

EXHIBIT "D"
TIMPHAVEN
HOMEOWNERS ASSOCIATION

COMMUNITY RULES AUTHORIZING FINES

1. FINES

- 1.1. Fines; Authorization.** The Timphaven Board of Directors ("Board") is authorized to assess a fine against lot owners who violate provisions in the association declaration, the bylaws, or the association rules and regulations. The assessment of a fine shall be in accordance with the provisions of these Community Rules, and the rules and regulations adopted by the Board.
- 1.2. Notice of Violation and Zero Tolerance Policy.** The Board has adopted a 'zero tolerance' policy wherein the Board in its sole discretion may assess a fine upon becoming aware of a violation of these Community Rules. Upon receipt of a fine, a homeowner may appeal any such fine pursuant to the Appeal Process further described herein.
- 1.3. Failure to Cure Upon Verbal or Written Notice.** If a homeowner receives either a verbal or written notice of a violation from a member of the Homeowners Association or member of the Board, and fails to remediate the complaint or violation within one hour of notice, the potential fine may be doubled at the sole discretion of the Board.
- 1.4. Non-Lot Owner Occupied Lots: Renters & Guests.** If cases where the lot is not occupied by the lot owner and the violation of the bylaw or rules and regulations is committed by a guest or resident of the lot, the lot owner shall be responsible for the failure of the resident to cure violations of the bylaws or rules and regulations. For purposes of the lease between the lot owner and the resident of the lot, the provisions of these Community Rules shall be incorporated by reference into the terms of the lease and the lot owner may collect from the resident of the lot any fines the lot owner becomes obligated to pay by virtue of the resident's actions. The lot owner shall be responsible for bringing a separate action to collect any such fines from the lot owner's tenant. Residents (defined herein as renters, tenants, guests of lot owners or renters, and any person who temporarily or permanently lives in a lot, but excluding lot owners), are subject to the bylaws and rules and regulations adopted by the association. Lot owners are ultimately responsible for the activities of residents who reside in, visit, or in any manner use their lot and the common area. Any fine assessed against a resident will be the responsibility of the lot owner of the lot in which the resident resides or is a guest. Because residents are subject to the provisions of the bylaws and rules and regulations, residents are also subject to fines in the same manner as a lot owner. Any fine assessed against a resident may be collected by the lot owner from the resident. If a resident

violates a bylaw or rule or regulation, both the resident and the lot owner shall be subject to the zero-tolerance policy noted above. It shall be the responsibility of the lot owner to see that the resident cures the violation within the time allotted. Failure of the lot owner to have the resident timely cure the violation shall subject the lot owner to the fines as provided herein as if the lot owner committed the violation.

1.5. Board Action. Any action by the Board involving a violation or a notice thereof may be taken by any officer of the Board if so authorized or ratified by a quorum of the Board, consisting of 50% or more of the Board present at a meeting either in person or by telephone conference, or if not present at a meeting, members consenting to the action after conferring with other members of the Board.

1.6. Violation for Which a Fine May be Assessed. A fine may be assessed for the violation of a provision in the CC&Rs, the Declaration or bylaws, the association rules or regulations, or for a rule listed on Exhibit "D-1", which is attached and incorporated by this reference. The list of violations of a rule or regulations listed on Exhibit D-1 may be modified by the Board pursuant to their power to enact rules governing conduct within a project as contained in the CC&Rs. Only those violations listed on Exhibit D-1 and those violations of rules adopted by the Board are the offenses which are subject to a fine. Exhibit D-1 may be used to incorporate provisions in the Declaration, bylaws, or the rules and regulations for which a violation may be assessed.

1.7. Continuous Violations. Each day (24-hour period) during which a violation of the Declaration, the bylaws or the rules and regulations of the Association, or the rules listed on Exhibit D-1, continues after the time period expires during which the lot owner is required to cure the violation, constitutes a separate violation and is subject to a fine in the amount listed in Exhibit D-1.

1.8. Amount of Fines. The amount of a fine for a violation of a provision in the CC&Rs, the Declaration, the rules and regulations, or the provisions listed on Exhibit D-1, shall be in the amount listed on Exhibit D-1 without limitation.

1.9. Late Fees. Fines not paid within 10 days shall accrue interest at the rate of 1% per month and a late fee of \$100.00. An additional late fee shall be assessed for each and every 30-day period the fine remains unpaid after it is due. No interest or late fees may accrue until 10 days after a hearing (if requested by the lot owner) has been conducted and a final decision has been rendered by the Board.

1.10. Protesting the Fine. A lot owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 30 days from the date the fine is assessed (which is the date written on the notice of fine). The lot owner protesting the fine shall request the informal hearing by delivering a written request to any member of the Board stating the grounds for the protest or dispute and setting forth in the detail the following:

1.10.1. the grounds for the protest, including any unusual circumstances justifying a reduction in the standard fine;

1.10.2. the facts relied upon by the protesting lot owner with respect to the violation or non-violation of the bylaw, rules or regulations;

1.10.3. the amount of the fine the lot owner claims should be paid and the reasons for supporting that claim; and

1.10.4. any errors made by the Board in calculating, assessing, or collecting the fine.

1.11. Informal Hearing. Within 21 days of receiving the written request for hearing, the Board shall schedule an informal hearing at which time the requesting lot owner will be given an opportunity to present evidence and witnesses supporting the lot owners position. No formal rules of evidence will be required, and the Board can receive the evidence submitted by the requesting lot owner and determine the probative value of such evidence. If it chooses and it if would be of benefit to the requesting lot owner, the Board may also produce evidence supporting its decision to fine the lot owner. However, the intent of the hearing is to listen to the violating lot owner's explanations and not to have a trial. The Board may terminate the hearing at any time if any individual present becomes unruly, inconsiderate or rude.

1.12. Decision of the Board. The Board may, after the requesting lot owner has had the opportunity at the hearing to present the evidence desired, may either:

1.12.1. leave the amount of the fine as originally stated;

1.12.2. reduce the fine to an amount agreed upon by a majority of the Board present at the hearing;

1.12.3. reduce the fine to an amount agreed to by the offending lot owner with the agreement that the offending lot owner will pay the fine within 10 days and not appeal the fine in district court;

1.12.4. suspend all or a portion of the fine conditioned on the lot owner not repeating the violation for 180 days; or

1.12.5. forgive the fine.

The Board shall render its written decision no later than ten (10) days after the date of the hearing.

1.13. Appeals. A lot owner may appeal a fine by initiating a civil action within 180 days after:

1.13.1. a hearing has been held and a final decision has been rendered by the Board, or

1.13.2. the time to request an informal hearing has expired without the lot owner making such a request.

1.14. Lien. A fine assessed against an Owner that remains unpaid after the time for appeal has expired becomes a lien against the lot owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under U.C.A. §57-8a-203.

1.15. Promulgation of Additional Rules and Fines. The Board is authorized to adopt and to amend the administrative rules and regulations as may be necessary or desirable to insure the property is maintained and used in a manner consistent with the interests of the lot owners, to protect and enhance the quality of life in the association, to protect the property values of the lots, to ensure a quality and enjoyable lifestyle, and to respect the rights and privileges of all residents to be free from the annoyance, disturbance and nuisance of others. The method by which the Board may adopt new rules shall be as follows:

1.15.1. New rules shall be adopted at a regular or special meeting of the Board. The rule shall be in writing and voted on and approved by a majority of the members of the Board. If the violation of the new rule shall have a fine associated with it, the amount of the fine shall be stated in the rule and included in Exhibit D-1.

1.15.2. Prior to the new rule becoming enforceable, the Board shall cause to be delivered, personally or by regular U.S. mail or email, a copy of the new rule to each lot owner. If a lot owner is not living in his or her lot, the Board shall cause to be posted on the door of the lot owner a copy of the new rule. The new rule shall become enforceable five (5) days from the day it is mailed to each lot owner or posted on the door of an absentee lot owner.

1.15.3. Rules adopted in this manner shall deal only with the health, safety or welfare of residents or property. Rules adopted by the Board may also be used to clarify provisions in the Declaration, bylaws, or rules and regulations, or to change the amount of a fine associated with the violation of the rule.

1.15.4. Rules adopted by the Board shall have the same force and effect as rules contained in the Declaration, the bylaws, or other administrative rules and regulations adopted by the Association, including the power to collect fines from those who violate these rules.

1.16. Severability. If any phrase contained in these Community Rules or provision of any paragraph, sentence, clause, phrase, or word, or the application thereof, in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of these Community Rules or the phrase or paragraph in which it is contained, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

EFFECTIVE DATE

These Community Rules shall take effect five days after distribution to owners of lots at Timphaven.

CERTIFICATION

It is hereby certified that the Timphaven Owners Association Board of Directors voted to adopt these Community Rules at a regular meeting of the Board.

IN WITNESS WHEREOF, this 31st day of December, 2019

TIMPHAVEN HOMEOWNERS ASSOCIATION

By 

David L. Parker

Its: President

EXHIBIT "D-1"

AMOUNT OF FINE

<u>1st Offense</u>	<u>2nd Offense</u> within 10 days (multiple offenses in any one event shall be considered a 2nd and 3rd offense)	<u>3rd Offense</u> within 10 days (multiple offenses in any one event shall be considered a 2nd and 3rd offense)	RULE (the following activities are prohibited)
\$50	\$75	\$100	<ul style="list-style-type: none"> • Parking on the roads within Timphaven or in the common area • Parking in restricted areas such as fire lanes • Parking in areas other than an approved parking area • Parking in another's driveway or reserved parking area • Parking on another's lot • Parking in excess of lot's designated driveway • Parking in areas marked with a 'no parking' signs • Parking in areas not permitted on the Association parking map • Violation of any parking rule contained in the Declaration, Bylaws or Association rules • Parking Recreational Vehicles or boats on Association property for more than 14 days in any 30 day period • Parking more cars than the maximum number permitted under the maximum limit on the Homeowner Registration Form • Parking unregistered or inoperable vehicles on the owner's lot for more than 15 days in any 60 day period • Parking in any manner that blocks access to other lot's driveway
\$100	\$150	\$200	<ul style="list-style-type: none"> • Driving faster than the permitted speed • Driving faster than conditions safely permit
\$100	\$150	\$200	<ul style="list-style-type: none"> • Performing maintenance or mechanical work on vehicles (including motorcycles and ATV's) in a driveway or in the common area
\$50	\$75	\$100	<ul style="list-style-type: none"> • Leaving trash, garbage, or clutter on the lot, the home's driveway, deck or doorstep, or otherwise maintaining the lot, driveway, deck or doorstep in an unsightly, unclean or unsanitary condition • Obstructing the common area in such a manner as to restrict ingress or egress from the lots
\$100	\$150	\$200	<ul style="list-style-type: none"> • Misuse or damage to the common area by attaching any other item to the common area, without the written permission of the Board • Causing damage to the common area (roads, vegetation)
\$50	\$75	\$100	<ul style="list-style-type: none"> • Placing or leaving personal belongings in the common area (vehicles, ATV's, bicycles, scooters, equipment, etc.)

\$100	\$150	\$200	<ul style="list-style-type: none"> • Creating noise or light within a home or lot that can be heard or seen in another home or lot, or in the common area, such that the noise or light is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life • Creating a noise or light in the common area that can be heard or seen in a home or lot such that the noise or light is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life
\$50	\$75	\$100	<ul style="list-style-type: none"> • Maintaining pets in a home or lot in violation of the Association bylaws, Declaration or rules and regulations • Failing to clean up after pets that have made a mess in the common area • Allowing pets in the common area without a leash • Maintaining a pet in a lot that can be heard in another lot such that the sound or smell created by the pet is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life
\$250	\$500	\$750	<ul style="list-style-type: none"> • Performing any construction without complying with the requirements of Addendum B and Addendum C of the Restated Declaration or without written authorization from the Board or Architectural Committee
\$100	\$150	\$200	<ul style="list-style-type: none"> • Operating a business in a home without a business license or in violation of the county ordinances, the Association bylaws, Restated Declaration, or rules and regulations
\$100	\$150	\$200	<ul style="list-style-type: none"> • Failing to maintain window coverings (failure to replace broken blinds, torn drapes or other such window coverings). There shall be no blankets, newspapers or bed sheets used for window coverings.
\$100	\$150	\$200	<ul style="list-style-type: none"> • Leasing a home in violation of the Association leasing and short-term rental policy as set for in the Restated Declaration or as interpreted by the Board in its exclusive right to so interpret, or by failing to require tenants to comply with Association rules and regulations
\$100	\$150	\$200	<ul style="list-style-type: none"> • Failure to register your home under the rules and regulations of the Association
\$100	\$150	\$200	<ul style="list-style-type: none"> • Posting a sign in violation under the rules and regulations of the Association
\$100	\$150	\$200	<ul style="list-style-type: none"> • ATV's, skis, snowboards, sleds on the Timphaven roads
\$100	\$150	\$200	<ul style="list-style-type: none"> • Excessive occupancy - no more than two individuals are allowed per bed. There are exceptions for children under the age of 17 who may sleep day bed, or crib. The fines will apply on a per person basis in excess of the homes approved occupancy
\$250	\$500	\$750	<ul style="list-style-type: none"> • Short-term rental properties leased to any and all short-term renters for more than 90 cumulative days (in total) for any one year.
\$100	\$150	\$200	<ul style="list-style-type: none"> • Trespassing on private property
\$250	\$500	\$750	<ul style="list-style-type: none"> • Having a campfire or open fire on any lot at any time.