

# **ENFORCEMENT PROCEDURE**

Adopted October, 2013

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## **43@ RACQUET CLUB HOMEOWNERS ASSOCIATION**

**IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, GENDER, GENDER IDENTIFICATION GENDER EXPRESSION, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, GENETIC INFORMATION, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.1 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.**

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## 43 @ RACQUET CLUB, INC. ENFORCEMENT PROCEDURE

This document is the 43 @ Racquet Club, Inc.'s (hereafter referred to "Association") enforcement process<sup>1</sup> ("Enforcement Procedure"). The entities engaged in enforcing the Association's Declaration of Covenants, Conditions, Restrictions and Reservation of Easements ("CC&Rs"), Bylaws, Articles of Incorporation, Rules and Regulations, Architectural Guidelines and Architectural Procedure (hereafter, collectively, *Governing Documents*) are:

**Board of Directors** — The Board of Directors is charged with overseeing the enforcement of the Association's Governing Documents and working with the Architectural Committee, if such a committee is established by the Board. It has the authority to conduct violation hearings, impose Compliance Assessments, including but not limited to fines, cause violations to be remedied, suspend voting rights, common area privileges, use of the recreational facilities and/or any other privilege of any Member or Person deriving rights from any Member ("Membership Privileges"), and promulgate Architectural Guidelines. The Board of Directors, in its sole discretion, may review any committee decision and thereafter modify any ruling in the Board's discretion regardless of an appeal from a Member, provided, however, that it gives notice to the Member and committee within seven (7) business days of the committee's date of its Ruling Notice.

**Architectural Committee** — The Architectural Committee (hereafter the "Architectural Committee") is charged with primarily reviewing and approving proposed architectural modifications.

For the purposes of this Enforcement Procedure, the following definitions shall apply:

- The term *violation* shall mean and include any failure to follow and/or observe the Association's Governing Documents.
- The term *recurring violation* shall mean any violation of the Association's Governing Documents which has a definite commencement and cessation, but has occurred more than once. Examples of recurring violations are: (1) parking a vehicle that blocks a driveway or garage, but moving it and subsequently parking it again in a manner that blocks a driveway or garage; or (2) violation of leash rules regarding pets on more than one occasion.
- The term *continuous violation* shall mean any violation of the Association's Governing Documents which is ongoing and has not ceased for a period of time in excess of seventy-two (72) consecutive hours. Examples of continuous violations are: (1) a poorly-maintained Residential Lot or (2) retaining an improvement on the Owner's Residential Lot in violation of the Architectural Guidelines. Upon the Owner's curing the violation, the Board of Directors may, but is not obligated to, waive any portion or all of the monetary fine imposed for a continuous violation.

The Enforcement Procedure related to any disciplinary action shall be as indicated below. For enforcement of the Governing Documents related to parking violations unrelated to disciplinary action against the Owner, such as towing, the enforcement procedure may begin at Step 5.

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<sup>1</sup> The forms attached as exhibits to this Enforcement Procedure are not part of the Enforcement Procedure but are for the assistance of the community association to provide a format for their consideration. The Association can use any forms it wishes so long as it complies with the Enforcement Procedure process which consists of pages 1 through 5.

## STEP 1. INITIATION.

- If a **Violation Report** is completed by a homeowner, a Board member, Association Manager, Architectural Committee member, or another designated representative of the Association, the Violation Report will be verified as set forth in Step 2.

## STEP 2. VERIFICATION

Verification of a Violation Report for non-architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by the Association Manager, Board of Directors, appropriate committee or other designated Association representative. Verification of a Violation Report for architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by the Architectural Committee. *Violation* shall be defined as an act in direct conflict with the Association's Governing Documents, and/or local, county or state requirements.

## STEP 3. DOCUMENTATION

### A. FOR NON-ARCHITECTURAL VIOLATIONS

1. The Board has the following three options for enforcing non-architectural violations:
  - A **Warning Notice** is completed by the Association Manager or his/her designated representative and forwarded to the violating homeowner (hereinafter *Violator*). At the discretion of the Board or Association Manager, this step may be skipped if, based on the seriousness of the violation, more immediate action is warranted; or
  - If the violation persists after the Warning Notice has been issued OR if the Board or Association Manager determines to proceed directly to a **Violation Notice**, said Violation Notice is sent to the Violator, stating a deadline by which to cure the violation; or
  - If the violation warrants immediate action, an **Expedited Hearing Notice** is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors.
2. If a **Violation Notice** is sent and the Violator fails to take the necessary action by the deadline given, a **Hearing Notice** will be sent to the Violator, setting forth the date, place and time upon which the Violator may be heard before the Board of Directors.
3. Failure to appear at any hearing, could result in immediate discipline including, but not limited to, imposition of a Compliance Assessment, and/or suspension of Membership Privileges. Association must give at least ten (10) days written notice of the hearing to the Violator before any action is taken, pursuant to *Civil Code §1363* and the Association's Governing Documents.

### B. FOR ARCHITECTURAL VIOLATIONS

1. Examples of architectural violations are:
  - a. Owner of the property has not submitted the requisite application, related documents and plans and/or the requisite fees to the Architectural Committee or the Board of Directors, if appropriate, or secured requisite written approval from the Association.
  - b. Owner of the property has obtained prior approval but has not complied with the approved final plans and specifications of the proposed work.
  - c. Owner has failed to maintain his/her/its Residential Lot and/or restricted common areas which Owner is responsible to maintain.

2. The Board has the following three options for enforcing architectural violations:

- A **Warning Notice** is completed by the Association Manager and forwarded to the violating homeowner (hereinafter *Violator*). At the discretion of the Board or Association Manager, this step may be skipped, and the Association may proceed directly to a **Violation Notice** or an **Expedited Hearing Notice**; or

- If the violation persists after the Warning Notice has been issued OR if the Board or Association Manager determines to proceed directly to a **Violation Notice**, said Violation Notice is sent to the Violator, stating a deadline by which to cure the violation; or

- If the violation warrants immediate action, an **Expedited Hearing Notice** is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors.

3. If a **Violation Notice** is sent and the Violator fails to take the necessary action by the deadline given, a **Hearing Notice** will be sent to the violating homeowner, setting forth the date, time, and place where the Violator may be heard before the Board of Directors.

4. Failure to: (1) appear at any hearing; and/or (2) comply with a written **Violation Notice** could result in immediate discipline including, but not limited to, imposition of a Compliance Assessment and/or suspension of Membership Privileges. Association must give at least ten (10) days written notice of the hearing to the Violator before any action is taken, pursuant to *Civil Code* §1363 and the Association's Governing Documents.

#### **STEP 4. HOMEOWNER HEARING PROCEDURE**

A. **Findings of Fact and Recommended Action:** The Board of Directors must make specific findings as it relates to the violation of the Governing Documents, noting them on the **Homeowner Hearing Procedure form** and **Ruling Notice form** with the facts which support its decision. The decision of the Association and action recommended/taken should also be noted on the **Homeowner Hearing Procedure form**. **NOTE:** If no violation is found, then no remedy is required, and the Association would then issue a Ruling Notice pursuant to Step 4.C below.

B. **Remedies of the Board of Directors.** If it is determined a violation has taken place, the Board of Directors may take any or all the following actions:

1. **Compliance Assessment** — Even if the violation is not of a continuing nature and does not lend itself to a self-help remedy, the Board of Directors still has the authority to impose a Compliance Assessment for failure to comply with the provisions of the Governing Documents. The Board of Directors may only impose a Compliance Assessment after providing notice and hearing to a Violator, pursuant to the minimum requirements set forth herein. The following Compliance Assessment structure is based upon a reasonable determination of the costs (*i.e.* attorneys' fees, property management fees, etc.) expended by the Association in performing its functions in enforcing the Governing Documents, as well as the imposition of appropriate sanctions for violation of said Governing Documents.

**The Compliance Assessment structure is detailed in Paragraph 4.D below.**

2. Right and Authority to suspend Membership Privileges for each violation of the Governing Documents and/or for any period during which the Member is delinquent in the payment of any assessment, fine or monetary penalty, or as otherwise provided in the Governing Documents.

3. **Self-Help Remedy for Continuing Non-Architectural Violations** — If the violation of the Governing Documents continues and can be cured through a self-help remedy, the Board has the right to demand correction of the continuing violation and a date certain upon which a homeowner must

comply (a reasonable period of time shall be given to the homeowner) *via* the Notice of Ruling. The Notice should further indicate that if the homeowner fails to comply within the time provided by the Association, the Association would bring the homeowner into compliance and charge the cost of same to the homeowner as a Compliance Assessment.

4. **Self-Help Remedy for Continuing Architectural Violations** — If it is determined a violation has taken place, the Board of Directors shall make findings of fact and request corrective action (removal, replacement, repair and/or modification) by the Violator. If corrective action is not taken by the Member and the violation can be cured through a self-help remedy, the Ruling Notice shall further indicate that if the Member fails to comply within the time provided, the Board of Directors shall bring the Member into compliance and charge the cost of same to the Member as a Compliance Assessment. **However, any demand letter which requires the Association to go onto a Members' property to rectify the violation should be reviewed and sent by Association's counsel.** *For example, if a homeowner's Residential Lot is becoming an eyesore for lack of maintenance, the Association can provide written notice to the violating homeowner that he/she must provide the appropriate maintenance and that he/she is in violation of the Governing Documents. The Notice would further provide that the owner has a specific (and reasonable) period of time to correct the deficiency. If the owner fails to correct said deficiency within the specified time given by the Association, the Association could then proceed with the maintenance and charge the cost to the homeowner as a Compliance Assessment.*

5. **Other Potential Remedies / Sanctions** — Notwithstanding anything set forth herein, the Board of Directors in its discretion shall have the power to require any other applicable remedy and/or sanction for as long as it deems necessary, provided, however, that said remedy / sanction is in accord with the Association's Governing Documents and law. If the violation is of such a serious nature that potential legal action is contemplated, the Association's general counsel should be consulted for determination whether Internal Dispute Resolution ("IDR") and/or Alternative Dispute Resolution ("ADR") should be offered to the Violator (as well as consideration of other potential remedies).

C. **Ruling Notice.** Regardless what remedy the Board chooses to take, even if no violation is found, the Association must mail to the Violator a **Ruling Notice** within fifteen (15) days after the date of hearing. If it is ruled that a Compliance Assessment shall be imposed against the Violator, then the Board must give notice of the ruling to the Violator and request payment of such assessment within thirty (30) days after the Ruling Notice is mailed. This is to be recorded in the Executive Session minutes or regular minutes, whichever is applicable.

D. **Compliance Assessment Structure.** If any Member's failure to comply with the provisions of the Governing Documents results in the Association's expenditures of monies or incurs costs related to the action or non-action of a Member, the Association may levy a Compliance Assessment against such Member. Additionally, the Association may levy fines as Compliance Assessments consistent with Tables 1, 2 and 3 below. The amount of the Compliance Assessments may be amended from time to time by the Board of Directors. The present structure of the Association for Compliance Assessments for violations of the Governing Documents shall be as follows:

<b>Table 1: Compliance Assessments for Violation of the Governing Documents</b>	
First Violation	Costs incurred by the Association, if any, as well as a monetary fine up to \$250.00
Recurring Violation for a Second Time	Costs incurred by the Association, if any, as well as a monetary fine up to \$500.00
Recurring Violation for a Third or More Times	Costs incurred by the Association, if any, as well as a monetary fine up to \$750.00 plus possible legal action
Continuous Violation	Costs incurred by the Association, if any, as well as a monetary fine up to \$750.00 PLUS an amount up to \$40.00 per day from the date of the first notice of violation until violation is cured.

In addition to the Compliance Assessments described in Table 1 above, the Board of Directors may levy the following Compliance Assessments for architectural application violations, which may be added to any other Compliance Assessments.

<b>Table 2: Compliance Assessments for Architectural Application Violations</b>	
Compliance Assessments for commencing Architectural Improvement without <ul style="list-style-type: none"> <li>• Architectural Committee Approval and/or</li> <li>• Submitting Application</li> </ul> (even if Improvement is within Guidelines)	Up to \$2,500.00 plus legal costs and any other remedies available to the Association
Compliance Assessments for failure to follow submitted plans and specifications and/or make corrections upon notice	Up to \$2,500.00 plus legal costs and any other remedies available to the Association

E. **Collection of Compliance Assessments.** Pursuant to the Association's collection policy and the CC&Rs, if a Compliance Assessment was levied for failure to comply with the Governing Documents or for costs incurred by the Association in repair of damage to the Common Areas and is not paid within thirty (30) days after mailing the Ruling Notice, then the Board may suspend the Owner's Membership Privileges after notice and hearing as set forth in the Association's governing documents.

## **STEP 5. TOWING OF IMPROPERLY PARKED VEHICLES**

The towing of improperly parked vehicles relates to Compliance of the Governing Documents, unrelated to disciplinary action against an Owner. Accordingly, the Association has the right to tow vehicles without proceeding through Steps 1 through 4 above and, pursuant to California *Vehicle Code §22658*, the Association may have any improperly parked vehicles removed and towed to the nearest public garage. Prior to any towing, the Association shall place a written notice on the violating vehicle, enumerating that the vehicle will be towed to a public garage unless the vehicle is moved within four (4) hours. (Prior notice is not required if the violating vehicle is parked in a marked fire lane, within fifteen feet of a fire hydrant, in a parking space designated for handicapped without proper authority, or in a manner which interferes with any entrance to or exit from Ingress or egress in and to the subdivision or any Residential Lot.) In such an event, the Association shall not be liable for any damages incurred by the vehicle owner because of the removal of a vehicle or for any damage to the vehicle caused by the removal, including without limitation the charge for towing and storage of the vehicle by the towing company, the cost of which shall be the responsibility of the owner of the vehicle.

**EXHIBIT 1 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**  
**VIOLATION REPORT**

Report Date: \_\_\_\_\_

I. Person Making Report: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

II. Description of Violation: (Fill in as completely as possible)  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_  
Description - Please print: \_\_\_\_\_  
\_\_\_\_\_

III. Description of Violator: (Fill in as completely as possible) Male \_\_\_\_\_ Female \_\_\_\_\_  
Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_  
  
Address: \_\_\_\_\_  
Vehicle License Number \_\_\_\_\_

IV. Additional Witness:  
Name: \_\_\_\_\_ Address: \_\_\_\_\_

V. Violation Verification: By: \_\_\_\_\_

[ To be completed by Association ]

The above Violation Report has been reviewed and the following action taken:

- No Action Taken:
- Warning Notice to be sent: \_\_\_\_\_
- Violation Notice to be sent: \_\_\_\_\_
- Hearing Notice to be sent/ Hearing Date \_\_\_\_\_
- Expedited Hearing Notice to be sent/ Hearing Date \_\_\_\_\_

For Architectural Violation

- Incomplete application and/or missing requisite plans submitted
- No Architectural Committee approval
- Construction Inconsistent with approved plans and specifications
- Other

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Action Taken: \_\_\_\_\_

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_



**EXHIBIT 2 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**

- FIRST WARNING NOTICE**       **SECOND WARNING NOTICE (optional)**

**IN ACCORDANCE WITH THE ASSOCIATION'S GOVERNING DOCUMENTS, YOU ARE HEREBY NOTIFIED OF YOUR VIOLATION OF THE FOLLOWING RULE(S), BASED UPON A VIOLATION REPORT DATED \_\_\_\_\_.**

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

**PARKING/VEHICLE:**

- |   |   |
|---|---|
| <input type="checkbox"/> Vehicle Repair     | <input type="checkbox"/> Prohibited Vehicle |
| <input type="checkbox"/> Inoperable Vehicle | <input type="checkbox"/> Illegal Parking    |
| <input type="checkbox"/> Other _____        |   |

Location: \_\_\_\_\_

Vehicle Type: \_\_\_\_\_

License #: \_\_\_\_\_ State: \_\_\_\_\_

Identification #: \_\_\_\_\_ Color: \_\_\_\_\_

**PET:**

- |  |   |
|--|---|
| <input type="checkbox"/> Unleashed       | <input type="checkbox"/> Failure to Dispose of Defecation |
| <input type="checkbox"/> Incessant Noise | <input type="checkbox"/> Other: _____                     |

Description of Animal: \_\_\_\_\_

Location: \_\_\_\_\_

**PROPERTY MAINTENANCE**

**TENANT/VISITOR**

**ARCHITECTURAL VIOLATION**

- Incomplete application and/or missing requisite plans submitted
- No Architectural Committee approval
- Construction inconsistent with approved plans and specifications

**OTHER** \_\_\_\_\_

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**EXHIBIT 3A TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**  
**NON-ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED OF THE FOLLOWING VIOLATION OF THE ASSOCIATION'S GOVERNING DOCUMENTS AND THE NEED FOR IMMEDIATE CORRECTION BASED UPON:**

- VIOLATION REPORT DATED** \_\_\_\_\_ **and/or**  
 **FIRST WARNING NOTICE DATED:** \_\_\_\_\_ **and/or**  
 **SECOND WARNING NOTICE DATED:** \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

**PARKING/VEHICLE:**

- |   |   |
|---|---|
| <input type="checkbox"/> Vehicle Repair     | <input type="checkbox"/> Prohibited Vehicle |
| <input type="checkbox"/> Inoperable Vehicle | <input type="checkbox"/> Illegal Parking    |
| <input type="checkbox"/> Other _____        |   |

Location: \_\_\_\_\_

Vehicle Type: \_\_\_\_\_

License #: \_\_\_\_\_ State: \_\_\_\_\_

Identification #: \_\_\_\_\_ Color: \_\_\_\_\_

**PET:**

- |  |   |
|--|---|
| <input type="checkbox"/> Unleashed       | <input type="checkbox"/> Failure to Dispose of Defecation |
| <input type="checkbox"/> Incessant Noise | <input type="checkbox"/> Other: _____                     |

Description of Animal: \_\_\_\_\_

Location: \_\_\_\_\_

**PROPERTY MAINTENANCE** \_\_\_\_\_

**TENANT/VISITOR** \_\_\_\_\_

**OTHER** \_\_\_\_\_

**NECESSARY ACTION TO CONFORM WITH THE ASSOCIATION'S GOVERNING DOCUMENTS:** \_\_\_\_\_

**DATE REMEDIAL ACTION MUST BE TAKEN:** \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation and you will be subject to any and all remedies of the Association, including but not limited to Imposition of a Compliance Assessment, suspension of your Membership Privileges or any other remedy available to the Association.

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 3B TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**

**ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Residential Lot No.: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Dear Owner:

**YOU ARE HEREBY NOTIFIED OF THE FOLLOWING VIOLATION OF THE ASSOCIATION'S GOVERNING DOCUMENTS AND THE NEED FOR IMMEDIATE CORRECTION BASED UPON:**

- VIOLATION REPORT DATED** \_\_\_\_\_ **and/or**
- FIRST WARNING NOTICE DATED:** \_\_\_\_\_ **and/or**
- SECOND WARNING NOTICE DATED:** \_\_\_\_\_

This notice is being sent to you in an effort to call your attention to a problem that exists on your property. When you purchased your lot, you covenanted and promised to support the Association by conforming with the CC&Rs, local ordinances, the Association's Rules and Regulations, Architectural Guidelines and the Bylaws. Purchasers of Residential Lots at 43 @ Racquet Club, Inc. are guaranteed by the CC&Rs that these covenants will be enforced, thereby protecting the values and rights of their property. As such, you are hereby notified of the following violation and the need for immediate correction:

- **DESCRIPTION OF VIOLATION:** \_\_\_\_\_  
\_\_\_\_\_
  
- **LOCATION OF VIOLATION - LOT COMMON ADDRESS** \_\_\_\_\_  
\_\_\_\_\_
  
- **NECESSARY ACTION TO CONFORM WITH ASSOCIATION GOVERNING DOCUMENTS AND/OR LOCAL ORDINANCES:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- **DATE REMEDIAL ACTION MUST BE TAKEN:** \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation which may result in an imposition of a Compliance Assessment, suspension of your Membership Privileges, or any other remedy available to the Association.

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 4 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**

**HEARING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

You have been notified of your violation of the Association's Governing Documents. These previous notices have not caused the violations to cease.

In accordance with the *Civil Code* and the Governing Documents, we are hereby serving Notice upon you to appear at the date, time and place designated below for a hearing before the Board of Directors.

The outcome of this hearing may result in an imposition of a Compliance Assessment, suspension of your Membership Privileges or any other remedy available to the Association.

VIOLATION REPORTED: \_\_\_\_\_

\_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**EXHIBIT 5 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**

**EXPEDITED HEARING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

**The violation noted below is considered a very serious violation by the Association. Therefore, the Association believes an immediate hearing regarding the violation is necessary.**

In accordance with the *Civil Code* and the Governing Documents, we are hereby serving Notice upon you to appear at the date, time and place designated below for a hearing before the Board of Directors.

The outcome of this hearing may result in an imposition of a Compliance Assessment, suspension of your Membership Privileges or any other remedy available to the Association.

VIOLATION REPORTED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**EXHIBIT 6 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**

**HOMEOWNER HEARING PROCEDURE**

1. Review of all documentation submitted by the Association staff.
2. Statement of Violation by acting chairperson.
3. Review requirements of Association's Governing Documents.
4. Statement by Violator.
5. Statement of any third-party witnesses.
6. Discussion and questioning of the Violator by Association.
7. Questions (if any) and final statement by the Violator.
8. Hearing ends. Violator and any of his/her representatives excused.
9. Board deliberates.
10. Ruling made by Board of Directors.
11. Enforcement procedures as applicable.

**Documentation:**

Name of Violator(s) \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address / Unit: \_\_\_\_\_

Nature of Violation: \_\_\_\_\_  
\_\_\_\_\_

Findings of Fact: [*attach additional pages, if necessary*] \_\_\_\_\_  
\_\_\_\_\_

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_

Recommended Action: \_\_\_\_\_  
\_\_\_\_\_

43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT 7 TO ENFORCEMENT PROCEDURE**  
**43 @ RACQUET CLUB, INC.**  
**RULING NOTICE**

Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_

RE: VIOLATION HEARING HELD ON \_\_\_\_\_

Dear Owner:

You have been notified of your violation of the Association's Governing Documents. In accordance with the violation hearing, this matter has been reviewed by Board of Directors which makes the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the foregoing, the Association takes the following action:

- No action taken.
- Suspension of Violator's Membership Privileges (which includes voting and common area privileges), commencing on \_\_\_\_\_ and terminating on \_\_\_\_\_.
- Bring Lot /Violator into compliance by taking the following action: \_\_\_\_\_  
\_\_\_\_\_ on or before the close of business on \_\_\_\_\_, 20\_\_\_\_\_.
- Demand to remove the unauthorized improvement or other work and to further restore the property to its original condition (prior to the commencement of the unauthorized improvement) by the date of \_\_\_\_\_. Failure to comply could result in removal and restoration by the Association, and, if the Association pays for any costs for such action, a Compliance Assessment may be levied against the Violating Owner in accordance with the Association's Governing Documents.
- Compliance Assessment levied in the amount of: \$ \_\_\_\_\_
- Suspension of Membership Privileges (which includes voting and common area privileges) until delinquent assessment is paid.
- Other: \_\_\_\_\_  
\_\_\_\_\_

Compliance Assessments must be paid within thirty (30) days of the date of this Ruling Notice. If said assessment is not paid within thirty (30) days, the Board may suspend the Member's Membership Privileges until such time as the Compliance Assessment is paid.

APPROVED AND ADOPTED FOR ENFORCEMENT BY THE BOARD OF  
43 @ RACQUET CLUB, INC.

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

ENFORCEMENT PROCEDURE FLOW CHART

