

Rules & Regulations

Appeal Process

I. Introduction

Any homeowner determined by the Board to be in violation of any of the Fairwood Greens' Homeowners Associations Bylaws, CC&Rs or Rules and Regulations may request a hearing to offer a defense to the imposition of violations and/or fines.

The Fairwood Greens HOA board has the discretion to deny the right to a hearing based upon reasonable circumstances (e.g. when the matter is turned over to the Association Attorneys for possible collection and/or litigation).

II. Hearing Request Procedure

The Homeowner must complete a written Request of Appeal within 15 calendar days of receiving the notice imposing fines, which shall be sent to the Fairwood Greens' Homeowner Association.

The appeal request must contain the following:

- 1) Homeowner's Name and address.
- 2) Homeowner's reason and basis for an appeal.
- 3) Homeowner shall present a copy of all supporting documentation.
- 4) Homeowner shall present the names of any attending attorneys, witnesses or other collaborating guests.
- 5) Homeowner shall sign and date Request for Appeal.

The Board President will assemble three (3) current members of the Fairwood Greens' Board of Trustees to act as a Review Board within Ten (10) calendar days following receipt of a complete written Request for Appeal. The appealing homeowner shall so be advised of the receipt of the Request of Appeal.

The Review Board not later than fifteen (15) calendar days following the formation of the Review Board announces a hearing, which will take place on an evening, time and location to be determined by the Review Board.

The Review Board will permit the appealing homeowner up to thirty minutes to explain the circumstances of the appeal and provide grounds as to why the violation and fine should be waived, reduced or cancelled.

The Review Board, at the conclusion of the presentation, will adjourn to review the circumstances of the Request of Appeal as presented.

The Review Board will send a written notice to the homeowner as to the Review Board's decision within seven (7) calendar days.

The Review Board, finding in favor of the appealing homeowner shall advise the homeowner as to whether the fines imposed are reduced, modify or waived. Any adjustment(s) shall reflect on the homeowner's account the following month.

The Review Board determining the explanation was inadequate to justify the reduction, modification or waiver of the violation and/or fines, the fines will continue to be assessed until paid in full even if the offending cause has been removed or corrected.

III. Collection of Fines

The Fairwood Greens' Homeowner's Association will bill the offending homeowner the appropriate fines at the time in which they occur. If any unpaid fines remain outstanding after the assessment or adjudication more than 90 days, interest shall commence at the current published rate of 1/2 percent on the unpaid balance per month. If the fines remain unpaid, the Fairwood Greens' Homeowner Association may commence the filing of a lien for all outstanding fines and any unpaid assessments as of that date and if necessary seek foreclosure relief on the lien. All associated costs and attorneys fees will be assessed to the offending homeowner as provided in the CC&R, Article VII Covenant for Maintenance of Assessments.

IV. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

Dated and Enacted May 28, 2013