

**PROMINENCE POINTE HOMEOWNERS ASSOCIATION
ADMINISTRATIVE RESOLUTION # 2
Due Process**

WHEREAS, Article XXIII Section 1.0 of the Declarations of the Association grants that the Executive Board has the Power and Duty to; (b) Adopt and amend Bylaws, Rules and regulations; (b) Adopt and amend budgets for revenues, expenditures and serves; (c) Collect assessments for Common Expenses from Unit Owners; (m) Impose and receive payments, fees or charges or interest or both for late payment of assessments and, after Notice of Hearing, levy reasonable fines for violations of this Declaration, and the bylaws, Rules and regulations of the Association, and

WHEREAS, Article IV, Section 10 of the Bylaws of the Association grants that the Executive Board: May act in all instances on behalf of the Association, except as provided in the Declaration, these Bylaws, or the Act. Executive Board shall have, subject to the limitations contained in the Declaration and Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community, and

WHEREAS, Article XXIII Section 2(m) of the Declarations of the Association grants the Executive Board the power to ...after Notice of Hearing, levy reasonable fines for violations of this Declarations, and the Bylaws, Rules and regulations of the Association; and

WHEREAS, for the benefit and protection of all of the members of the Association, the Executive Board deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges and to establish a procedure for enforcement of the regulations of the association which are consistent with principles of due process and Alaska law.

NOW, THEREFORE, BE IT RESOLVED THAT: On behalf of the Association, the Executive Board, or managing agent has the authority to issue a violation to any owner whose behavior or use of property does not conform to the Association's regulations, and the following guideline will be used for due process:

ENFORCEMENT PROCEDURES

- 1) A first offense of any violation of “Restrictions on Use, Alienation and Occupancy may result in a letter of warning with a request that the violation be corrected with in a reasonable amount of time.
- 2) If the violation is not corrected within a reasonable amount of time, or if the violation is repeated or continuous, the unit owner may be assessed a minimum fine of **\$50.00**, with the exception being fines established by the Architectural Committee for initial construction and subsequent modifications.
- 3) For each documented subsequent violation of the same rule by the same lot, the fine may escalate for each violation occurrence.
- 4) Severe or recurring violations may at the discretion of the Board of Directors, result in larger fines in amounts deemed “reasonable” under Alaska law.
- 5) Any associated repair costs will be at homeowner’s expense.
- 6) In addition to fines that may be levied, the Executive Board may institute legal proceedings or correct violations (i.e. repairs, restoration, vehicle towing, etc.), charging all associated cost the offending homeowner as additional fines, which may be collected as assessments. If the association must retain legal counsel to enforce House Rules, Declaration or Bylaw provisions, legal costs may be assessed against the owner as additional fines.

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- 7) Notice of fines shall be delivered to the unit owner by first class mail sent to the owner's address listed in the association records. Hand delivery to the unit shall be an acceptable alternate form of notice.
- 8) Fines shall be tentatively assessed as additional homeowner dues immediately following the infraction and shall become final unless appealed to the Executive Board within 30 days thereafter.
- 9) Homeowners may address the Board of Directors at the next regularly scheduled meeting to appeal any fine, provided the homeowner files a written notice of appeal with the Board of Directors or the association manager within thirty days after the fine is levied. Fines shall be levied to ensure compliance with association rule and regulations, rather than to raise revenue. Any written correspondence should be sent to Prominence Pointe Home Owners Association, Executive Board, @ 405 W. 27th Ave. Anchorage, AK 99503.

The Executive Board reserves the power to hold owners legally responsible for ensuring that their tenants, guests, or invitees comply with the Association's regulations.

The procedures outlined in this resolution may be applied to all violations of the Association's regulations, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's legal documents, including, but not limited to, the initiation of suit or self-help remedies. The Executive Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice.

Accepted for Review: October 4, 2005

Adopted by the Executive Board: October 3, 2007

Effective Date: January 1, 2008