



CC&R Fine Structure Process & Schedule

Violation, Investigation and Fines

The Washington statute R.C.W. 64.38.020(11), provides that an association can levy reasonable fines in accordance with a previously established scheduled adopted by the board of directors and furnished to the owners, for violations of the governing documents of the Association.

Notice of Violation

When a violation of the CC&R's is noted by the Vista Estates Homeowners Association (board or ACC member) a letter will be sent to the homeowner letting them know of the violation.

Process

1. A written notice of an alleged violation will be mailed to the applicable owners(s). Such notice shall provide the owner with 30 days from the date of the notice to do one of the following:
 - A. Correct the alleged violation; or
 - B. Contact the Vista Estates Homeowner's Association via email or USPS "Return Receipt" mail and negotiate a timeline for corrections; or
 - C. Request a hearing at the next scheduled HOA meeting. Meetings are not private; any homeowner can attend. Fines will continue to be assessed until the next meeting.
 - 1) At the hearing, the owner shall be given approximately 5-10 minutes to address the board and to present evidence in support of his or her position. Comments from other homeowners and board members are welcome.
 - 2) The board can choose to vote and decide on fines immediately or, discuss privately at the executive session following the meeting.
 - a) In the event that the Board rules against the homeowner, the homeowner shall have 10 (ten) calendar days from the date of the meeting to correct the violation. The existing fines will be due within the same 10-day period.
 - b) If the Board rules in favor of the homeowner, the fines shall be rescinded and a notation will be made in the record.
2. Intermittent violations are situations where a homeowner has been previously notified, has brought the violation into compliance but later violates the same CC&R. Some examples may be: a dog running loose, a recreational or commercial vehicle not shielded from view, etc. Intermittent violations do not require the aforementioned notice and hearing process. If the alleged violation is not something the Board is able to physically see, hear, etc., photos and/or video of the violation must be submitted to

the Board by a homeowner prior to the Board acting. Neighborhood gossip and unsubstantiated complaints will not be recognized as an official complaint.

Fine Schedule

1. A fine of \$100 per month will be imposed until compliance occurs. There are no fines for the first 30 days after a notice to homeowner has been sent; this period is to be used by the homeowner to remedy the violation.
2. A fine of \$200 per month will be imposed for intermittent violations.
3. Any fines levied against a homeowner shall be payable within ten (10) calendar days after the date of written notice of the imposition of the fine. If fines are not timely paid, they will bear interest from the initial due date at the lesser rate of (i) twelve percent (12%) or (ii) the maximum rate permitted under applicable law. If fines and late fees are not paid within six months, the Association may file a lien on the homeowner's residence. The homeowner shall reimburse the Vista Estates Homeowner's Association for all costs associated with the lien, including, without limitation, all costs and expenses. All fines received by the Board will be deposited into the Vista Estates Homeowner Association's operating account.