

**THE MILL RIVER PROPERTY OWNERS ASSOCIATION  
BOARD RESOLUTION  
FINE AND APPEAL PROCESS POLICY**

WHEREAS, The Mill River Property Owners Association (the "Association") is an Idaho corporation duly organized and existing under the laws of the State of Idaho;

WHEREAS, the Board of Directors (the "Board") shall have the powers and duties necessary for the administration of the affairs of the Association, and in accordance with those responsibilities, the board may adopt and publish rules and regulations ("Rules") and establish penalties for infractions of the Rules set by the Board;

WHEREAS, the Association, by and through the Board, is charged with the responsibility of Covenants, Conditions & Restrictions (the CC&R's") compliance and enforcement and in accordance with **Idaho State Code Chapter 1, Title 55-115;**

WHEREAS, from time to time, owners may be in violation of the CC&R's and fail to respond to demands from the Association to bring their property into compliance;

NOW THEREFORE, the Board hereby adopts the following Fine and Appeal Process Policy (the "Policy") by and on behalf of the Association;

1. Types of Violations. The Board may levy fines as set forth in the CC&R's, including fines for enforcement of violations of the CC&R's.

2. Notice of Violation. The Association will give owners notice of violations as follows:
- 1<sup>st</sup> Offense: Warning to the owner and tenant + fifteen (15) days to correct the violation from date of the violation notice.
  - 2<sup>nd</sup> Offense or Notice: Member is sent a CERTIFIED LETTER identifying the alleged infraction and the member is invited to either bring the property into compliance, or to attend a meeting of the Board of Directors to be held not less than thirty (30) days from the date of the second violation notice wherein the violation will be discussed as well as the assessment of a penalty shall be voted on by the Board of Directors. The violation will be accompanied by an invoice to reimburse the Association for the cost of the preparation and mailing of the second notice which shall be not less than \$25.00 plus the current certified postage.
  - Meeting of the Board: In the event that the property is not brought into compliance within the thirty (30) days before the meeting, the violation will be addressed and the homeowner given the opportunity to be heard with respect to the non-compliance issue at the scheduled Board Meeting. A reasonable timeframe for remedy shall be determined at the Board Meeting, whether or not the member is in attendance. The Member shall be notified of the outcome of the meeting in writing no later than seven (7) days from the date of the meeting.
  - 3<sup>rd</sup> Offense or Notice: After the Meeting, should the violation not be remedied within the requisite timeframe, a third violation notice shall be prepared and the member assessed a \$75.00 administrative fee for the preparation of this notice. The member shall be allowed seven (7) days to correct violation from date of the third violation notice. If the violation still exists after seven (7) days, the Homeowner will be fined \$50.00 every day until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as an assessment.

3. Right of Appeal. When a violation notice is sent to a Homeowner, such notice shall include a copy of the Fine and Appeal Process Policy notifying the Homeowner that he/she has the "Right of Appeal".

4. Appeal Request. When a Homeowner desires to appeal a violation, he/she must notify the Board through the management company, in writing, within fifteen (15) days after the date of the violation notice containing the fine. Appeals shall demonstrate extenuating circumstances which require deviation from the CC&R's and/or guidelines. The Appeal shall include all pertinent backup information to support the existence of the extenuating circumstance.

5. Board Decisions. All decisions of the Board are final and may not be further appealed. Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered DENIED.

6. Appeal Schedule. The Homeowner appealing the violation will be given written notice that a hearing on the appeal is scheduled. The appeal shall be heard in an Executive Session of the Board.

7. Appeal Hearing Process. The Board President, or presiding director, will introduce all parties. Lengthy discussions are not part of an appeal process. The Homeowner who is appealing will be asked to state their case and present any applicable documentation. Each Board Member will have the opportunity to ask the Homeowner specific questions regarding the appeal. Upon completion of the question and answer period, the Board President, or presiding director, will state the appeal has been heard and the Board will make their decision in a closed session. Written Notice of the Board's decision will be delivered to the Homeowner within seven (7) days.

8. Denied Appeal. If the appeal is denied, the Homeowner must bring the violation into compliance within seven (7) days. If the violation still exists after seven (7) days, the Homeowner will be fined \$50.00 every day until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as an assessment.

9. CC&R's and Other Remedies. This Policy does not replace any provision of the CC&R's, and any provision contained therein remains in full force and effect. This Policy is intended to work in conjunction with the CC&R's. Additionally, the Association reserves the right to avail itself of any other remedy permitted by law and the Association's governing documents to collect Assessments and related costs and charges, including but not limited to bringing an action in District Court. Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the Association from electing to pursue another remedy at a later date.

10. Alternate Address. Owners should submit their request for appeal in writing to the address as directed by the Association's designated managing agent. If no address is given, any payments or communications should be mailed to the Association at the following:

Board of Directors  
The Mill River Property Owners Association  
c/o Association Services, Inc.  
1110 Park Place, Suite 101  
Coeur d'Alene, ID 83814

11. Void Provisions. If any provision of this Policy is determined to be null and void for whatever reason, then all other provisions of the Policy shall remain in full force and effect.

Dated this 26<sup>th</sup> day of November 20 18

  
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Dave Barclift, President  
The Mill River Property Owner's Association, Inc.

State of Idaho)  
:SS.  
County of Kootenai)

I, Jan Gera, a notary public, do hereby certify that on this 26 day of November 2018, personally appeared before me Dave Barclift, who, being by me first duly sworn, declared that he is the President of the Mill River Property Owners Association, Inc., that he signed the foregoing document as President of the corporation, and that the statements therein contained are true and correct to the best of his information and belief.

Subscribed and Sworn

To before me this 26 day of November 2018

Jan Gera

\_\_\_\_\_, Notary Public for Idaho

Residing at Coeur d'Alene, ID

My commission expires: 1/17/2023

