

Non-Compliance Fine Policy

**First adopted by the Board of Directors on April 12, 2016
and reconfirmed on December 14, 2016**



www.TheParksatMillCreek.com

**Questions are welcomed:
TheParksACC@msn.com**

Non-Compliance Fine Policy

The Parks at Mill Creek Homeowners Association ("HOA") Board of Directors ("the Board") pursuant to the authority granted the HOA in RCW 64.38.020, Section 11, Article 6, Section 6.1 of the CC&Rs, and HOA Bylaws Section 4, parts 4.1.1, 4.1.5, and 4.2.10, hereby adopts the following procedures for managing violations of the CC&Rs and Bylaws and assessing monetary fines and penalties.

Notices. The Board of Directors, at its discretion while taking into account the circumstances of each violation, shall attempt to obtain compliance with the rules and requirements of the Association informally through one or more verbal or written requests. If the Board is unable to informally resolve the matter, a written notice detailing the violation and steps required to resolve the problem shall be sent to the homeowners last known address.

If the homeowner has not resolved the matter within two weeks, or if circumstances warrant sooner, the Board shall send a written notice detailing the violation, the assessment of fines and procedures for payment. For each month that the HOA levies a fine against the homeowner, written notice of the violation, the current fine and any past due amounts shall be sent to the homeowner.

For the purposes of this and other notices from the HOA, if the homeowner does not reside at the subject property, it shall be the homeowner's responsibility to provide, in writing, the property manager or a member of the Board with a proper mailing address. Notices shall be sent by first class mail or equivalent mail service. The HOA shall not be required to send notices certified or registered mail.

Multiple Violations. For multiple, discrete and separate violations, even of the same provision of the Association's Declaration, By-Laws or Rules, as any of them may be amended, the Board, at its discretion, may assess separate fines for each such violation.

Continuous Violations. For any single violation that is continuing in duration (i.e., over time, such as Class B violations) the Board may assess additional fine(s) for such violation still continuing after thirty (30) days have elapsed since the date of the issuance of the first or most recent Notice of Fine, and may continue to assess fines in like manner until said violation ceases completely.

Fines. The Board hereby sets two classes of fines.

Class A: Violations of the CC&Rs, By-laws or Rules involving basketball hoops, clothes lines, compost piles, flag poles, landscaping, mailboxes, satellite dishes and Antennas, signs, trampolines, trash containers, window coverings and woodpiles, yards and lots shall be designated as Class A violations. The fine for a class A violation shall be \$100.00 per month.

Class B: Violations of the CC&Rs, By-laws or Rules not identified as Class A violations are Class B violations. The fine for a Class B violation is \$300.00 per month.

Appeal. A homeowner may appeal a formal or informal notice of violation to the HOA by contacting the property manager or a member of the Board. Once a fine(s) has been assessed by the Board, the homeowner may, within 30 days, make a written request for reconsideration. The homeowner, at his or her option, may request a hearing before the Board. The Board may reduce or retract the fines, if the Board finds that such fines are not necessary to obtain compliance with the rules and requirements of the HOA.

Collection. In accordance with the Collection Policy for Delinquent Accounts and/or Article 6, Section 6.2 of the CC&Rs, the Board may assess interest for unpaid assessments and/or initiate legal action to enforce compliance with the CC&Rs and other rules and regulations of the HOA, including but not limited to, recovery of fines, damages, and/or request of injunctive relief. The prevailing party shall be entitled to recover from the other party, its reasonable expenses, court costs, and attorneys' fees, in the amount awarded by the court.

For detailed information on collections see the "[Collection Policy for Delinquent Accounts](#)" document on our HOA website