

# WEST SAHARA COMMUNITY ASSOCIATION

Effective April 1, 2006

## Procedures for Notification and Compliance of CC&R's Infractions Violation Fine Schedule

### AUTHORITY AND PURPOSE FOR THE RESOLUTION:

**WHEREAS**, the West Sahara Community Association is a Nevada Non-Profit Corporation governed by the laws of the State of Nevada; including Nevada Revised Statutes ("NRS") Chapter 116, which governs common-interest communities in the State of Nevada; and

**WHEREAS**, the West Sahara Community Association has authority as outlined in the governing documents (CC&R's) to establish rules and regulations; and

**WHEREAS**, NRS 116.3102(1)(k) authorizes the Board of Directors for the Association to impose charges for late payment of assessments and, except as otherwise provided in NRS 116.31031, after notice and opportunity to be heard, levy reasonable fines for violations of the Association's governing documents (CC&R's, Bylaws and Rules and Regulations); and

**WHEREAS**, NRS 116.31031 sets forth the power of the Board to impose sanctions for violations of the Association's governing documents, which sanctions may include:

- (i) Imposing fines consistent with Nevada law:
- (ii) Suspending the right of an owner, tenant or guest to use common elements:
- (iii) Suspend the right of an owner to vote on matters related to the Association.

**AND WHEREAS**, the Board of Directors deemed it necessary to establish a policy regarding a CC&R's infractions and violation fine schedule.

**NOW THEREFORE**, be it resolved that the Board of Directors of the Association hereby adopts the following policy for compliance of the governing documents, hearings and the imposition of fines:

### BOARD OF DIRECTORS RESOLUTION

1. Upon receipt of a written complaint of an alleged violation of Deed Restrictions, Declaration or Rules and Regulations management will send a First notice consisting of (a) Courtesy Notification letter, (b) Notification Acknowledgement form, and a Fine Schedule.
2. If the alleged violator fails to cure the violation within 15 days AND fails to respond to the First Notice within 15 days and/or upon receipt of a second written complaint of such violation, management will send a Notice of Hearing / Fine

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letter requesting the homeowner appear before the Board and notifying the homeowner the amount of any potential fine. This Hearing, as required by NRS 116, is to give the homeowner an opportunity to explain their situation prior to any fine being assessed.

3. Failure to appear at a properly called Hearing allows the Executive Board to assess the fine. Fines for "Continuing Violation" may then be imposed without notice and opportunity to be heard.
4. The homeowner will be notified by mail, the results of the Hearing and any fine assessed.
5. If the fine is not paid within 30 days of written notification of the imposition of the fine, management will proceed as per the direction of NRS 116 and the Associations respective Collection Policy and use every means under the law to collect the unpaid debt.

## FINE SCHEDULE

Fine will be \$50 per violation. The fine will be assessed to the unit owner account after notice and hearing in compliance with NRS 116.

Continuing Violations will incur a fine of \$50 per 7 calendar day period.

**Foreclosure is legal on health and safety issued fines.**

**Homeowners are responsible for violations of their tenants and guests.**

The Board of Directors adopted this resolution on February 26, 2008.

Ratification by the membership is **not** required in policy matters.

This concurs with NRS 116.31065.

BY: June C. Brooks  
Vice - President

ATTESTED BY: Sharon Salim  
Secretary/Treasurer