

# **VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**A California Nonprofit Mutual Benefit Corporation**

## **ENFORCEMENT PROCEDURE**

**Effective November 2001**

**IF THIS DOCUMENT CONTAINS ANY RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.1 OF THE GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.**

## **TABLE OF CONTENTS**

<b><u>Description</u></b>	<b><u>Page</u></b>
ENFORCEMENT PROCEDURE .....	2
VIOLATION REPORT .....	8
WARNING NOTICE .....	9
NON-ARCHITECTURAL VIOLATION NOTICE .....	10
ARCHITECTURAL VIOLATION NOTICE .....	11
HEARING NOTICE .....	12
EXPEDITED HEARING NOTICE .....	13
HOMEOWNER HEARING PROCEDURE .....	14
RULING NOTICE .....	15
ENFORCEMENT PROCEDURE FLOW CHART .....	16

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**RE: ADOPTION OF ENFORCEMENT PROCEDURE**

**WHEREAS**, the Association's governing documents enumerate that the purpose of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements (hereinafter "CC&Rs") is to set forth a general scheme for the development, protection, and maintenance of the Properties and to enhance the value, desirability, and aesthetics of the Units/Lots and Common Area for the benefit of all Owners therein; and

**WHEREAS**, the CC&Rs provide that the Board of Directors has the right to promulgate rules and regulations for the purposes of managing and controlling the affairs and business of the Association; and the power to (1) enforce compliance by each Owner with the provisions of its CC&Rs, Bylaws, Rules and Regulations and Architectural Guidelines; and (2) to initiate and execute disciplinary proceedings against members of the Association for violations of provisions of the Governing Documents in accordance with procedures set forth in the Declaration and any rules adopted by the Association; and

**WHEREAS**, the CC&Rs specifically authorize the Board of Directors to impose monetary penalties and/or suspension of voting and common area privileges (hereinafter, collectively "**Membership Privileges**") against any Owner who fails to comply with the Governing Documents and to reimburse the Association for costs incurred to repair any damage to Common Areas or facilities as a result of or condition caused by violation of the Governing Documents; and

**WHEREAS**, *Corporations Code §7341, Civil Code §1363(h)* and the Association's Governing Documents provide a procedure which must be followed prior to the suspension of an Owner's privileges; and the Board of Directors desires to establish an operative procedure to assure due process in cases where there is a question of compliance by a member, his/her family, his/her guests or tenants with the provisions of the CC&Rs, Bylaws, Rules and Regulations, and Architectural Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby adopts the attached Enforcement Procedure, incorporated by this reference, and effective as of the date of the signatures contained herein.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that any resolution or portions thereof by the Board of Directors which is in conflict with the Enforcement Procedure is hereby superseded by the Enforcement Procedure.

**CERTIFICATE OF SECRETARY**

I certify that I am the duly qualified and acting secretary of VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION, a California nonprofit mutual benefit corporation. The foregoing is a true and correct copy of the Resolution duly adopted by the Board of Directors of the corporation at a meeting held on: \_\_\_\_\_, 2001, and entered in the minutes of such meeting in the Minute Book of the corporation. The Resolution is in conformity with the Articles of Incorporation and the Bylaws of the corporation and has never been modified or appealed and is, as of now, in full force and effect.

DATE: 11/5/01

VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION  
A California Nonprofit Mutual Benefit Corporation

BY: Virginia W. Sabala

Secretary



## VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION ENFORCEMENT PROCEDURE

The entities engaged in enforcing the Association's CC&Rs, Bylaws, Articles of Incorporation, Architectural Guidelines, and Rules and Regulations (hereafter, collectively, *Governing Documents*) are:

**Board of Directors** — The Board of Directors is charged with overseeing the enforcement of the Association's Governing Documents and working with the Architectural Control Committee. It has the authority to conduct violation hearings for violations, impose compliance enforcement and/or compliance reimbursement assessments, including but not limited to fines, and cause violations to be remedied. The Board of Directors, in its sole discretion, may review any committee or panel decision and thereafter modify any ruling in the Board's discretion regardless of an appeal from a Member, provided, however, that it gives notice to the Member and committee within fifteen (15) days of the panel's/committee's date of its Ruling Notice.

**Architectural Control Committee** — The Architectural Control Committee is charged with primarily reviewing and approving proposed landscape and architectural modifications.

For the purposes of this Enforcement Procedure, the following definitions shall apply:

- The term *violation* shall mean and include any failure to follow and/or observe the Association's Governing Documents.
- The term *recurring violation* shall mean any violation of the Association's governing documents which has a definite commencement and cessation, but has occurred more than once. Examples of recurring violations are: (1) parking a recreational vehicle in excess of the time allowed, but moving it and subsequently parking it, but again violating the parking restrictions; (2) violation of leash rules regarding pets on more than one occasion; or (3) speeding or other motor vehicle violations on more than one occasion.
- The term *continuous violation* shall mean any violation of the Association's governing documents which is ongoing and has not ceased for a period of time in excess of seventy-two (72) consecutive hours. Examples of continuous violations are: (1) a badly-maintained patio or balcony; (2) retaining an improvement on the Owner's unit in violation of the Architectural Guidelines; (3) continuous barking or noise by a pet; or (4) conversion of garage space into living quarters. Upon the Owner's curing the violation, the Board of Directors may, but is not obligated to, waive any portion or all of the monetary fine imposed for a continuous violation.

The Enforcement Procedure related to any disciplinary action shall be as indicated below. For enforcement of the governing documents related to parking violations unrelated to disciplinary action against the Owner, such as towing, the enforcement procedures may begin at Step 6.

---

### STEP 1. INITIATION.

- If a **Violation Report** (Exhibit 1) is completed by a homeowner, a Board member, Association Manager, Architectural Control Committee member, or another designated representative of the Association, the Violation Report will be verified as set forth in Step 2.

## STEP 2. VERIFICATION

Verification of a Violation Report for non-architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by the Association Manager, Board of Directors, appropriate committee or other designated Association representative. Verification of a Violation Report for architectural violations is accomplished by a review of the Association's Governing Documents and/or inspection by the Architectural Control Committee. *Violation* shall be defined as an act in direct conflict with the Association's Governing Documents, and/or local, county or state requirements.

## STEP 3. DOCUMENTATION

### a. FOR NON-ARCHITECTURAL VIOLATIONS

- i. The Board has the following three options for enforcing non-architectural violations:
  - A **Warning Notice** (Exhibit 2) is completed by the Association Manager and forwarded to the violating homeowner (hereinafter *Violator*). At the discretion of the Board or Association Manager, this step may be skipped if, based on the seriousness of the violation, more immediate action is warranted; or
  - If the violation persists after the Warning Notice has been issued OR if the Board or Association Manager determines to proceed directly to a **Violation Notice**, said Violation Notice (Exhibit 3A) is sent to the Violator, stating a deadline by which to cure the violation; or
  - If the seriousness of the violation warrants immediate action, an **Expedited Hearing Notice** (Exhibit 5) is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors.
- ii. If a **Violation Notice** is sent and the Violator fails to take the necessary action by the deadline given, a **Hearing Notice** (Exhibit 4) will be sent to the Violator, setting forth the date, place and time upon which the Violator may be heard before the Board of Directors.
- iii. Failure to (1) appear at any hearing, and/or (2) comply with the **Violation Notice** could result in immediate discipline including, but not limited to, imposition of a Compliance Assessment, and/or suspension of voting and common area privileges, including use of the recreational facilities. Association must give at least five (5) days written notice of the hearing to the Violator before any action is taken, pursuant to *Civil Code § 1363* and the Association's Governing Documents.

### b. FOR ARCHITECTURAL AND LANDSCAPE VIOLATIONS

- i. Examples of architectural violations are:
  - (1) Owner of the property has not submitted the requisite documents to the Architectural Control Committee or secured requisite approval from the Association.
  - (2) Owner of the property has obtained prior approval but has not complied with the approved final plans and specifications of the proposed work.
  - (3) Owner has failed to maintain his/her/its residence and/or landscaping areas which Owner is responsible to maintain.

ii. The Board has the following three options for enforcing architectural violations:

- A **Warning Notice** (Exhibit 2) is completed by the Association Manager and forwarded to the violating homeowner (hereinafter *Violator*). At the discretion of the Board or Association Manager, this step may be skipped, and the Association may proceed directly to a **Violation Notice** or an **Expedited Hearing Notice**; or
- If the violation persists after the Warning Notice has been issued OR if the Board or Association Manager determines to proceed directly to a **Violation Notice**, said Violation Notice (Exhibit 3B) is sent to the Violator, stating a deadline by which to cure the violation; or
- If the seriousness of the violation warrants immediate action, an **Expedited Hearing Notice** (Exhibit 5) is sent to the Violator, stating a date, time and place where the Violator may be heard before the Board of Directors.

iii. If a Violation Notice is sent and the Violator fails to take the necessary action by the deadline given, a **Hearing Notice** (Exhibit 4) will be sent to the violating homeowner, setting forth the date, time, and place where the Violator may be heard before the Board of Directors.

iv. Failure to: (1) appear at any hearing; and/or (2) comply with a written **Violation Notice** could result in immediate discipline including, but not limited to, imposition of a Compliance Assessment and/or suspension of voting and common area privileges, including use of the recreational facilities. Association must give at least fifteen (15) days written notice of the hearing to the Violator before any action is taken, pursuant to the Association's Governing Documents.

#### **STEP 4. HOMEOWNER HEARING PROCEDURE**

a. **Findings of Fact and Recommended Action:** The Board of Directors must make specific findings as it relates to the violation of the Governing Documents, noting them on the **Homeowner Hearing Procedure form** (Exhibit 6) and **Ruling Notice form** (Exhibit 7) with the facts which support its decision. The decision of the Association and action recommended/taken should also be noted on Exhibit 6. **NOTE:** If no violation is found, then no remedy is required, and the Association would then issue a Ruling Notice pursuant to Step 4.c below.

b. **Remedies of the Board of Directors.** If it is determined a violation has taken place, the Board of Directors may take any or all the following actions:

i. **Impose Compliance Assessment** — Even if the violation is not of a continuing nature and does not lend itself to a self-help remedy, the Board of Directors still has the authority to impose a Compliance Assessment for failure to comply with the provisions of the Governing Documents. The Board of Directors may only impose a Compliance Assessment after providing notice and hearing to a Violator, pursuant to the minimum requirements set forth herein. The following Compliance Enforcement Assessment structure is based upon a reasonable determination of the costs (*i.e.* attorneys' fees, property management fees, etc.) expended by the Association in performing its functions in enforcing the Governing Documents, as well as the imposition of appropriate sanctions for violation of said Governing Documents.

**The Compliance Enforcement Assessment structure is detailed in Paragraph 4.d below.**

2. **Right and Authority to suspend voting rights, common area privileges, use of the recreational facilities and/or any other any other privilege of any Member or Person deriving rights from any Member for a period not to exceed thirty (30) days for each non-continuous violation of the Governing Documents and/or for any period during which a continuous violation exists and/or the Member**

is delinquent in the payment of any assessment, fine or monetary penalty, or as otherwise provided in the Governing Documents.

3. **Self-Help Remedy for Continuing Non-Architectural Violations** — If the violation of the governing documents continues and can be cured through a self-help remedy, the Board's action shall be to demand correction of the continuing violation and a date certain upon which a homeowner must comply (a reasonable period of time shall be given to the homeowner) *via* the Notice of Ruling. The Notice should further indicate that if the homeowner fails to comply within the time provided by the Association, the Association would bring the homeowner into compliance and charge the cost of same to the homeowner as a Compliance Assessment.

4. **Self-Help Remedy for Continuing Architectural Violations** — If it is determined a violation has taken place, the Board of Directors shall make findings of fact and request corrective action (removal, replacement, repair and/or modification) by the Violator. If corrective action is not taken by the Member and the violation can be cured through a self-help remedy, the Ruling Notice shall further indicate that if the Member fails to comply within the time provided, the Board of Directors shall bring the Member into compliance and charge the cost of same to the Member as a Compliance Assessment. **However, any demand letter which requires the Association to go onto a Members' property to rectify the violation should be reviewed and sent by Association's counsel.** *For example, if a homeowner's patio is becoming an eyesore for lack of maintenance, the Association can provide written notice to the violating homeowner that he/she must provide the appropriate maintenance and that he/she is in violation of the Governing Documents. The Notice would further provide that the owner has a specific (and reasonable) period of time to correct the deficiency. If the owner fails to correct said deficiency within the specified time given by the Association, the Association could then proceed with the maintenance and charge the cost to the homeowner as a Compliance Assessment.*

5. **Other Potential Remedies / Sanctions** — Notwithstanding anything set forth herein, the Board of Directors in its discretion shall have the power to require any other applicable remedy and/or sanction for as long as it deems necessary, provided, however, that said remedy / sanction is in accord with the Association's Governing Documents and law. If the violation is of such a serious nature that potential legal action is contemplated, the Association's general counsel should be consulted for determination whether Alternative Dispute Resolution ("ADR") should be offered to the Violator (as well as consideration of other potential remedies).

c. **Ruling Notice.** Regardless what remedy the Board of Directors chooses to take, even if no violation is found, the Association must mail to the Violator a **Ruling Notice** (Exhibit 6) within five (5) days after the date of hearing. If it is ruled that a Compliance Assessment shall be imposed against the Violator, then the Board must give notice of the ruling to the Violator and request payment of such assessment within thirty (30) days after the Ruling Notice is mailed. This is to be recorded in the Executive Session minutes or regular minutes, whichever is applicable.

d. **Compliance Assessment Structure.** If any Member's failure to comply with the provisions of the Governing Documents results in the Association's expenditures of monies to collect fines or to reimburse the Association for any costs incurred related to the action or non-action of a Member, the Association may levy a Compliance Assessment against such Member. Additionally, the Association may levy fines as Compliance Assessments consistent with Tables 1 and 2 below. The amount of the Compliance Assessments may be amended from time to time by the Board of Directors. The present structure of the Association for Compliance Assessments for violations of the Governing Documents shall be as follows:

<b>Table 1: Compliance Assessments for Violation of the Governing Documents</b>	
<b>First Violation</b>	Costs incurred by the Association, if any, as well as a monetary fine up to \$200.00
<b>Recurring Violation for a Second Time</b>	Costs incurred by the Association, if any, as well as a monetary fine up to \$300.00
<b>Recurring Violation for a Third or More Times</b>	Costs incurred by the Association, if any, as well as a monetary fine up to \$500.00 plus possible legal action
<b>Continuous Violation</b>	Costs incurred by the Association, if any, as well as a monetary fine up to \$500.00 PLUS an amount up to \$40.00 per day from the date of the first notice of violation until violation is cured.

In addition to the Compliance Assessments described in Table 1 above, the Board of Directors may levy the following Special Compliance Assessments for architectural application violations, which may be added to any Compliance Assessments.

<b>Table 2: Compliance Assessments for Architectural Application Violations</b>	
<b>Compliance Assessments for commencing Architectural Improvement without</b> <ul style="list-style-type: none"> <li>• Architectural Control Committee Approval and/or</li> <li>• Submitting Application</li> </ul> <b>(even if Improvement is within Guidelines)</b>	Up to \$1,000.00 plus legal costs and any other remedies available to the Association
<b>Compliance Assessments for failure to follow submitted plans and specifications and/or make corrections upon notice</b>	Up to \$1,000.00 plus legal costs and any other remedies available to the Association

e. **Collection of Compliance Assessments.** Pursuant to the Association's collection policy and the CC&Rs, if a Compliance Assessment was levied for failure to comply with the Governing Documents or for costs incurred by the Association in repair of damage to the Common Areas and is not paid within thirty (30) days after mailing the Ruling Notice, then the Board may suspend the Owner's voting and/or common area privileges, after notice as set forth in the collection policy.


## **STEP 5. BOARD OF DIRECTORS.**

The Board of Directors, in its sole discretion, may review any committee decision regardless of an appeal from a Member, provided, however, that it gives notice to the Member and Committee within fifteen (15) days of the Committee's date of its Ruling Notice.



## STEP 6. TOWING OF IMPROPERLY PARKED VEHICLES

The towing of improperly parked vehicles relates to enforcement of the Governing Documents, unrelated to disciplinary action against an Owner. Accordingly, the Association has the right to tow vehicles without proceeding through Steps 1 through 4 above and, pursuant to California *Vehicle Code* §22658.2, the Association may have any improperly parked vehicles removed and towed to the nearest public garage. Prior to any towing, the Association shall place a written notice on the violating vehicle, enumerating that the vehicle will be towed to a public garage unless the vehicle is moved within four (4) hours. (Prior notice is not required if the violating vehicle is parked in a marked fire lane, within fifteen feet of a fire hydrant, in a parking space designated for handicapped without proper authority, or in a manner which interferes with any entrance to or exit from ingress or egress in and to the subdivision or any residential unit.) In such an event, the Association shall not be liable for any damages incurred by the vehicle owner because of the removal of a vehicle or for any damage to the vehicle caused by the removal, including without limitation the charge for towing and storage of the vehicle by the towing company, the cost of which shall be the responsibility of the owner of the vehicle.



**EXHIBIT 1 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**  
**VIOLATION REPORT**

Report Date: \_\_\_\_\_

- I. Person Making Report: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
- II. Description of Violation: (Fill in as completely as possible)  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_  
Description - Please print: \_\_\_\_\_  
\_\_\_\_\_
- III. Description of Violator: (Fill in as completely as possible) Male \_\_\_\_\_ Female \_\_\_\_\_  
Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_  
Address: \_\_\_\_\_  
Vehicle License Number \_\_\_\_\_
- IV. Additional Witness:  
Name: \_\_\_\_\_ Address: \_\_\_\_\_
- V. Violation Verification: By: \_\_\_\_\_

[To be completed by Association]

The above Violation Report has been reviewed and the following action taken:

- ☐ No Action Taken: \_\_\_\_\_
- ☐ Warning Notice to be sent: \_\_\_\_\_
- ☐ Violation Notice to be sent: \_\_\_\_\_
- ☐ Hearing Notice to be sent/ Hearing Date \_\_\_\_\_
- ☐ Expedited Hearing Notice to be sent/ Hearing Date \_\_\_\_\_

**For Architectural Violation**

- ☐ Incomplete application and/or missing requisite plans submitted
- ☐ No Architectural Control Committee approval
- ☐ Construction inconsistent with approved plans and specifications
- ☐ Other \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Date Action Taken: \_\_\_\_\_

VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 2 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

☐ **FIRST WARNING NOTICE**

☐ **SECOND WARNING NOTICE (optional)**

**IN ACCORDANCE WITH THE ASSOCIATION'S GOVERNING DOCUMENTS, YOU ARE HEREBY NOTIFIED OF YOUR VIOLATION OF THE FOLLOWING RULE(S), BASED UPON A VIOLATION REPORT DATED \_\_\_\_\_.**

**Date of Incident:** \_\_\_\_\_ **Time of Incident:** \_\_\_\_\_

☐ **PARKING/VEHICLE:**

☐ **Speeding**

☐ **Inoperable Vehicle**

☐ **Ignoring Stop Sign**

☐ **Under-Age Driver**

☐ **Illegal Parking**

☐ **Other** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Vehicle Type:** \_\_\_\_\_

**License #:** \_\_\_\_\_ **State:** \_\_\_\_\_

**Identification #:** \_\_\_\_\_ **Color:** \_\_\_\_\_

☐ **PET:**

☐ **Pets in Unauthorized Areas**

☐ **Defecation on Lawn**

☐ **Other:** \_\_\_\_\_

☐ **Unleashed**

☐ **Incessant Noise**

**Description of Animal:** \_\_\_\_\_

**Location:** \_\_\_\_\_

☐ **POOL / SPA** \_\_\_\_\_

☐ **COMMON AREA / RECREATIONAL FACILITIES** \_\_\_\_\_

☐ **PROPERTY MAINTENANCE** \_\_\_\_\_

☐ **TENANT/VISITOR** \_\_\_\_\_

☐ **ARCHITECTURAL VIOLATION** \_\_\_\_\_

☐ **Incomplete application and/or missing requisite plans submitted**

☐ **No Architectural Control Committee approval**

☐ **Construction inconsistent with approved plans and specifications**

☐ **OTHER** \_\_\_\_\_

**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**By:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**EXHIBIT 3A TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**NON-ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED OF THE FOLLOWING VIOLATION OF THE ASSOCIATION'S GOVERNING DOCUMENTS AND THE NEED FOR IMMEDIATE CORRECTION BASED UPON:**

- ☐ VIOLATION REPORT DATED \_\_\_\_\_ and/or  
☐ FIRST WARNING NOTICE DATED: \_\_\_\_\_ and/or  
☐ SECOND WARNING NOTICE DATED: \_\_\_\_\_

☐ **PARKING/VEHICLE:**

- |   |   |
|---|---|
| <input type="checkbox"/> Speeding           | <input type="checkbox"/> Under-Age Driver |
| <input type="checkbox"/> Inoperable Vehicle | <input type="checkbox"/> Illegal Parking  |
| <input type="checkbox"/> Ignoring Stop Sign | <input type="checkbox"/> Other _____      |

Location: \_\_\_\_\_

Vehicle Type: \_\_\_\_\_

License #: \_\_\_\_\_ State: \_\_\_\_\_

Identification #: \_\_\_\_\_ Color: \_\_\_\_\_

☐ **PET:**

- |   |  |
|---|--|
| <input type="checkbox"/> Pets in Unauthorized Areas | <input type="checkbox"/> Unleashed       |
| <input type="checkbox"/> Defecation on Lawn         | <input type="checkbox"/> Incessant Noise |
| <input type="checkbox"/> Other: _____               |  |

Description of Animal: \_\_\_\_\_

Location: \_\_\_\_\_

- ☐ POOL / SPA \_\_\_\_\_
- ☐ COMMON AREA / RECREATIONAL FACILITIES \_\_\_\_\_
- ☐ PROPERTY MAINTENANCE \_\_\_\_\_
- ☐ TENANT/VISITOR \_\_\_\_\_
- ☐ OTHER \_\_\_\_\_

**NECESSARY ACTION TO CONFORM WITH THE ASSOCIATION'S GOVERNING DOCUMENTS:**

DATE REMEDIAL ACTION MUST BE TAKEN: \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation and you will be subject to any and all remedies of the Association, including but not limited to the imposition of a Compliance Assessment, and/or suspension of voting and common area privileges, including use of the recreational facilities. If the Board rules to impose a Compliance Assessment, failure to pay said assessment within thirty (30) days may result in suspension of voting and common area privileges.

**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**EXHIBIT 3B TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL VIOLATION NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Unit No. \_\_\_\_\_ Telephone No. \_\_\_\_\_

Dear Owner:

**YOU ARE IN VIOLATION OF THE ASSOCIATION'S GOVERNING DOCUMENTS, BASED UPON:**

- ☐ **VIOLATION REPORT DATED** \_\_\_\_\_ **and/or**  
☐ **FIRST WARNING NOTICE DATED:** \_\_\_\_\_ **and/or**  
☐ **SECOND WARNING NOTICE DATED:** \_\_\_\_\_

This notice is being sent to you in an effort to call your attention to a problem that exists on your property. When you purchased your lot/unit, you covenanted and promised to support the Association by conforming with the Covenants, Conditions and Restrictions, local ordinances, the Association's Rules and Regulations, and the Bylaws. Purchasers of lot/units at VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION are guaranteed by the CC&Rs that these covenants will be enforced, thereby protecting the values and rights of their property. As such, you are hereby notified of the following violation and the need for immediate correction:

- **DESCRIPTION OF VIOLATION:** \_\_\_\_\_  
\_\_\_\_\_
- **LOCATION OF VIOLATION - LOT/UNIT NO. OR COMMON ADDRESS** \_\_\_\_\_  
\_\_\_\_\_
- **NECESSARY ACTION TO CONFORM WITH ASSOCIATION GOVERNING DOCUMENTS AND/OR LOCAL ORDINANCES:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- **DATE REMEDIAL ACTION MUST BE TAKEN:** \_\_\_\_\_

Failure to comply with this order by the above time and/or date shall constitute a willful violation which may result in an imposition of a Compliance Assessment, suspension of your voting and common area privileges, or any other remedy available to the Association. If the Board rules to impose such an assessment, failure to pay said assessment within thirty (30) days may result in suspension of voting and common area privileges.

**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

By: \_\_\_\_\_

Date Signed: \_\_\_\_\_



**EXHIBIT 4 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**HEARING NOTICE**

Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

You have been notified of your violation of the Association's Governing Documents. These previous notices have not caused the violations to cease.

In accordance with the *Civil Code* and the Governing Documents, we are hereby serving Notice upon you to appear at the date, time and place designated below for a hearing before the Board of Directors.

The outcome of this Hearing may result in an imposition of a Compliance Assessment, suspension of your voting and common area privileges, including the use of the recreational facilities, or any other remedy available to the Association. If the Board rules to impose such an assessment, failure to pay said assessment within thirty (30) days may result in suspension of voting and common area privileges.

VIOLATION REPORTED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 5 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**EXPEDITED HEARING NOTICE**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

PROPERTY ADDRESS OF VIOLATION: \_\_\_\_\_

Dear Owner:

**The violation noted below is considered a very serious violation by the Association. Therefore, the Association believes an immediate hearing regarding the violation is necessary.**

In accordance with the *Civil Code* and the Governing Documents, we are hereby serving Notice upon you to appear at the date, time and place designated below for a hearing before the Board of Directors.

The outcome of this hearing may result in an imposition of a Compliance Assessment, suspension of your voting and common area privileges, including the use of the recreational facilities, or any other remedy available to the Association. If the Board rules to impose such an assessment, failure to pay said assessment within thirty (30) days may result in suspension of voting and common area privileges.

VIOLATION REPORTED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

If you have any questions, please contact: \_\_\_\_\_

VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

**EXHIBIT 6 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**

**HOMEOWNER HEARING PROCEDURE**

1. Review of all documentation submitted by the Association staff.
2. Statement of Violation by acting chairperson.
3. Review requirements of Association's Governing Documents.
4. Statement by Violator.
5. Statement of any third-party witnesses.
6. Discussion and questioning of the Violator by Association.
7. Questions (if any) and final statement by the Violator.
8. Ruling made by Board of Directors.
9. Enforcement procedures as applicable.
10. Adjournment.

**Documentation:**

Name of Violator(s) \_\_\_\_\_ Phone No. \_\_\_\_\_

Address/Lot/Unit: \_\_\_\_\_

Nature of Violation: \_\_\_\_\_

\_\_\_\_\_

Findings of Fact: *[attach additional pages, if necessary]* \_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

Recommended Action: \_\_\_\_\_

\_\_\_\_\_

VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT 7 TO ENFORCEMENT PROCEDURE**  
**VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION**  
**RULING NOTICE**

Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_

RE: VIOLATION HEARING HELD ON \_\_\_\_\_

Dear Owner:

You have been notified of your violation of the Association's Governing Documents. In accordance with the violation hearing, this matter has been reviewed by Board of Directors

which makes the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the foregoing, the Association takes the following action:

- ☐ No action taken.
- ☐ Suspension of Violator's voting and common area privileges, including use of the recreational facilities, commencing on \_\_\_\_\_ and terminating on \_\_\_\_\_.
- ☐ Bring unit/lot/Violator into compliance by taking the following action: \_\_\_\_\_  
\_\_\_\_\_  
on or before the close of business on \_\_\_\_\_, 20\_\_\_\_
- ☐ Demand to remove the unauthorized improvement or other work and to further restore the property to its original condition (prior to the commencement of the unauthorized improvement) by the date of \_\_\_\_\_. Failure to comply could result in removal and restoration by the Association, and, if the Association pays for any costs for such action, a Compliance Assessment may be levied against the Violating Owner in accordance with the CC&Rs and *Civil Code* §§1366 and 1367.
- ☐ Compliance Enforcement Assessment levied in the amount of: \$\_\_\_\_\_
- ☐ Other: \_\_\_\_\_

Compliance Assessments must be paid within thirty (30) days of the date of this Ruling Notice. Failure to pay said assessment within thirty (30) days may result in suspension of voting and common area privileges.

APPROVED AND ADOPTED FOR ENFORCEMENT BY THE BOARD OF  
VILLAGE RACQUET CLUB HOMEOWNERS ASSOCIATION

By: \_\_\_\_\_ Date Signed: \_\_\_\_\_

## ENFORCEMENT PROCEDURE FLOW CHART

