



**CONSENT OF DIRECTORS
RULE REGARDING PROCEDURE FOR VIOLATIONS
KING'S DEER HIGHLANDS HOMEOWNERS ASSOCIATION
December 20, 2007**

WHEREAS, Section 28 D, of the Declaration of Covenants, Conditions, and Restrictions for King's Deer Subdivision and of the Declaration of Covenants, Conditions, and Restrictions for King's Deer Highlands, (the "Covenants"), provides that the Association may adopt and publish rules and regulations with which each owner and all other occupants shall strictly comply.

WHEREAS, Section 28 A of the Covenants authorizes the Association to enforce the covenants.

NOW, THEREFORE, BE IT RESOLVED, that the following Rule shall be adopted by the Board of Directors of the Association:

1. This Rule shall apply to any alleged violation ("violation") of the Association's Covenants, Articles of Incorporation, and Bylaws, Rules, Regulations and policies except and excluding non-payment of assessments or other sums unless the Board of Directors determines that exigent circumstances exist that require immediate action to remedy the violation.
2. Complaints: Where the Board deems it appropriate, the Association, acting through its Board or Management representative, shall verify the existence of the alleged violation, and in its discretion, determine whether or not the complaint shows cause for further proceedings.
3. 1st Notice: Once verification has been made that a violation exists (or reasonable determination that such circumstances occurred), Management shall send notice of the violation to the Owner stating the following:
 - a. Nature of the violation
 - b. Basis for the violation (specify applicable section in covenants or policies)
 - c. Action requested for remedy
 - d. Date by which remedy must be completed
 - e. Invitation to contact the Association if they believe they did not commit the violation
4. 2nd Notice: If the requested remedy has been met by the defined compliance date, no further action shall be taken. If the requested remedy has not been completed or if the Board deems that a second notice should be sent before the compliance date passes, a second notice of violation shall be sent to the Owner and all known involved parties, again defining the conditions of the violation and the requested action(s) and date(s) for remedy. This notice shall be sent by regular mail and certified mail, returned receipt requested, to the Owner.

5. 3rd Notice: If the requested remedy has been met by the defined compliance date, no further action shall be taken. If the requested remedy has not been completed, a third notice may be sent stating the intent for the Board to hold a hearing. This notice shall include a time and place of a hearing if appropriate, and other information regarding the violation which the Board deems appropriate. The owner has an opportunity to present their side by attending or not. This notice shall also be sent by regular mail and by certified mail, return receipt requested, to the Owner. The hearing may result in a decision to take further action that include, but is not be limited to;
 - a. Assess a fine,
 - b. Seek advice from legal counsel,
 - c. Take legal action, or
 - d. Take any other action the Board deems necessary to remedy the issue.
 - e. Take no action at this time.

6. Hearing: At any scheduled hearing, the Board may consider any written or oral information produced by the owner or other interested parties. Any legal or statutory rule of evidence or procedures shall not apply to the hearing, and the Board may restrict testimony or proceed in any manner or order, which they deem appropriate, and at their own discretion. Generally, any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence shall not be sufficient in itself to support a finding. The Board shall proceed with the hearing even if the owner fails to appear, refuses to participate, or elects to not submit further information. After hearing any information, witnesses, or review of documents presented at the hearing, the Board's decision shall be made by majority vote of the Board members present and a brief summary of the decision, any sanctions imposed, and the effective date of any decision or sanction shall be sent by regular and certified mail to the Owner, in accordance with the circumstances. The Board may make the decision in executive session to avoid intimidation or undue influence from the violator or others.

7. Time Allowed To Remedy: Unless otherwise approved in specific cases by the Board, the Covenant Enforcement Committee, or the Executive Director and a Director of the Board, the 1st and 2nd Notices shall require the violations to be remedied in 14 days from the date of the notice.

8. Responsibility: Owners shall be responsible for violations committed by their contractors, guests, family members, and tenants. The Board may contact the police, any regulatory or licensing authorities or other third parties regarding the alleged violation, but any action or decision by those parties shall not bar the Board from proceeding.

9. Repeated and Continuing Violations: Each incident or each day of a continuing violation shall be considered a separate violation for which any maximum fine may be imposed. The Board may in its discretion impose increased fines for repeated or intentional violations. Subsequent violations within a twelve (12) month period constitute the same continuing violation.

