days).

1. A copy of this notice will be sent to the person originating the complaint.
2. If the alleged violation persists past the 7 day grace period, a second letter must be sent by a complaining person (not necessarily the first individual who complained) alleging that the violation still exists.

C. After the receipt of two letters of complaint within the prescribed period, a hearing will be held.

1. A hearing notice will be sent to the alleged violator stating: the nature of the alleged violation, the action requested to cure the alleged violation, the time and place of a hearing, an invitation to attend the hearing and produce any statement, evidence or witness on his or her behalf, a statement that a sanction may be imposed, and the maximum amount of any sanction.
2. An invitation will also be sent to the person or persons originating the complaint, inviting them to the hearing in order to produce evidence to substantiate their complaint.

D. The board will hear testimony from both sides at the hearing and then excuse both parties and render a decision.

E. Should a fine be imposed on the alleged violator, standard collection action may be pursued which may take the form of court action for damages, collected as provided by law. It is also possible that standard collection action may include the filling of a lien on the residential lot for nonpayment of the fine along with reasonable attorney's fees, and ultimately foreclosure, if necessary.

F. Other sanctions that may be imposed on the violator by the Board of Directors include the suspension of voting rights and rights to use the recreational facilities.

G. In the case of non-owner-occupied properties, all residents and owners will be provided copies of all correspondence.

H. Revenues derived from violation fines will be directed to the Association's capital reserve account after payment of expenses, if any, related to any collection activities.

Maple Court Home Owners' Association, Inc.
RESOLUTION ACTION RECORD

Resolution Type: Policy _____ No. 2009-11 _____

Pertaining to: Rules Enforcement Procedures _____

Duly adopted at a meeting of the Board of Directors held: October 18, 2009 _____

Motion by: _____ Seconded by: _____

	VOTE: YES	NO	ABSTAIN	ABSENT
_____ Matthew J. Cook, President	_____	_____	_____	_____
_____ Michael Girard, Vice President	_____	_____	_____	_____
_____ Robert Hertel, Treasurer	_____	_____	_____	_____
_____ Deb Yurko, Secretary	_____	_____	_____	_____
_____ Jean Sablan, Member at Large	_____	_____	_____	_____

ATTEST:

Secretary

Date

FILE:

Book of Minutes – Year 2009

Book of Resolutions:

	Book No.	Page No.
Policy	_____	_____
Administrative	1 _____	_____
Special	_____	_____
General	_____	_____

Resolution effective date: December 1, 2009 _____