



SOLAMERE HOMEOWNERS ASSOCIATION Fine Process and Procedure

Adopted July 27, 2024

1. INTRODUCTION

- 1.1. This Fine Schedule is adopted by the Board of Trustees of the Solamere Homeowners Association, Inc. (the “HOA”) in accordance with the Utah Community Association Act, Utah Code § 57-8a-1 *et seq.* (the “Act”).

2. DEFINITIONS

- 2.1. Unless otherwise defined herein, all capitalized terms shall have the same meaning as set forth in the Third Amended and Restated Declaration of Protective Covenants For Solamere Subdivision Nos. 1 & 2A (the “Declaration”), as amended.

3. FINE SCHEDULE

- 3.1. Consistent with Article VII Section 2 of the Declaration, a fine may be assessed for any and all violations of the Declaration, Bylaws, Articles of Incorporation, the Building and Design Rules or any Rules adopted by the Board of Trustees (collectively, the “Governing Documents”). Unless otherwise specified in the Governing Documents, the following procedures shall apply:

3.1.1. First Violation. The HOA shall give a written notice to the Owner, by hand-delivery, first class mail, or email which shall notify the Owner of the violation and warn the Owner that a fine will be imposed if the violation is not cured within forty-eight (48) hours.

3.1.2. Uncured or Second Violation. In the event an Owner fails to cure a violation after written notice within the 48-hour cure period stated in the notice, a fine may be assessed against the Owner. Likewise, a fine may be assessed against an Owner for any second violation of the same or similar rule in any one-year time period. **No written warning notice shall be required before the imposition of a fine for a second violation of the same or similar rule within a one-year period or for any continuing violation that remains uncured more than 48 hours from the initial warning notice.**

3.1.3. Uncured or Third Violations. For any continuing violation that remains uncured longer than ten (10) days after the initial fine is assessed, an additional fine may be assessed against the Owner. Likewise, a fine may be assessed against an Owner for



any third violation of the same or similar rule within a one-year period. **No written warning notice shall be required.**

3.1.4. Uncured or Fourth and Subsequent Violations. For any continuing violation that remains uncured longer than seven (7) days after the second fine is assessed, additional fines may be assessed against the Owner every seven (7) days. Likewise, a fine may be assessed against an Owner for any fourth violation (and all subsequent violations) of the same or similar rule within a one-year period. **No written warning notice shall be required.**

3.2. An Owner who is assessed a fine may request an informal hearing to dispute the fine within thirty (30) days from the date the fine is assessed. Unless otherwise required by law, such hearing shall be conducted in accordance with the provisions set forth below.

3.3. If a hearing is requested, no interest or late fees shall accrue related to the fine until after the hearing has been conducted and a final decision has been rendered by the HOA.

3.4. All requests for hearing shall be in writing and shall be mailed, delivered, or emailed to the Board of Trustees or the Manager.

3.5. The hearing shall be held within thirty (30) days after the Board of Trustee's receipt of an Owner's written request for a hearing and the requesting Owner shall have notice of the hearing at least fourteen (14) days before the date of the hearing.

3.6. Any hearing as a result of such request shall be governed by the following rules:

3.6.1. The Owner must appear at the time and place designated by the Board of Trustees for the hearing. The appearance may be by electronic communication.

3.6.2. At the hearing, the Owner contesting the fine shall be entitled to a reasonable amount of time to present evidence to challenge the alleged occurrence of the violation or present other information as the Owner believes is pertinent or appropriate for the Board of Trustees' consideration. The Owner may invite other Owners or Persons to present evidence or information related to the alleged occurrence of the violation. Witnesses or other individuals appearing on an Owner's behalf may also attend by electronic communication.

3.6.3. The Board of Trustees may establish and announce at or before the hearing any additional rules regarding the hearing.

3.6.4. Within fourteen (14) days of the hearing, the Board of Trustees shall issue a written decision to the Owner regarding the dispute via email or regular U.S. mail.



- 3.6.5. The Board of Trustees' decision shall be final, subject only to the Owner's right to challenge the decision in a court of competent jurisdiction within the time prescribed by law.
- 3.6.6. The Board of Trustees may rely on any reasonable information and evidence in determining whether or not a violation has occurred, both initially and after the hearing.
- 3.6.7. A fine assessed pursuant to this section which remains unpaid after the Board of Trustees' decision, or after the time for requesting a hearing has expired without a hearing being requested, will incur a late fee of \$10 per day and interest at a rate of 10% per annum, and may give rise to a lien against the Owner's unit and may result in judicial foreclosure.
- 3.7. Each Owner shall be responsible for any fines related to or arising out of use of the Project by the Unit Owner(s) and Occupants, including family, guests, tenants, lessees, or invitees.
- 3.8. If it is necessary for the HOA to engage the services of an attorney to enforce any of the provisions of the Governing Documents or collect any fine, then the offending Owner shall also be responsible for paying the costs of engaging such attorneys, expert witnesses, court fees, and other expenditures related to the enforcement action, regardless of whether or not litigation is initiated.
- 3.9. Enforcement remedies are cumulative and the HOA reserves its right to pursue any enforcement action authorized by law or the Governing Documents in addition to the remedies provided herein.