

SCHEDULE OF FINES SUN PEAK MASTER HOMEOWNERS ASSOCIATION

1. **Schedule of Fines:** The following schedule of fines is adopted and will be assessed for violations of the Declaration, Design Guidelines, Bylaws, Rules, Regulations and Policies of the Association (“Governing Documents”). Enforcement remedies are cumulative; accordingly, the Board reserves its right to pursue any enforcement action authorized by law or the Governing Documents at any time during the fining process.

- a. **List of Violations:** Any violation of the Governing Documents may be subject to a fine as follows.
 - i. **1st Violation: Warning**
 - ii. **2nd Violation or failure to cure after 1st Violation:** \$50.00 for second violation within one year after the warning or failure to cure.
 - iii. **3rd Violation or failure to cure after 2nd Violation:** \$200.00 for third violation within one year of the last fine or failure to cure. Third and subsequent violations or continuing violations must be at least 10 days after the last fine.
 - iv. **4th Violation and all subsequent violations or failure to cure after 3rd violation or subsequent violations:** \$500.00 per month additional fines or legal action.

2. **The following procedures will be followed prior to levying a fine:**

- a. ***Notice of Violation:*** The offending owners will be given a written notice describing the violation, the rule or provision of the Governing Documents violated and a time to cure the violation prior to a fine being levied.
- b. ***Time to Cure:*** The offending 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 sole 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.
- c. ***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 Owner receives the violation notice. 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 of Directors, or their designated agent, within thirty (30) days from the date the violation notice is received, the fine shall be deemed to be uncontested and the Owner shall forfeit their right to hearing. **A request for hearing shall be delivered in writing to Sun Peak Master Condominium Association, C/O Peak Property Management Group, LLC, 1950 Bear Hollow Drive, Park City, UT 84098.** The hearing shall be conducted in accordance with the procedures adopted by the Board of Directors.
- d. ***Collection of Fines:*** Fines shall be collected as authorized by the Governing Documents and law. Interest and late fees may accrue on any fines, however, interest and late fees shall not accrue on fines until after the time for hearing has passed, or, if a hearing is conducted, until after a final decision has been rendered.

3. **The following procedures shall govern an informal hearing of the Board of Directors:**

- a. ***Scheduling a Hearing/Continuances/Failure to Appear:*** To request a hearing, an Owner must submit a written request to the Board within the timeframe identified above. The hearing shall, within reason, be conducted at the first Board meeting after the receipt of the request. The Board shall give notice of the date, time, and location of the hearing to the Owner. Notice of the hearing shall be delivered to the Owner and, if necessary, to the complaining Owner by electronic means, USPS first-class mail, postage prepaid, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the Owner, they may request one continuance of the hearing date. To request a continuance, the Owner shall deliver a written request for continuance to the Association. The request must be received by the Association at least five calendar days prior to the original hearing date. If the Board continues the hearing, 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 Owner’s right to hearing and the enforcement action shall be deemed uncontested.

- b. ***Hearing Procedures/Decision:*** The hearing shall be conducted by one or more Board members. The Owner shall be given a reasonable amount of time to present the Owner's position to the Board. The Owner may present documentation and/or witnesses to present the Owners position. The Board may question the Owner or witnesses during the hearing. After hearing the Owner's position, the Board may either render its decision at the hearing or take the matter under advisement. If the Board takes the matter under advisement, the Board shall render its final decision within fifteen (15) days of the hearing. Once a decision is rendered, the Board shall give written notice of their decision to the Owner. 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. The Owner is permitted to attend a meeting with the Board by electronic communication, which includes telephone. The Owner may appeal a fine assessed under these rules by initiating a civil action within 180 days after the time to request an informal hearing expires if no hearing is requested, or 180 days after receiving the final decision from the board.

4. All fines may be levied and collected in the same manner as Assessments:

All fines are subject to the Governing Documents of the Association and shall be collected in the same manner as Assessments.

Adopted August 28, 2017 at a regularly scheduled Board Meeting.