

**Suspension & Fine Policy**

**1. Enforcement Authority:**

- (1) The Ohio Revised Code, Section 5312: Ohio Planned Community Law, Sub-Section 5312.06: Powers of Owner's Associations,
  - (2) The Declarations of Covenants, Easements, Restrictions and Assessment Liens for Elmont Place, Article III: The Association, Section 1: The Powers, Authority, Duties,
  - (3) The Code of Regulations of Elmont Place Homeowners' Association, Article III, Section 13: Powers and Authority
- defines all the rights, powers, and duties of the Elmont Place HOA Board of Directors to enforce all provisions of the declaration, bylaws, covenants, conditions, restrictions, and articles of incorporation governing the Elmont Place community and the members of the Association. Every homeowner in Elmont Place at the time he or she acquires a home, automatically becomes a member of the Association. The Board of Directors has the right to discipline Members and their family, tenants and guests and/or invitees for violation of any of the provisions of the governing documents by suspending the Member's rights and privileges, including voting rights, as well as other privileges granted to Owners in good standing and to impose a monetary penalty.

**2. Notice & Hearing Procedures:** Prior to the suspension or imposition of a monetary fine/penalty, the Board shall adhere to the following:

- a. **Notice:** A written notice shall be provided that includes a description of the property damage or violation; the amount of the proposed charge or assessment; a statement setting forth the procedures as outlined below to request a hearing; and a reasonable date by which the owner must cure a continuing violation to avoid the proposed charge or assessment, if such an opportunity to cure is applicable. If the first written notice is not acknowledged or the violation corrected by the specified date, the second written notice will include a \$50 fine being levied against the owner. If the second written notice is not acknowledged or the violation corrected, an additional \$100 fine will be levied and a lien processed on the property.
- b. **Hearing Request:**
  - 1. To request a hearing, the owner shall deliver a written request to the board not later than the tenth (10th) day after receiving the notice of violation. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the Board immediately may impose a charge for damages or an enforcement assessment. A written request may be mailed to Elmont Place HOA, P.O. Box 474, Groveport, OH 43125.
  - 2. If an owner requests a hearing, at least seven (7) days prior to the hearing, the Board shall provide the owner a written notice that includes the date, time, and location of the hearing.
  - 3. Within thirty (30) days following a hearing at which the Board imposes a charge or assessment, the Board shall deliver a written notice of the charge or assessment to the owner.

**3. Fine Schedule for Repeat Violations:** Fines shall be levied as an "Enforcement Assessment" in accordance with the Fine Schedule shown below, and shall include any attorneys' fees/costs that may be incurred by the Association in bringing a member into compliance.

**FINE SCHEDULE**

First Violation	NOTICE
Second Violation	NOTICE
Third Violation	\$50.00
Fourth and subsequent	\$100.00
Unauthorized Architectural Review Modifications	\$250 or 25% of the cost of the modification

- 4. Common Expense Liability:** All costs the Association incurs in the administration, governance, and maintenance of the Elmont Place Community are common expenses. The common expense liability of each homeowner shall be assessed annually based on a budget the Board of Directors presents at the June Annual General Membership meeting. Annual Dues assessments will be due and payable as set forth by the Board of Directors and presented at each June Annual General Membership meeting. Any owner with unpaid dues will be subject to fines and interest charges as outlined in this notice.
- 5. Interest Charges:** The Board of Directors shall charge interest on any past due assessment or installment at the rate of twenty four (24) percent APR.
- 6. Liens:** The Elmont Place Homeowners Association has a lien upon the estate or interest in any lot for the payment of any assessment or charge levied in accordance with Section 5312.11 of the Ohio Revised Code, as well as any related interest, administrative late fees, enforcement assessments, collection costs, attorney's fees, and paralegal fees, that are chargeable against the lot and that remain unpaid ten (10) days after any portion has become due and payable.