



Secluded Valley Homeowner's Association Procedure (and Schedule) for Violations of the Governing Documents, the CC&Rs, By-Laws, Rules, Regulations and Procedures

(Approved January 27, 2022 / Published February 25, 2022)

The Secluded Valley Homeowner's Association ("SVHOA") Board of Directors ("Board") has, in accordance with the California Davis-Stirling Act and SVHOA By Laws, has adopted the following Procedures and Schedules with respect to violations ("Violation") of the SVHOA Declarations of Conditions, Covenants and Restrictions ("CC&Rs"), By Laws and/or duly adopted Rules, Regulations and Procedures.¹

SVHOA Members are reminded that they are responsible for compliance and may be subject to fines or other remedies for Violations, by tenants, family members and guests with respect to all CC&Rs, By Laws, Rules, Regulations and Procedures.

Except in cases that the Board reasonably determines to be deliberate, reckless or repeated Violation(s) of the CC&Rs, By Laws, Rules, Regulations and Procedures, or in circumstances requiring immediate correction or remediation of the Violation, the following procedures will apply:

- These procedures may be initiated upon receipt by the President (and/or the Board of notice), whether in writing or otherwise, of any actual or potential Violation. The SVHOA Office Manager ("Office Manager") shall promptly notify, in writing, the President, with copies to all Board Members, any complaint concerning any actual or potential Violation received by the Office Manager.
- Before any written notice set forth herein is sent to a Member, the President or a member of the Board of Directors as the President's designee, shall make a good faith attempt to contact any Member suspected of a Violation to discuss the matter with them in person or by telephone and, if possible, reach a resolution of the suspected Violation.
- The President shall notify in writing any Member suspected of a Violation, through the Office Manager of a suspected violation along with a description of their suspected Violation. The Member will have ten (10) days from the date of notice to cease, rectify, correct or contest the noticed Violation. The notice shall be in the form of, or contain substantially the same information as, Exhibit A – Notice Letter attached hereto.

¹ Rules, Regulations and Procedures include Common Area (Tennis Courts, Playground, and Pathways) posted signs and notices.

- If the Violation is not ceased, rectified, corrected or contested within the ten (10) day period, a Violation Letter will be sent by the President through the Office Manager stating:
 - the Violation;
 - a demand that the Violation be ceased, rectified or corrected within five (5) days of the letter. To avoid uncertainty, the deadline date will be specifically stated in the letter (e.g. “April 30, 2021”);
 - notice that a fine will be levied against the Member if the Violation is not ceased, rectified or corrected by the stated deadline.
 - The Violation Letter shall be in the form of, or contain substantially the same information as, Exhibit B – Violation Letter attached hereto.
- If the Violation is not ceased or corrected by the deadline set forth in the Violation Letter, or if the Violation is affirmed after being contested, the President through the Office Manager shall send a letter notifying the Member that they are subject to fine. The notice shall be in the form of, or contain substantially the same information as, Exhibit C – Fine Letter attached hereto.

In cases that the Board reasonably determines to be deliberate, reckless or repeated Violations, the Board may by motion impose an immediate fine(s) without following the procedures and issuing the Notice and Violation Letters set forth above. Notice to the Member of the Fine shall be provided in the form of, or contain substantially the same information as Exhibit D – Immediate Fine Letter attached hereto.

Additional procedures:

- All Notice, Violation, Fine and Immediate Fine letters provided for herein may be delivered to the Member by email (except for Members who have not consented to receive email notifications from the SVHOA), first class mail, personal delivery, commercial delivery service or any other delivery method reasonably determined to provide reliable actual delivery. Such letters may be directed to the Member or to any person who has acted on behalf of the Member with respect to SVHOA affairs.
- Any fine may be enforced by any method permissible under law or equity.
- In cases where immediate correction or rectification of the Violation is required (nonexclusive examples may include Violations that threaten injury or damage to persons or property or unduly disturb the quiet enjoyment of other Members), the Board may take such additional action as it deems necessary or convenient to gain compliance with all applicable CC&Rs, By Laws, Rules Regulations and Procedures.
- All disputes concerning Violations and fines shall be finally determined pursuant to the SVHOA Dispute Resolution procedures.

- The Procedures, Fines and Remedies set forth herein are not exclusive. Nothing in these procedures prevents the Board from taking such additional action or seeking such remedies as it may deem necessary or convenient to enforce the CC&Rs, By-Laws, Rules, Regulations and Procedures, and/or obtain compensation or reimbursement for damage, including, but not limited to, invoking the SVHOA Dispute Resolution Procedures, bringing an action in court for legal and/or equitable relief, and suspending Member voting rights and privileges.

Fine Schedule

(This element will be considered subject to Board action regarding the Procedural section of the fining policy: **TO BE DETERMINED BY FUTURE BOARD ACTION**)

Authority:

California Civil Code section 5850, 5865; SVHOA By-Laws Section VIII, Section 1(a)

