

**838 CONDOMINIUMS
RESOLUTION OF THE MANAGEMENT COMMITTEE
FINE RESOLUTION**

MAY 30, 2018

WHEREAS, "Declaration" is the Amended Declaration of Condominium of 838 Condominiums; and "Bylaws" is the Amended Bylaws of 838 Condominiums; and "Association" is the 838 Condominiums; and "Board" is the Management Committee; and "Act" is the Utah Code – Title 57 – Chapter 08a – Community Association Act; and

WHEREAS, the Board for the Association desires to honor the intent of the governing documents for the Association for the mutual benefit of the membership; and

WHEREAS, Article 5.4.1 of the Declaration and Bylaws authorizes the Board to enforce house rules,

Pursuant to Utah Code Ann. 57-8a-208, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

WHEREAS, the Board desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

NOW BE IT RESOLVED:

1. That the following schedule of fines be adopted:

A. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

B. Schedule of Fines:

First Violation: The Board or their designated agent shall give a **written notice** to the owner that shall inform the owner that a fine will be imposed if a second similar violation occurs or if a continuing violation is not cured within the time specified within the notice.

Second Violation: Upon the second violation of the same type after a warning in any one-year time period, or a continuing uncorrected violation after the initial warning period, a fine of **\$50.00** shall be imposed on the owner.

Third Violation: Upon the third and each additional violation of the same type within a one-year period, or each continuing violation of at least ten days after the assessment of the second and each subsequently assessed fine, a fine of **\$500.00** shall be imposed on the owner.

2. That all following procedures will be followed prior to levying a fine:

Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. the Board in its discretion may grant a cure period exceeding forty-eight (48) hours if the Board determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board to protest or dispute the fine. A request for hearing must be made in writing within thirty (30) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by the Board, or their designated agent, within thirty (30) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to FCS Community Management at PO Box 5555, Draper, UT 84020. The hearing shall be conducted in accordance with the procedures adopted by the Board.

Collection of Fines: Fines shall be collected as authorized by the Declaration and By-laws. However, interest and late fees shall not accrue on fines until after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered. Upon failure to pay the fine a lien may be levied against the property per the Declaration and Bylaws with defendant responsible for any incurred attorney fees.

3. That the following procedures shall govern an informal hearing of the Board:

Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason be conducted at the next regularly scheduled Board meeting. The Board shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail postage prepaid, by hand delivery, or by electronic means. No other Owners or parties shall be entitled to attend the hearing, except for legal counsel of the Owner who was fined. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original date. The continued hearing shall, within reason, take place at the second Board meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

Hearing Procedures/Decision: The hearing shall be conducted by the Board. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Board may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence the Board may either render its decision at the hearing or take the evidence and argument under advisement. If the Board takes the

evidence under advisement, they shall render a final decision within ten (10) days of the hearing. Once a decision is rendered, the Board shall give written notice of their decision to the requesting owner. If the Board concludes that the fine shall stand, as part of the decision, the Board shall state that payment of the fine is due within fourteen (14) days or interest and late fees will accrue. All decisions of the Board are final.

ADOPTED May 30, 2018

838 Condominiums Management Committee

By: *John Stinson*
Signed

JOHN STINSON
Print

838 CONDOMINIUMS CHAIR
Position



Kelli J. Cavender

06.07.2019

EXHIBIT "A"

Legal Description

All of 838 Condo, according to the plat on file in the office of the Salt Lake County Recorder recorded on April 9, 1996 as Entry Number 6325777:

Units 101-411.

Parcel No. 16-05-140-045-0000 through 16-05-140-088-0000.