



Wesley Place Homeowners Association

Resident Information Package

Schedule of Fines

The schedule of fines was developed with advice and counsel of the Association’s attorney, was presented to the Homeowners at the February 2014 Annual Meeting, and was adopted by the Board of Directors as a formal resolution on February 11, 2014. The contents of the resolution are as follows:

WHEREAS property owners, tenants, guests, or other persons occupying or visiting Wesley Place units or using the common facilities are subject to the rules and regulations set forth in the Declaration of Covenants, Conditions and Restrictions (DCCR) dated March 13, 1984, which were amended and corrected on March 26, 1984, and recorded in Book 1811, Page 895, and Book 1813, Page 016, in the Register’s Office for Knox County, Tennessee, the Articles of Incorporation, the By-Laws of the Wesley Place Homeowners Association, Incorporated, and published rules and regulations thereof, and

WHEREAS Article IV(b) of the Articles of Incorporation give the Association the power to fix, levy and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration and By-Laws, and

WHEREAS Article VII, Section 1, paragraph (c) of the By-Laws gives the Board all powers, duties, and authority vested in or delegated to the Association and not reserved for the membership by other provisions of the By-Laws, the Articles of Incorporation, or the DCCR, and

WHEREAS It is the intent of the Board:

1. To achieve compliance with rules, policies, and procedures.
2. To promote unity and harmony within Wesley Place.
3. To maintain the appearance and value of our property.
4. To maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners.

NOW, THEREFORE, BE IT RESOLVED that the following procedures be used to address suspected violations of the rules and regulations set forth in the Declaration, the By-Laws of the Association and published rules and regulations:

A. VIOLATIONS, COMPLAINTS, and NOTIFICATION:

1. (a) A suspected rules violation, nuisance complaint, or safety issue may be identified by an appropriate committee chairperson, or any member of the Association and may be brought to the Board’s attention.

(b) All alleged complaints must be submitted to the Board in writing.
2. Upon receipt of a written complaint the Board will make an initial determination of whether a violation exists.
3. (a) If it is determined that a violation does exist, the property owner will be notified in writing. The written notification to the owner will be sent by First Class Mail.



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(b) If the property is a rental unit the renter will also receive a copy of the notification. The written notification to the renter may be hand-delivered to the residence, sent by First Class Mail, or by electronic mail (if applicable).

(c) The notification will state the rule that has been violated, a description of the violation, and the date by which the violation must be corrected to avoid any penalty.

(d) A reasonable time shall be set by the Board for compliance or correction of the violation. Violations which require significant time to correct may be given interim progress dates.

(e) The notification will inform the property owner of the right to request a hearing.

4. (a) Situations which present a threat to life or limb will be corrected as soon as possible by the homeowner, tenant, or if not available, the Association. The notification and hearing provisions in Paragraph 3 above apply as applicable.

(b) Owners, Tenants, or Guests who are violating Parking, Pool, Clubhouse or other common area property rules shall receive an on-the-spot warning from the appropriate committee chairperson or a member of the Board. Second and subsequent violations of the same or substantially similar rule will be cited and the fine imposed. The notification and hearing provisions in Paragraph 3 above apply as applicable.

B. HOMEOWNER'S RIGHT TO HEARING:

1. (a) The request for a hearing must be submitted within fifteen (15) days of the date of postmark of the notification or the right to a hearing will be waived and the fine will be automatically assessed.

(b) The request for a hearing must be directed to the Board President whose name, address, and phone number and e-mail address (if applicable) shall be listed on the Notice of Violation.

(c) The purpose of the hearing is to provide the property owner the opportunity to establish the rule has not been violated or why the rule or procedure does not apply.

(d) After hearing the property owner's position, the Board, or a committee appointed by the Board, shall make a determination whether the Declaration, the By-Laws, or the Association's rules have been violated. The Board shall either render its decision at the conclusion of the hearing or will take the matter under advisement and render the decision at a later Board meeting.

(e) If, after the hearing, the Board determines that no violation exists, the homeowner shall be notified that no further action will be required.

(f) If, after the hearing, the Board determines that a rule violation does exist, the property owner will have fifteen (15) calendar days, or a date(s) established by the Board to correct the violation. After the period established by the Board, the appropriate committee chairperson or Board member shall inspect the property to ensure satisfactory compliance.



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(g) If a fine is to be imposed, the amount of the fine will be included in the Board's written response and will be sent to the owner (and the renter, if applicable) at their last known address.

(h) The Board will hold no hearing on a subsequent or continued violation of the same rule or for the same or substantially the same conduct. Section C- Penalties describes how fines will be assessed. Fines will be due immediately.

C. PENALTIES:

If a violation still exists after the initial fifteen (15) day period and if the property owner has not requested a hearing, the following penalties will be automatically assessed:

First notice of violation:	\$ 50.00	Levied on day sixteen (16)
Second notice of violation:	\$100.00	Levied thirty (30) days from date fine was first imposed
Third notice of violation:	\$150.00	Levied per month until the the violation is corrected

D. FINE SCHEDULE CYCLE:

The fine schedule shall be based on the calendar year and will run concurrently with the due date schedule for monthly fees. Violations which have not been resolved within the calendar year in which imposed will continue to accrue fines until the violation has been corrected.

E. ASSESSED FINES and LEGAL ISSUES:

1. The above fines are in addition to any legal fees or other expenses that may be incurred by the Association in seeking compliance with violations or for replacement or repair of common areas or facilities damaged by property owners, tenants or guests.
2. Unpaid fines shall be subject to collections as assessments in accordance with the rules and policies adopted by the Board of Directors, the DCCR, and the By-Laws.
3. Unpaid fines shall be added to the owner's monthly fee account and if that account becomes delinquent because monthly fees and/or the fine are not paid when due, the same penalty of the twenty (\$20) dollars per month imposed on delinquent accounts shall apply.
4. Failure to pay fines within ninety (90) days may result in a lien placed against the property.
5. Violation notices will state whether the violation is the first, second, or third notice and the amount of the fine associated with each level of notice.

NOW, THEREFORE BE IT RESOLVED notwithstanding any other provisions in this resolution, the Board may take immediate legal action as it deems reasonably necessary to prohibit conduct which it determines is in violation of the Declaration of Covenants, Conditions and Restrictions, By-Laws, Association Rules and Regulations (if applicable), or applicable state or federal law.

AND BE IT FURTHER RESOLVED that this resolution was presented to Homeowners at the February 11, 2014 Annual Meeting, and a copy of this resolution shall be sent to all property owners (and tenants) at their last known address.

Adopted by the Board of Directors this 11th day of February, 2014