

WESTWOOD II HOMEOWNERS ASSOCIATION
RANCHO BERNARDO, CA 92127

ENFORCEMENT POLICY AND MONETARY PENALTIES (FINES)

The success of our Homeowner Association's work is seen in the attractive appearance of the community. Most residents of Westwood II are willing to comply with the architectural standards spelled out in the CC&Rs. However, achieving this compliance with reluctant owners can be difficult. There are a few owners who resist giving their serious attention to ongoing minimum maintenance responsibilities. We are an aging community and some deterioration is evident.

Westwood II has governing documents that have always provided for the enforcement of community standards but had not specified the procedure. The Board of Directors is reinstating an old guideline to implement a fining policy. *IT MUST BE EMPHASIZED THAT THE BOARD OF DIRECTORS' GOAL IS TO MAINTAIN AND IMPROVE THE ATTRACTIVENESS OF OUR NEIGHBORHOOD AND ENSURE PROPERTY VALUES, NOT TO RAISE MONEY.*

1. In response to a report received of a violation and/or observation, the Board of Directors (BOD) will determine if such a violation of the CC&Rs has occurred.
2. The property owner will be notified in writing requesting correction of the violation within a reasonable time period, usually 30 days. The letter will also suggest that the owner contact the Westwood II BOD if there are extenuating circumstances that prevent compliance so the BOD can attempt to work with the owner toward resolution. Should the owner ignore or otherwise fail to correct the violation, the Board of Directors will take follow up actions at the end of the designated time period.
3. A second letter (Hearing Notice) will be sent by both regular and certified mail from the BOD to the OWNER or legal representative asking that the identified problem be resolved before the next scheduled BOD meeting or require that the owner attend the meeting to explain why the violation is not resolved. The notice will be sent at least 15 days prior to the meeting and will state the potential penalties should the owner fail to comply or to attend.
4. Should the owner not comply or attend, the Board of Directors will take ACTION at their next meeting. The owner will be sent another hearing notice requiring attendance at the Board meeting and will include the compliance required along with a copy of the current enforcement/penalty policy.
5. After the hearing, the Board Of Directors, in an Executive Session will review the information provided by the owner. Both regular and certified mail will send the Board's conclusions and compliance requirements to the owner. Failure to comply will trigger the following MONETARY penalty (fining) sequence.
 - A. A fine of \$50.00 per month for the first three months that the violation remains unresolved.
 - B. A fine of \$100.00 per month for the next three months that the violation remains unresolved.
 - C. Legal action may be instituted any time after the first hearing date at the Board's recommendation, but must begin with offering a mediation option.
 - D. If the owner does not comply with the Board's requirements by the end of six months, the fine will be increased to \$200.00 a month until compliance is obtained or legal action is finalized.
 - E. The Board Of Directors reserves the right to institute the legal action it deems necessary to bring about compliance.
 - F. The Board Of Directors reserves the right to reverse any fines previously assessed when it has been determined that the property is in compliance.

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- G. ALL COSTS OF ENFORCEMENT INCURRED BY THE WESTWOOD II BOARD OF DIRECTORS/HOME OWNERS' ASSOCIATION IN BRINGING AN OWNER INTO COMPLIANCE WILL BE CHARGED TO THE OWNER IN VIOLATION.
- H. Fines are in addition to enforcement costs and may be in addition to other enforcement activity (court costs, etc.).