

ENFORCEMENT OF ARB VIOLATION FINES AND STRUCTURE

In accordance with Article VIII, Section 1 (a) of the Association By-Laws, enforcement of the Rules and Regulations and Covenants regarding improvements, alterations and construction in violation of ARB guidelines shall be the responsibility of the Raintree manager through the use of Raintree personnel:

- (a) Whenever a violation is observed by Raintree personnel, the Association may issue a written citation to the offending owner or member of the property in question responsible for the construction or owning the land upon which the offending construction or improvement exists. The citation shall specify the date, time and nature of the violation.
- (b) When an owner proceeds with construction or improvement activity without proper ARB approval in advance as indicated in Article VII, Section 3 of the Declarations, the member will be assessed a fine of \$200.
- (c) Citations issued by the Raintree management shall designate the offense and such citation or notice shall be mailed to the member's residence of record by first class mail.
- (d) Upon receipt of the citation either by mail or in person, the member shall cease construction or improvement noted in the citation and shall remove the offending structure or cure the alleged offense.
- (e) The member shall have ten (10) days following the date of the notice to submit a request of the Architectural Review Board for review and approval of the construction or improvement to be performed. Construction shall resume only after ARB approval has been received.
- (f) The member shall also have ten (10) days following the date of the notice required by subparagraph (c) to request a hearing in front of the Appeals Committee. Such request shall be made in writing to the manager. If such hearing is requested, all sanctions shall be stayed and there shall be no further work performed. If no hearing is requested, the citation shall be effective on expiration of the ten (10) day period unless the member removes the offending structure or cures the alleged offense.
- (g) If a hearing before the Appeals Committee is requested, it shall be held at the next scheduled meeting of the Committee from date of receipt of the notice from the manager. At the hearing, the member shall be permitted to present evidence or witnesses for purposes of establishing any defense of the alleged violation.
- (h) Any decision of the Appeals Committee shall be made in writing and may be appealed to the Board of Directors in writing within ten (10) days.
- (i) Should the member continue the work in progress without ARB approval or permit the improvement to remain without submission of an application or prior approval, the member will be fined at the initial rate of \$25 per week to begin fourteen (14) days following the date of the original notice or citation. This \$25 per week fine shall continue each week for a four (4) week period with notice of each weekly violation to be mailed to the member.
- (j) Following said four (4) week period, the rate may increase to the sum of \$50 per week to a maximum of \$2,000 in total fines.
- (k) Failure to pay the fines within thirty (30) days of assessment in absence of appeal may result in a lien being filed against the property by the Association and the member involved will be responsible for attorney's fees, costs and expenses incurred by the Association.