

SIERRA BONITA VILLAGE HOMEOWNERS' ASSOCIATION, INC.
RESOLUTION NO. 2018-04

ORIGINAL

THIS RESOLUTION SUPERCEDES RESOLUTION NO. 2015-01 PERTAINING TO FINES, ASSESSMENTS AND COLLECTION PROCEDURES.

WHEREAS the Board of Directors deems it to be in the best interest of the Association to clarify and confirm policies and practices necessary to impose its penalty, lien rights and other legal remedies for breach of CC&R provisions and

WHEREAS continued violations of the CC&R's compromise the peaceful enjoyment of all Village residents and may reduce the value of the properties in the area. It was determined that an increase of fines for non-compliance with CC&R's and maintenance requirements was necessary to defray additional administration costs and attorney fees charged to bring residents/owners into compliance with the CC&R's and affect needed repairs, .

NOW THEREFORE BE IT RESOLVED that the Association hereby adopts the fine schedules, policies, and practices as follows:

1. **Maintenance:** The following is the schedule of fines for non-compliance of required maintenance within the time required:
A fine of \$ 50.00 will be assessed if required repairs are not completed within 30 days of the date of the first notice. The fine will be increased to \$100.00 if the repairs are not completed within 60 days from the date of the original notice and will increase to \$200.00 if repairs are not completed within 90 days from the date of the original notice. At that time the Board will make arrangements for an outside vendor to complete the required repairs and the homeowner will pay the cost of those repairs.
Homeowners may request an extension of time to complete necessary repairs if there are extenuating circumstances. The request must be in writing and approved by the Board of Directors. No extensions will be given to any homeowner who is receiving rental income from their property.
2. **Trash Receptacles:** Trash receptacles must be stored out of sight, except for the day before and the day of trash pick-up. This includes black trash bins, recycle bins, and green waste bins. After the first warning a homeowner may be assessed a fine of \$10.00 for each occasion that a bin is visible from the street.
3. **CC&R's Infractions (with exception of Maintenance requirements addressed in paragraph 1.)**
Owners may be assessed a fine up to five hundred dollars (\$500) for any violation of the CC&R's that continues for more than forty-five (45) days from the date of the notification letter, except obnoxious or offensive behavior. A fine of five hundred dollars (\$500) may be assessed for homeowners who continue to exhibit obnoxious or offensive behavior thirty (30) days from the date of the notice of violation.
4. **Guests and Tenants:** All owners are responsible for the behavior of their tenants/guests and may be assessed a fine of up to five hundred dollars (\$500) if tenants/guests continue to exhibit obnoxious or offensive behavior thirty (30) days from the date of the notice of a violation or continue to violate any other conditions of the CC&R's, for (45) days from the date of the letter of notification. **All landlords must include in their rental/lease agreements that failure of the tenant or their guests to adhere to the CC&R's is grounds for eviction.**
5. **Twenty-four Hour Caregivers Under Minimum Age:** A homeowner requesting approval for a 24 hour caregiver under the minimum age allowed but over 18 years of age, must submit a letter from their attending physician stating that the patient is in need for 24 hour care.
A 24 hour "care giver" will be required to submit a completed "Care Giver Application", which needs to be approved by the Board of Directors prior to the caregiver moving in. No "care giver" shall be under the age of 18 years of age and must provide identification of such to the Board of Directors.
6. **Unapproved Improvements:** With regard to paragraphs 8 and 9 of the CC&R's. For all replacements, improvements or new installations done by a property owner without prior Board review and approval, the property owner may be assessed a fine of up to Five Hundred Dollars

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(\$500) for said unapproved additions or alterations if not removed or brought to Association standards within forty-five (45) days of written notification from the Association.

All replacements, improvements or new installations shall be fabricated of appropriate materials, be permitted by the city when required and shall be of a neutral color which would include white.

6. **Collection Procedures:** Any dues, fines or assessments not paid within forty-five (45) days shall be subject to a minimum of a \$10.00 late fee or a 10% increase (whichever is greater) and if not paid within ninety (90) days, will be turned over to the attorney for collections and/or a Notice of Claim of Lien which may be recorded in the office of the County Recorder in accordance with the laws of the State of California. Attorney's fees for this procedure will be added to the lien.
7. **Legal Intervention:** Legal intervention may commence 90 days after the date of the first violation letter and the homeowner will be liable for all attorneys fees and filing fees necessary to bring the homeowner into compliance and or to collect assessments, including letters, lien preparation and filing fees.
8. **Annual Dues:** Annual dues are due on the first day of each January and cover the fiscal period of January first through December thirty first each year. Dues are delinquent if not received by the first day of February and will be subject to a Late Fee assessment. Checks deposited by the Association and returned uncollectable by the bank are subject to a \$50.00 returned check fee. Payments by homeowners will be applied to the homeowners account in this order: Unpaid association fees, returned check fees, late fees, and collection costs. Annual dues and late fees will be determined by the Board of Directors during the formulation of the annual budget.
9. **Exceptions:** Notwithstanding the foregoing, the Board of Directors from time to time may make exceptions or grant extensions of time to a member, when, in the sole discretion of the Board, it has been determined that extenuating circumstances exist so as to warrant such exception and/or extension, and the Board receives reasonable assurances that such moneys as may be due the Association will be paid by virtue of said exception and/or extension.
10. **Assessments:** The Association intends the word "assessment" to include but not be limited to the Association fee; any individual owner of the Association fines, penalties, interest, or other charge the Board of Directors may levy against an owner or owners in accordance with its authority under the CC&Rs and By-laws.

The foregoing policies and practices shall remain in effect until such time as they may be changed modified or amended by a duly adopted resolution of the Board of Directors.

BE IT THEREFORE RESOLVED that within sixty (60) days prior to the beginning of each fiscal year a copy of this Standard Procedure for Assessment and Collection of Delinquent Homeowner Accounts as adopted or subsequently modified and amended, shall be delivered to each of the members of the Association in the manner and pursuant to the requirements of California Civil Code Section 1365.

Resolution 2018-04 is hereby made a part of the minutes of the Board of Directors Meeting of November 21, 2018

Motion by: David Sturtridge Second by: Barbara Dowdy
to adopt Resolution No. 2018-04, so carried.

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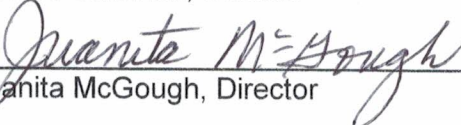
Barbara Jones, President



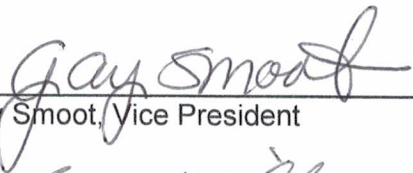
Barbara Dowdy, Secretary



Connie Callahan, Director




Juanita McGough, Director



Gay Smoot, Vice President



Larry Miller, Treasurer



Carol Bowyer, Director



David Sturtridge, Director