

Craneridge Association Violation Policy

I. DEFINITIONS

- A. The terms “Owner” and “Member” shall have the meanings as set forth within the Declaration of Covenants, Conditions and Restrictions (CC&R).
- B. “Violation” means a Member’s breach of duty or failure to abide by the CC&R or By-Laws. An Owner(s), or an Owner’s tenant, guest, invitee or licensee, non-compliance, disobedience, breach, failure to abide by, or other violation of the provisions of the Project Documents.

II. EFFECTIVE DATE AND NOTICE

- A. This policy is effective as of the day of signing and constitutes notice of the monetary penalties that may be imposed upon Members for violations of the CC&R or By-Laws. The Board of Directors has the right to modify this policy at any time, as well as, evaluate each violation on a case-by-case basis.
- B. Any hearings or fines that were held or imposed prior to the effective date are not waived as they were imposed and held pursuant to the current Association CC&R or By-Laws.
- C. The Board or its designated representative may give notice of a violation to a Member. Notice shall be deemed received if delivered by any of the following methods:
 - 1. Certified mail, return receipt requested
 - 2. Three (3) days after posting by regular first class mail
 - 3. Delivered in person.
- D. The Association is empowered to assess monetary penalties for violations of Association documents.

III. ARCHITECTURAL AND LOT USE VIOLATIONS

- A. The Board’s designated representative may file written complaints as a result of periodic inspections of the property. Complaints by members or residents regarding another member within the community shall prepare, date and sign a written complaint. Such written complaints will be verified by the management company or the Board prior to action taken by the below policy. The complaint shall set forth, in clear and concise language, the acts or omissions with which the member is being charged. Oral complaints that are unable to be verified shall be used for informational purposes only, and will not be acted upon.
- B. In the event of a safety or emergency violation of the CC&R or By-Laws, Steps III-C and III-D may be skipped and the offending Owner sent a Hearing Notice requesting their immediate meeting with the Board of Directors.
- C. **First Notice of Violation**
This notice is the first formal letter from the Board or its designated representative notifying the Member of a violation. The letter will state the violation that

occurred/exists, the approximate date(s) on which is occurred/existed, indicate that this policy is being invoked and state the requested remedy.

1. The Member will be given a number of days described in the fine schedule to comply or respond to the Board regarding the violation. If the violation is remedied, no further action will be taken.

D. Second Notice of Violation

This notice is the second formal letter from the Board or its designated representative notifying the Member of a violation that still exists past the First Notice of Violation letter. The letter will state the violation that occurred, the approximate date(s) on which it occurred, indicate that this policy is being invoked and state the requested remedy.

This Second Notice may be accompanied with an HOA Hearing Notice.

1. The Member will have the set number of days from the date of the Second Notice to comply or respond to the Board regarding the violation

E. HOA Hearing Notice

If no corrective action has been taken within the days set forth in the First Notice or for persistent violations, a Hearing Notice will be mailed to the Member. The Hearing Notice provides the Member an opportunity to be heard by the Board of Directors. The Hearing Notice will indicate the amount of fine that may be imposed, hearing date, time and location.

1. The amount of the fine shall be dependent upon the violation and frequency of violations if applicable.
2. The Notice of Hearing shall be served at least ten (10) days in advance of the Hearing date.
3. The Member may contact the Board of Directors in writing to state his/her position prior to the hearing date or may attend the hearing and produce any statements, evidence or witnesses on his/her behalf. If the Member does not attend or contact the Board, the hearing process will proceed in the Member's absence.

F. Persistent Violations

Three or more violations occurring during a one (1) year period for the same type of infraction is considered persistent.

1. For the first and second violations, steps III-C and III-D will be followed.
2. Upon the third and/or subsequent violations, a Hearing Notice will be sent to the Member.

G. Unresolved Violations

After 6 months, if a violation is still unresolved, the Board of Directors may double the fine every month until the violation is rectified.

IV. FINE COLLECTION

- A. In the event that a Hearing Notice is sent and the violation is corrected before the hearing commences, the owner may be assessed for costs incurred for the notice(s) sent at the time the violation existed.

- B. Fines may be repeated and may escalate in scope. Furthermore, the Board of Directors may turn this matter over to the Association's attorney for injunctive relief. Specifically, the Association has the right to file suit in Erie County Supreme Court and obtain a court order compelling an owner to remedy the violation or violations. In the event such suit is necessary, the Association will seek a judgment against the Owner for all attorneys' fees and costs associated with the violation or violations in question.

V. ASSESSMENT COLLECTION

- A. The following procedure describes the policy and process for imposing penalties for late payment of Association assessments. Assessments are collected annually. If the assessment is not received by the delinquency date, a late fee will be automatically assessed against the Member's account.
 - 1. Late Payment Letter:

A late payment letter will be sent the day following the delinquency date to inform the Member that the assessment due is late and a late fee has been assessed. The letter will also state that payment, including late fees, must be received within ten (10) days or a collection fee will be assessed to their account.
 - 2. Collection Letter: If the assessment remains unpaid ten (10) days from the date of the late payment letter, a Collection Notice will be sent to the Member. This notice indicates that the amount past due, including a late fee and a collection fee, must be received within ten (10) days or an Intent to Lien Notice will follow with an additional collection fee assessed to their account.
 - 3. Intent to Lien Letter: If the assessment and late fees remain unpaid ten (10) days from the date of the collection letter, an Intent to Lien letter is sent to the Member indicating a lien will be filed with the Erie County Clerk's Office for the past due amounts. The Member will have ten (10) days to respond or the lien will be filed with the Board of Directors authorization.
 - 4. Recording and Removal of Liens: Once a lien is recorded a filing fee will be assessed to the Member for the recording of the lien. If the Member brings the account current, there shall be a lien removal fee also assessed to the Member for removing the lien from the Erie County Clerk's Office public records.
 - 5. Attorney Action: Depending on the seriousness of the assessments left unpaid, the Board of Directors can seek legal counsel. Should the Association employ legal counsel to enforce collection of these unpaid amounts, any attorney's fees and costs the Association incurs will also become a lien against the Lot. The legal remedies may include, but are not limited to, foreclosure of the Association lien or personal judgment against the homeowner, or garnishment of wages.

Craneridge Association

Fine Schedule

1. Unauthorized signage.
 - a. First notice: Warning letter is sent. 5 Days are provided to enter compliance from the postmark date.
 - b. Second notice for same issue: \$50 fine. 25 Days are provided to enter compliance from postmark date.
 - c. All subsequent notices for same issue: \$100 fine (every 30 days).
 - d. After 6 months of non-resolution, the fine may double monthly until rectified
2. Architectural violations. Alterations and/or construction and/or hardscaping without approval.
 - a. First notice: Warning letter. 30 Days minimum given to take corrective actions from postmark date.
 - b. Second notice: \$50 fine. Additional 30 day minimum is given to take correction actions.
 - c. All subsequent notices for same issue: \$100 fine (every 30 days)
 - d. After 6 months of non-resolution, the fine may double monthly until rectified
 - e. Any changes made without approval, even if approval is ultimately given: \$50 late fee.
3. Maintenance violations. Unkempt property. This must be approved by a majority of the Board of Directors.
 - a. First notice: warning letter. 30 Days minimum given to take corrective actions from postmark date.
 - b. Second notice: \$50 fine. Additional 30 day minimum is given to take correction actions.
 - c. All subsequent notices for same issue: \$100 fine (every 30 days)
 - d. After 6 months of non-resolution, the fine may double monthly until rectified
4. Woodlands violations. Removal of trees over 5 inches in diameter measured at a point 4 feet above the ground without written approval.
 - a. \$250 fine and a tree with a minimum 1 ½" caliper must be planted in its place.
 - b. Any changes made without approval, even if approval is ultimately given: \$50 late fee.
5. Administrative. Fees related to late or non-payment of assessment and/or fines.
 - a. Late fees: 30 Day grace period from due date, collection and interest fees below apply.
 - b. Collection fees: \$10 applied on every late monthly statement.
 - c. Interest charge: 6% annual rate of total amount owed, compounded monthly.
 - d. Insufficient funds charge: \$50
6. All other minor violations (defined as remediable and only affecting the homeowner)
 - a. First notice: Warning letter. 30 Days minimum given to take corrective actions from postmark date.
 - b. Second notice: \$50 fine. Additional 30 day minimum is given to take correction actions.
 - c. All subsequent notices for same issue: \$100 fine (every 30 days)
 - d. After 6 months of non-resolution, the fine may double monthly until rectified
7. All other major violations (defined as affecting the safety and aesthetics of the community)
 - a. First notice: Warning letter. 30 Days minimum given to take corrective actions from postmark date.

- b. Second notice: \$100 fine. Additional 30 day minimum is given to take correction actions.
 - c. All subsequent notices for same issue: \$100 fine (every 30 days)
 - d. After 6 months of non-resolution, the fine may double monthly until rectified
- 8. Attorney Fees
 - a. Violators are responsible for any and all costs and fees that are incurred by the Association during the collection process.