

CC&R CHRONIC VIOLATOR POLICY

The Lake Forest II Master Homeowners Association may levy fines for violations of the Lake Forest II restrictions in accordance with Article IV, Section 5.05 of the Master Declaration of the CC&R's.

I. SCOPE

The Policy and Procedure is applicable to all homeowners in Lake Forest II and subject to the provisions of the Master Declaration. It is enforced by the Lake Forest II Master Board of Directors who retain ultimate responsibility, and by all other persons or entities specifically granted the authority to do so by the Board of Directors.

II. PURPOSE

A policy and schedule of fines has been established by the Board of Directors and distributed to the homeowners of Lake Forest II to comply with the Master Declaration of the CC&R's. The purpose of this policy is to address the issue of fines for "Chronic Violators."

III. AUTHORITY

By resolution of the Board of Directors of Lake Forest II, the Hearing Board, the General Manger, and designated full time staff members are hereby directed to implement and enforce this policy as specified herein.

IV. GENERAL GUIDELINES

The following guidelines define a "Chronic Violator" and the procedures adopted for compliance.

1. A homeowner who receives three (3) "First" letters or notices for violation of the same section and paragraph of the Master Declaration of the CC&R's in a six (6) month period is determined to be a "Chronic Violator."
2. A homeowner/resident will be deemed a "Chronic Violator" by the Hearing Board if that homeowner/resident has been notified in writing three (3) times within a ninety (90) day period for the violation of not removing his/her trash containers from the curb within 24 hours of the trash collection. Thereafter, further violations within a one-year period involving non-removal of trash containers will be assessed an automatic fine in accordance with the Fine Schedule. The homeowner retains the right to due process by having the opportunity to appeal the fine before the Board of Directors.

3. A homeowner who is referred to the Hearing Board twice, for violation of the same Section and Paragraph of the Master Declaration of the CC&R's within a twelve (12) month period is determined to be a "Chronic Violator."
4. The Hearing Board has the authority to delay the implementation of a fine for a period up to 75 days under one or more of the specified circumstances (below), and only based on the homeowner's personal appearance before the Hearing Board:
 - The homeowner has made a sincere effort to improve the property but a legitimate financial condition requires a delay in the correction of the violation.
 - The homeowner has scheduled several improvements to the property but the correction of the violation requires additional related work before the violation can be corrected (i.e., a roof is to be replaced next month and the painting cannot be completed until after the roof is replaced).
 - The homeowner has made every effort to communicate with staff and cooperate with the Association, but has been unable to complete the repairs due to the above conditions, family illnesses, weather, or other legitimate matters that may have contributed to the delay in repairing or correcting the violation.
5. In the event that homeowners designated as "Chronic Violators" are free and clear of all violations pertaining to the Section and Paragraph of the Master Declaration of the CC&R's for which they were declared "Chronic Violators" for a period of twelve (12) consecutive months, they will be deleted from "Chronic Violator" status.

When the Hearing Board rules that a homeowner falls into the category of "Chronic Violator," they will at that time, determine the course of action relative to recurrence of the violation. The action determined by the Hearing Board will go into effect immediately upon recurrence of the violation and expiration of the appeal period.

The homeowner will be notified of the Hearing Board's decision and future fines to be assessed for any violation of the same Section and Paragraph of the Master Declaration of the CC&R's.

Each time a violation recurs and a fine is assessed, the homeowner will be notified of his/her right to appeal the fine before the Master Board of Directors.