

Spring Acres Hills Home Owners Association Violations & Fines Policy

1. In accordance with the Illinois Not-for-Profit Act and the Association's Declaration, if someone is believed to be in violation of any of the provisions of the Declaration and By-Laws or Rules and Regulations, a signed, written complaint must be submitted by an Owner, the property manager, a resident or a member of the Board of Directors. A written complaint form prescribed by the Board shall be sent to the Board/manager. Owners are responsible for the conduct of all tenants, residents and guests occupying or visiting their unit.
2. The person charged with the violation will be given written notice of the complaint, informing him of the alleged violation and (1) may be given a warning not to repeat the conduct alleged or (2) notice that the accused is entitled to a hearing before a fine is levied.
3. Any accused owner requesting a hearing on the violation must send a written request for a hearing no less than ten (10) days after the date of the Notice of Violation. Upon receipt of the request, the Board of Directors will schedule a hearing before the Board or its duly authorized Committee within thirty (30) days. The owner will be so notified.
4. At the hearing, the accused will have the opportunity to present a defense and respond to any accusations of a violation. A hearing may proceed with or without the presence of the accused Owner, so long as all notices have been sent in advance. Any findings of the hearing will be submitted to the Board of Directors for consideration at its next regularly scheduled meeting.
5. A hearing can proceed based upon witness complaints and/or witness testimony. The Board/Committee will weigh all evidence prior to rendering a finding. All hearings shall be closed. The standard rule of administrative proceedings shall be in effect, however, the rules of evidence shall not apply.
6. If any resident is found guilty of a violation, the Board will notify the guilty party and/or the Owner in writing and a fine may be charged to the assessment account of the Owner of the unit in which the guilty person resides.
7. There will be a warning issued for the first violation, provided the Owner has not been fined for the same violation within the last year. If the Owner has been fined for the same violation within the last year, the fine will be \$25.00. Third violations will be fined \$50.00. Fourth and subsequent violations will be fined \$100.00 for each infraction. Continuing violations (violations let uncured) may incur a daily fine. In the discretion of the Board of Directors, the daily fine may be increased up to a maximum of \$150 per day per violation, until the violation(s) is/are cured.
8. In the event of any violation of the Rules and Regulations, Declaration or By-Laws of the Association, the Board reserves the right to pursue any and all legal remedies to compel enforcement, legal and equitable. Any and all costs and attorneys' fees shall be assessed back to the account of the offending Owner at the time they are incurred.
9. There is no right of appeal; all findings of the Board of Directors are final.

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VIOLATION COMPLAINT - WITNESS STATEMENT

PLEASE NOTE: A Violation Complaint must be completely filled out or the Board will not consider the complaint valid. After the report has been filed, it will be necessary for you to appear at a hearing. The violator will also be asked to attend this meeting. After hearing this case, the Board will determine if a violation occurred and if a fine should be levied.

Offender's Name: _____

Address: _____ Unit No. _____

Violation Location: _____

Date of Violation: _____ Approx. Time: _____

VIOLATION(S): _____

Were any photographs taken? ___Yes ___No

If so, by whom: _____

Attach all photographs to this form or forward as soon as possible. Include photographer's name and date taken, and the name(s) of anyone else who was present.

Report submitted by: _____

Phone: _____

Address: _____

I have made the above statements based on my personal knowledge. I will cooperate with the Association and its attorneys to provide additional statements or affidavits, and, in the event of a hearing or trial, I will appear to testify as a witness.

Signature: _____ Date: _____

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NOTICE OF VIOLATION

Date: _____

TO: Unit Owner _____

You are hereby notified, as the owner of Unit _____, that a Violation Complaint form has been filled out accusing you of violating the Association's Declaration, By-Laws or Rules and Regulations regarding:

This was allegedly violated by: _____

The Board of Directors will review the violation(s) at their next regularly scheduled Board Meeting on _____, 2____ at approximately _____ p.m.

You have a right to request a hearing. A request for a hearing must be received within ten (10) days of the date of this Notice. Upon receipt of a request for hearing, the Board of Directors will schedule a hearing within the next thirty (30) days and notify you of the date. After hearing the case, the Board will confirm whether there is sufficient evidence to determine if a violation has occurred and if a fine should be levied or legal action taken.

Once a hearing is scheduled, the Board will proceed on the aforesated date with or without your presence.

Very truly yours,

Spring Acres Hills Homeowners Association
Board of Directors

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NOTICE OF DETERMINATION REGARDING VIOLATION

DATE: _____

TO: Unit Owner _____

On this _____ day of _____, 2____, the Board found you to be in violation of the Declaration, By-Laws or Rules and Regulations of the Association regarding:

This was violated by: _____

The Board has taken the following action:

- This is a WARNING!
- The Board has determined that no violation occurred. However, should this conduct or any other violation be reported again, a fine or other action may be warranted.
- The Board has voted that you are not guilty of any violation or that there are extenuating circumstances, and no further action will be taken.
- The Board has determined that a violation has occurred. Accordingly, costs and expenses of enforcement in the amount of \$_____ have been assessed against your unit and are now due.
- The Board has voted to levy a fine of \$_____ per day until the violation is corrected.
- Damages, expenses and administrative charges in the total amount of \$_____ have occurred and are now due.
- Legal expenses in the amount of \$_____ have been incurred by the Association and are now due.
- Damages have occurred or an architectural violation exists as charged in the complaint, and you are hereby notified to have the damages or violation corrected or repaired at your expense.
- As a result of a second or subsequent violation, we have instructed our attorneys to inform you that legal proceedings will be instituted if further violations occur, and the expenses incurred will be assessed to you.

Very truly yours,

Spring Acre Hills Homeowners Association
Board of Directors