

Apache Shores Property Owners Association

Warnings and Fines for Deed Restriction Violations

April 2001; Amended October 2003

The purpose of instituting a formal warning and fine system at Apache Shores is to encourage compliance with the covenants and deed restrictions in place throughout the development. For many years, warnings and notices of violations went ignored by owners because there was not a penalty for neglecting the association. Warnings and fines will now be administered under the new system adopted in April, by the board of directors.

I. Warning letters will be sent for all cited violations containing a notice to comply with the deed restrictions and covenants within 10 calendar days from the postmarked date or be subject to a fine(s) for non-compliance.

II. The fines for all violations shall be in the same amount for any cited, non-compliance with the rules and regulations, deed restrictions or covenants. No violation carries a larger or smaller fine amount. A single owner may receive multiple warnings and multiple fines for violating more than one section or code of the restrictions. **

III. After a warning letter has been sent and the ten (10) days has passed, the association may fine an initial \$50.00 for non-compliance of the warning. An additional fine will be incurred after each ten (10) calendar days in an exponential way, if the violation continues (\$100/150/200). After 30 days the association may fine \$200.00 per day for failure to comply.

IV. Mitigating the fine can be accomplished in one of the three following ways:

- 1) Complete compliance within the ten (10) day warning period
- 2) Communication with the manager and establishing a compliance plan that is agreed to and accepted by management
- 3) Substantial compliance during the ten (10) day warning period and satisfactory confirmation of same by management

**Exceptions to this policy will be in the area of building permits, stop work orders and septic violations.

V. Septic Violations will receive a warning letter with 10 days to respond; 30 days to submit an engineered design; 60 days to obtain a County Permit; 90 days to complete the installation and receive approval. If this timetable is not adhered to, then a fine of \$200.00 per day may be imposed for every day of non-compliance.

VI. Building without permits or in violation of building codes may constitute a STOP WORK ORDER. If a “stop work order” is issued, an automatic fine of \$200.00 will be incurred. If the “stop work order” is removed from the property, an automatic fine of \$200.00 will be assessed. An additional fine of \$200.00 per day will be assessed for each day work continues without the proper permits once a stop work order has been issued.

VII. Appeals for any warning or fine may be requested by writing the management company and stating the reasons for the appeal. A hearing will be scheduled at a time and place to be determined by the board of directors within 30 days of the requested appeal. The appellant will be given a limited amount of time to present their case and the board will either rule on the appeal immediately or take the matter under advisement and render a decision within 14 days from the hearing. The board’s rulings are final.