

MAPLE RIDGE CREEK VILLAGE CONDOMINIUM ASSOCIATION POLICIES

POLICY NUMBER: MRC014
POLICY TITLE: BYLAWS AND POLICY VIOLATIONS & FINES*
POLICY ADOPTED: SEPTEMBER 21, 2000
POLICY REVISED: FEBRUARY 18, 2019

POLICY STATEMENT:

VIOLATIONS

When an alleged violation of the Condominium Documents (Master Deed, Bylaws or Policies of the Association) is brought to the attention of the Board, it may, in its sole discretion, take the following action:

A. If the alleged violation is the first infraction by the offending Co-owner of a particular provision and the nature of the violation is relatively minor or does not otherwise require immediate action, the Board may send a friendly letter to the Co-owner asking that the violation be corrected within 7 days.

B. If a Co-owner fails to correct a violation within 7 days after receipt of a friendly letter, a Notice of Violation will be sent.

C. For more serious or repeat violations, the Board will send a Notice of Violation as provided below for the assessment of fines.

D. If a Co-owner, after reasonable effort, is unable to correct a violation immediately because the Co-owner is out of town, needs to hire a contractor, weather prevents action, or similar good reason for delay, the Board may, in its sole discretion, allow additional time to correct the violation so long as the Co-owner makes a written request to the Association within 7 days after the date of the notice of violation stating what action the Co-owner has taken to address the violation in a timely manner and giving a date by which the violation will be corrected. The Board, in its sole discretion, may refuse to grant additional time for correction, or may require a shorter period than requested by the Co-owner.

E. It is the responsibility of the Co-owner to make sure that the Association always has a current address where the Co-owner may be contacted in the event of alleged violations, especially if the Co-owner is not occupying a unit or is spending time on vacation or in another locale.

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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 Policies 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 pursuant to Article VIII, Section 1E, of the Restated Condominium Bylaws of Maple Ridge Creek Village.

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 regular meeting or at a special meeting scheduled by the Board. The notice of violation shall set forth the time and place of the hearing. In no event shall the Co-owner be required to appear less than 10 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:

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First Violation: Warning: No fine shall be levied.

Second Violation: A fine of \$100 shall be levied.

Third Violation: A fine of \$150 shall be levied.

Fourth Violation and Each Subsequent Violation: A fine of \$200 shall be levied.

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 Policy 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 policy 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 and Article XV of the Maple Ridge Creek Village Restated 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 Maple Ridge Creek Village Restated Condominium Bylaws.

ABATEMENT

If a violation is not corrected within a reasonable period of time, the Board, in its sole discretion, may choose to remove and abate the violation by correcting it or hiring a contractor to correct the violation, enforceable as set forth in Article XV, Section 1, Paragraph C, of the Maple Ridge Creek Village Restated Condominium Bylaws. In the event of such abatement, all fines imposed prior to such abatement shall remain due and owing. In addition, the cost of abatement, plus a reasonable additional administrative fee, shall be assessed to the responsible Co-owner and becomes due with the next monthly regular assessment. Examples of abatement are the removal of improperly stored items or hiring a contractor to stain a deck that is not properly maintained.