

Edgewater Condominium Association
Rules Violation Resolution

WHEREAS the condominium has a declaration, bylaws, and rules and regulations, and,

WHEREAS Articles _____ and _____ of the bylaws of the condominium empower the board of directors to enforce the declaration, bylaws, and the rules and regulations, and,

WHEREAS the _____ Condominium Act specifies (Section __) how to enforce the declaration, bylaws, and rules and regulations,

NOW, THEREFORE, BE IT RESOLVED THAT the condominium will enforce said declaration, bylaws, and rules and regulations with the following procedure:

A. In order to begin the rules enforcement process, an owner must state in writing to the board of directors any rule violation he or she wishes to complain about.

1. The person making the complaint must be identified in the letter.
2. The person making the complaint will be called to testify at all hearings.
3. Committees, as well as groups of owners or residents, may also bring complaints.

B. Upon receipt of an alleged rule violation letter stating the date and approximate time of the alleged violation, a letter will be sent to the alleged violator, stating the alleged violation and a time period during which the alleged violation may be abated without further sanction (not less than 10 days).

1. A copy of this letter will be sent to the person originating the complaint.
2. If the alleged violation persists past the 10 day grace period, a second letter must be sent by a complaining owner (not necessarily the first owner who complained) alleging that the violation exists.

C. After the receipt of two letters of complaint within the prescribed period, a hearing will be held.

1. A hearing notice will be sent to the alleged violator stating: the nature of the alleged violation; the action requested to cure the alleged violation; the time and place of a hearing; an invitation to attend the hearing and produce any statement, evidence or witnesses on his or her behalf; a statement that a sanction may be imposed; and the maximum amount of any sanction.
2. An invitation will also be sent to the person or persons originating the complaint, inviting them to the hearing in order to produce evidence to substantiate their complaint.

D. The board will hear testimony from both sides at the hearing and then excuse both parties and render a decision.

E. Should a fine be imposed on the alleged violator, standard collection action may be pursued which may take the form of court action for damages, collected as provided by law. It is also possible that standard collection action may include the filing of a lien on the unit for nonpayment of the fine and, ultimately, foreclosure, if necessary.

F. In the case of non-owner-occupied properties, all residents and owners will be provided copies of all correspondence.

APPROVED:

Date: _____

President: _____

Secretary: _____