

## **FINE POLICY**

WHEREAS, the corporation known as Live Oaks Community of Murrells Inlet Homeowner's Association, Inc., a South Carolina Non-Profit Corporation (herein referred to as the "Association"), has Covenants and Restrictions and By-Laws; and

WHEREAS, the Board of Directors of the Association is empowered to govern the affairs of the Association pursuant to the By-Laws Article IV Section 12 (d) entitled Powers and Duties; and

WHEREAS, the Board of Directors of the Association is specifically empowered to levy fines against its members for the violation of the Covenants and Restrictions together with the By-Laws and all other pertinent Rules and Regulations duly set forth by the Board of Directors; and

WHEREAS, there is a need to set forth a schedule of fines for specific and general violations or infractions as the Board of Directors may deem them as such; and

WHEREAS, all individual members of the Association shall be susceptible to such fines so long as they are in violation of the governing documents of the Association mentioned here; and

WHEREAS, all fines will be treated in the same manner as an assessment and will be added to the Owner's account and may be secured by a lien and collected in the same manner as provided in the Declaration of Covenants and Restrictions; and

NOW, THEREFORE, IT IS RESOLVED THAT the Association hereby invokes the power to levy fines against its members by a majority vote of the Board of Directors in each case, and

FURTHERMORE, a schedule of fines for specific offenses shall be kept and posted conspicuously in some format annually, and the ability of the Board of Directors to levy such fines shall exist and be utilized until it is repealed by the Board of Directors by a majority vote.

- First Offense: A warning letter will be issued describing the violation with a request for correction within thirty (30) days.
- Second Offense of the same violation within twelve (12) months of the original violation date or a first offense still uncorrected ten (10) days after notification: A second letter will be issued describing the same violation and a fine of Fifty and 00/100 Dollars (\$50.00) will be assessed with a request for correction in ten (10) days.
- Third Offense of the same violation within twelve (12) months of the original violation date or a second offense still uncorrected ten (10) days after notification: A third letter will be issued

describing the same violation and a fine of One Hundred and 00/100 Dollars (\$100.00) will be assessed with a request for correction in ten (10) days.

- Fourth Offense of the same violation within twelve (12) months of the original violation date or a third offense still uncorrected ten (10) days after notification: A fourth letter will be issued for the violation with a stipulation that for every seven (7) days thereafter the offense is still uncorrected, a One Hundred Fifty and 00/100 Dollars (\$150.00) fine will be assessed until the appropriate correction is made.

- All notifications will be mailed by the Board of Directors to the homeowner's mailing address on file with the Association.

- If a warning is given for an architectural issue, the homeowner will be allowed fifteen (15) days for the correction subject to the same fining schedule as above. In addition, the homeowner will be required to remove the violating change at his/her own expense.

- Failure to comply with the ACB Requirements as provided in the Covenants and Restrictions on completion of construction - a warning letter will be issued. If, fifteen (15) days after that notice and after the required construction completion date, the construction is still not completed, a fine of Fifty and 00/100 (\$50.00) per day will be assessed until completion.

- Construction activity outside of permitted hours (7:00 a.m. to 7:00 p.m. Monday through Saturday) - First offense - a warning letter will be issued. Second offense and subsequent offences, a Fifty and 00/100 Dollars (\$50.00) fine will be assessed for each offense.

- Failure to comply with tree removal requirements - the process will follow the 1st through 4th offense shown above and may additionally require the owner to replace the tree at owner's cost.
- Failure to comply with other ACB related rules - the process will follow the first through fourth offense shown above, except use five (5) days for correction.
- If a homeowner wishes to appeal the violation and/or fine, a written appeal, providing relevant facts, shall be submitted in person or via mail or email to the Board of Directors within ten (10) days of the fine notification. Within ten (10) days of the date of receipt of written appeal by the homeowner, the Board of Directors will review the appeal and either render a decision or schedule a hearing on the appeal. In the latter case, the Board of Directors will respond in writing with a notice stating the date, time and place for the hearing to be held. If for any reason a homeowner does not attend the hearing scheduled after receiving notification, the homeowner waives the right to an appeal or hearing and the Board of Directors will levy the appropriate fines until the violation is rectified.

The foregoing Fine Policy is hereby adopted by the Board of Directors of Live Oaks Community of Murrells Inlet Homeowner's Association, Inc. by a unanimous vote.

