

APPENDIX A - DUE PROCESS & PROCEDURES

Procedures for resolving Complaints

This procedure establishes a way to provide a fair and meaningful system for deciding whether the Governing Documents have been violated and what consequences should be imposed in response to a violation.

How to File a Complaint

A formal complaint must be submitted in writing or via e-mail. Send the complaint to a member of the Board of Directors. Alternatively, if the Board may on its own become aware of a violation of the Governing Documents.

The Board of Directors will Resolve Complaints

Once the Board of Directors receives a complaint or otherwise becomes aware of a violation, they will meet to first determine if the issue is within the scope of their powers to resolve. The Board has jurisdiction when there is an accusation of a violation of the Declaration, Bylaws, or the Rules and Regulations. The Board may decline to address any complaint that does not involve a violation of the Declaration, Bylaws, or the Rules and Regulations.

Fact Finding

After deciding that the Board does have jurisdiction concerning a complaint, notice in writing will be sent to the party accused of a violation to notify the accused of the lodged complaint or the violation of which it becomes aware. "In writing" may include electronic mail transmission to owners or tenants who have consented in writing or by electronic transmission to receive electronic notices and have provided an electronic address to which notices should be sent. The Owner against whom a complaint has been lodged or whom has been accused of a violation may, upon receipt of such complaint or violation that is accompanied by a fine or assessment for damages, pay any fine assessed and/or assessment for damages (if damages are sought), or submit a response within (10) calendar days in the method that the Board specifies.

Initial Evaluation

The Board will evaluate the original complaint and the accused party's response. If the Board does not have enough information to make a decision, the Board will ask the parties to meet and attempt to resolve the issue (if applicable) or the Board may refer the parties or the party against whom a complaint was lodged to a hearing before the board. If either side is unwilling to meet, the Board may offer to have a Board Member act as mediator.

If the Parties Cannot Resolve the Issue

The next step will be a meeting before a Hearing Board (if the Board so determines), which will be set within ten (10) calendar days of the initial evaluation. A Hearing Board will consist of one elected member of the Board of Directors and two volunteers who shall each be homeowners. The parties involved in the dispute will be required to state their case before the Hearing Board.

Procedures during a Hearing

The procedures will be simple and informal. The person bringing the complaint or if the Board is aware of the violation, that person or the HOA Board will be the first to state the case. Next, the accused party will have a chance to state their case. Either party may present evidence. If witnesses to the contents of the complaint exist, they may recount any information they know or saw. Once both sides have presented their case, the Hearing Board will privately deliberate and make a decision. This may not necessarily take place on the same day.

Decision and Notification

The Hearing Board may determine that a violation has not occurred and shall then dismiss the fine(s) or damages assessment(s), if any. Alternatively, the Hearing Board may determine that a violation has occurred, but nonetheless dismiss or suspend the fine(s). If the Hearing Board suspends the fine(s), it may do so contingent on future compliance with the rule and notification that any future violations of the same rule could result in reinstatement of the suspended fine and imposition of new fines. The decision of the Hearing Board will be sent to each of the parties in writing directly from the Hearing Board.