

RESOLUTION ADOPTING A FINES PROCEDURE FOR  
WHISPERING KNOBS CONDOMINIUM

WHEREAS, the board of directors of Whispering Knobs Condominium Association is entrusted with the authority to adopt rules and regulations for the operation of the condominium project pursuant to Article VI Section 9 of the Condominium Bylaws;

AND WHEREAS, Article XIX Section 4 of the Condominium Bylaws authorizes the imposition of fines for violation of the Condominium documents by adoption of rules and regulations governing same;

NOW, THEREFORE, the board of directors hereby adopts the following rules and regulations for the imposition of fines pursuant to the Sections cited above:

1. A proceeding for imposition of a fine shall be commenced by the filing with any member of the board of directors of a written complaint, on a form to be designated by the board of directors and signed by the person complaining, alleging the date and time of the violation, the name of the co-owner responsible, the address at which the violation took place, and a description of the alleged violation sufficient to demonstrate a likelihood that a violation of the condominium documents has actually occurred. Such written complaint may be filed by any member of the association or any board member or officer of the association.
2. Upon receipt of the complaint and at the next regularly scheduled meeting of the board, the board of directors shall review same to determine if sufficient facts are alleged in the complaint to demonstrate a likelihood that a violation of the condominium documents has occurred. If the board of directors believes that the complaint is not sufficient to demonstrate a likelihood that a violation has occurred, the board shall so notify the person making the complaint.
3. If the board of directors believes that the complaint demonstrates a likelihood that a violation has occurred, the board shall send written notice to the complainant and the co-owner allegedly responsible at the address designated pursuant to Article VIII Section 3 of the Condominium Bylaws pursuant to the method described in Article IX, Section 5 of the Condominium Bylaws. Such notice shall contain:
  - a. A copy of the written complaint
  - b. notice of a date, time, and place for a hearing at which the alleged violation shall be considered by the board of directors. The hearing date shall be not less than 7 days from the date of the notice.
  - c. Notice that the existence of a violation and the appropriateness of the imposition of a fine will be considered at the hearing, regardless of the participation or non-participation of the allegedly responsible co-owner in such hearing.
4. At such date, time, and place, the board of directors shall consider the complaint, any evidence submitted in its support, the response, and any evidence presented in its support, and determine whether or not to impose a fine. The decision of the board of

directors is final. No person has a right to an attorney at the hearing, or to an appeal. The state and /or federal rules of evidence do not apply to the hearing. No transcript need be kept of the hearing. In the absence of the allegedly responsible co-owner, the board of directors may, if appropriate, determine that a violation has occurred based upon the information contained in the written complaint without the necessity of additional evidence or testimony in support.

5. If the board of directors determines that no violation has occurred, notice of that determination shall be given to the allegedly responsible co-owner and to the person making the complaint.

6. If the board of directors determines that a violation of the condominium documents has occurred, the board of directors shall determine whether this is the first or subsequent violation, and if a subsequent violation, the number of the occurrence. The board of directors shall impose a fine as stated in Article XIX Section 4 of the Condominium bylaws. Notice of the imposition of the fine and its amount shall be mailed to the co-owner found to be responsible at the address designated pursuant to Article VIII, Section 3 of the Condominium Bylaws.

7. Each 24-hour period that a condition persists in violation of the condominium documents may be considered a separate violation; provided, however, that each such violation must be the subject of a separate complaint, notice, and hearing as provided above.

8. The co-owner found responsible shall remit the amount of the fine to the treasurer of the association within 10 days of the mailing of the notice provided by Section 6 above. Any fine remaining unpaid after that time shall be subject to collection as provided by Article XIX Section 4 of the Condominium Bylaws.

9. The board of directors may appoint a fines committee for the purpose of exercising the duties and responsibilities ascribed to the board in this fines procedure. One member of such committee must be a board member.

10. Nothing in this policy shall prohibit the Association from taking other action as permitted by law or the condominium documents for a violation of a provision of the condominium documents, either separately or concurrently

I certify that this resolution was duly adopted by the board of directors on the \_\_\_\_\_ day of June, 2000.

---

Secretary, Whispering Knobs  
Condominium Association