

**WYNGATE COMMUNITY ASSOCIATION, INC.  
COMPLIANCE POLICY**

**Effective 08/15/2015  
Revised 07/13/2015**

When a prospective homeowner purchases property in the Wyngate Community Association, Inc., they agree to abide by the documents governing the Wyngate Property Owners Association. From time to time a homeowner may violate one or more of the terms contained in the By-Laws, Protective Covenants, Design Guidelines, or other rules and regulations established by the Association to govern the community. Because compliance with the contents of these documents is required, and because such compliance maintains the community standard that makes Wyngate unique, the Board of Directors is tasked with correcting non-compliance issues. In the event that a homeowner is not adhering to the rules of the community, is non-responsive to letters from the Association, and remains in non-compliance, the Board has no other course of action than to institute a fine. Fines must be paid, and the non-compliance issue(s) must be corrected. Failure to do so will result in further actions as provided in the Association's governing documents.

The Board of Directors of the Wyngate Community Association, Inc., has approved the following **FINE SCHEDULE** for violations of the Declaration of Covenants, Restrictions, and Easements or various other documents and rules of the Wyngate Property Owners Association. The Board of Directors intends to impose monetary penalties as authorized by Article XII, Section 1 of the Wyngate Protective Covenants, and Section 19 (Fining Procedure) of the Association Bylaws. The Board of Directors, when imposing monetary penalties reserves the right to enforce the community's restrictions in any other legal manner, including use of the Right of Abatement. The following fine schedule is intended to be a guide only, and is not intended to create any rights or obligations. The Board of Directors reserves the right to impose a monetary penalty on the first date of a violation, to accrue the fine daily until the violation is cured, and to impose fines in amounts in excess of those set forth in the fine schedule.

**COURTESY NOTICE:**

Unless the Board determines that circumstances warrant expedited action, an initial courtesy notice of the violation shall be mailed via regular mail to the homeowner requesting that the violation be cured or a proposed plan of action to cure the violation be submitted within ten (10) days. This notice will indicate that fines shall be levied thirty (30) days after the initial notice of violation, if the property has not been brought into compliance and an acceptable plan to cure the violation has not been received.

**FINE NOTICE:**

The second notice shall be mailed via USPS first class or Certified mail to the homeowner. The notice of fine shall begin the process of levying fines against violating owners. This notice will typically be mailed approximately thirty (30) days after the Courtesy Notice.

**AMOUNT AND DUE DATE OF FINES:**

Unless the Board determines that other fine amounts are warranted in particular situations, fines for continuing violations will be levied in the amount of \$100.00 per month per violation. Fines for

single occurrence, or non-continuing, violations shall be in an amount determined by the Board based on the individual circumstances. The amount of fines levied by the Board may vary based on the nature and/or severity of the particular violation, the conduct of the violating Owner or Occupant, the duration of the violation, and other factors considered relevant by the Board. Severe violations, including vandalism of community property and/or commencement of exterior modifications on lots without obtaining written approval of the Association's Architectural Review Committee, may result in substantial fines, up to \$1,000.00 per incident. Unless otherwise provided by the Board, fines shall be due and payable upon receipt of the notice that such fines have been levied.

**CONTINUING VIOLATIONS:**

In addition to fines and other enforcement remedies, the Board shall have the right to remedy violations utilizing the Self-Help provision contained in Article XII, Section 2 of the Protective Covenants, or take other legal action as provided in the governing documents, the cost of which shall be billed to the homeowner and collected in the same manner as assessments.

**RECURRENCE:**

Recurrence of a violation for which fining notice already has been provided within twelve (12) months of the original violation shall make the Owner subject to fines without additional notice. The Association is not required to re-issue notice to levy fines for repeat violations for which fining notice already has been issued. However, each new fine does require a hearing, presentation of evidence, and a written decision by the Board, if requested by the homeowner.

**VIOLATION OF ACC APPROVAL PROCESS:**

Any homeowner who commences a modification project requiring pre-approval by the Wyngate Architectural Control Committee per Article VI of the Protective Covenants, without obtaining that pre-approval will be subject to an immediate \$250.00 fine. If work continues after notice of violation, the homeowner will be subject to a \$75.00 per day fine, in addition to all other enforcement remedies afforded the Association by Article XII of the Protective Covenants.

**FAILURE TO PAY:**

Failure to pay any fine shall subject the Owner to the same potential penalties and enforcement as failure to pay any assessments under Article IV, Section 6 of the Protective Covenants.

**THREE STRIKES RULE:**

In general, the Association will not levy more than three fines for the same violation without taking additional legal action against the owner to seek injunctive relief.

## EXHIBIT A

### Bylaws

#### Section 19. *Fining Procedure*

The Board shall not impose a fine (a late charge shall not constitute a fine) unless and until the following procedure is followed:

(a) **Demand.** Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying:

- (i) the alleged violation;
- (ii) the action required to abate the violation; and
- (iii) a time period, not less than ten (10) days, during which the violation may be abated without further sanction, if such violation is a continuing one, or a statement that any further violation of the same rule may result in the imposition of a fine, if the violation is not continuing.

The Board or its designee may demand immediate abatement in such circumstances which, in the Board's determination, pose a danger to safety or property.

(b) **Notice.** Within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty, or if the same rule is subsequently violated, the Board may, upon notice, impose a fine. The notice shall state:

- (i) the alleged violation;
- (ii) that the alleged violator may, within ten (10) days from the date of notice, request a hearing regarding the fine;
- (iii) that any statements, evidence, and witnesses may be produced by the alleged violator at the hearing, and
- (iv) that all rights to have the fine reconsidered are waived if a hearing is not requested within ten (10) days of the date of the notice.

(c) **Hearing.** If a hearing is requested, it shall be held before the Board, in executive session. The alleged violator shall be given reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing.