

HIGH POINTE RIDGE CONDOMINIUM ASSOCIATION

POLICY RESOLUTION REGARDING FINES FOR VIOLATIONS OF THE RULES AND RESTRICTIONS

2016-01

Policy Resolution Number **2016-01** of **High Pointe Ridge Condominium Association**, located in Lake Orion, Michigan. A Resolution pertaining to the levying of fines for violations of the Condominium Documents.

WHEREAS; the Condominium Association, through its duly elected Board of Directors, and pursuant to the Condominium Bylaws, Article XI, Section 4, has the right to make reasonable rules and regulations from time to time as the needs of the community arises. This authority is further confirmed by virtue of Section 106(C) of the Michigan Condominium Act.

ASSESSMENT OF FINES.

The violation by any Co-owner, occupant or guest of any of the provisions of the Condominium Documents (Master Deed, Bylaws or Rules and Regulations of the Association) shall be grounds for assessment by the Association, acting through its duly constituted Board of Directors, of monetary fines against the involved Co-owner. Such Co-owner shall be deemed responsible for such violations whether they occur as a result of his personal actions or the actions of his family, guests, tenants or any other person admitted through such Co-owner to the Condominium Premises. Upon any such violation being alleged by the Board, the following procedures will be followed:

- A. Notice of the violation, including the Condominium Document provision violated, together with a description of the factual nature of the alleged offense set forth with such reasonable specificity as will place the Co-owner on notice as to the violation, shall be sent by first class mail, postage prepaid, or personally delivered to the representative of said Co-owner at the address as shown in the notice required to be filed with the Association.
- B. The offending Co-owner shall be notified of a scheduled hearing before the Board at which the Co-owner may offer evidence in defense of the alleged violation. The appearance before the Board shall be at its next scheduled meeting, but in no event shall the Co-owner be required to appear less than 7 days from the date of the notice.
- C. Failure to respond to the notice of violation or appear at the hearing constitutes a default.
- D. Upon appearance by the Co-owner before the Board and presentation of evidence of defense, or, in the event of the Co-owner's default, the Board shall by majority vote of a quorum of the Board, decide whether a violation has occurred. **The Board's decision is final.**

SCHEDULE OF FINES

Upon violation of any of the provisions of the Condominium Documents and after default of the offending Co-owner or upon the decision of the Board as recited above, the following fines shall be levied:

- A. First violation: Warning; no fine shall be levied.
- B. Second Violation: A fine of \$50.00 shall be levied.
- C. Third Violation: A fine of \$100.00 shall be levied.
- D. Fourth Violation and Each Subsequent Violation: A fine of \$200.00 shall be levied.

The Board of Directors, without the necessity of an amendment to the Condominium Bylaws, may make such changes in said fines or adopt alternative fines, including the indexing of such fines to the rate of inflation, in accordance with duly adopted Rules and Regulations promulgated in accordance with Article XIX, Section 4 of the Condominium Bylaws. For purposes of this Rule, the number of the violation (ie. first, second etc.) is determined with respect to the number of times that a Co-owner violates the same provision of the Condominium Documents, as long as that Co-owner may be an owner of a Unit or occupant of the Project, and is not based upon time or violations of entirely different provisions. In the case of continuing violations, a new violation will be deemed to occur each successive week, during which a violation continues. Nothing in this Article shall be construed as to prevent the Association from pursuing any other remedy under the Condominium Documents and/or the Michigan Condominium Act for such violations, or from combining a fine with any other remedy or requirement to redress any violation.

COLLECTION OF FINES

The fines levied pursuant to the above stated rules and regulations shall be assessed against the co-owner and shall be due and payable together with the regular monthly installment of the Annual Assessment next becoming due on the first day of the following month. Failure to pay the fine will subject the Co-owner to all liabilities set forth in the Condominium Documents, including without limitations, those described in Article II of the Condominium Bylaws. All unpaid amounts shall further constitute a lien on the Co-owner's unit, enforceable as set forth in Article II of the Condominium Bylaws.

THEREFORE, be it resolved that the High Pointe Ridge Condominium Association Board of Directors approved this Resolution on 11/28/2016, and it will become effective January 1, 2017.

WITNESS:

Secretary of the Association

DocuSigned by:
Phyllis Freymuth
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DocuSigned by:
Donald Demers
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SIGNED: _____
President of the Association