

(h) To Fine.

In addition to the means for enforcement provided elsewhere herein, the Association shall have the right to assess fines against a member or a members guests or lessees, in the manner provided herein.

ii. The Board of Directors shall appoint a Covenants Enforcement Committee which shall be charged with determining whether there is probable cause to assert that a member or other persons is violating, or has violated, any of the provisions of the Declaration of Restrictions on Lots in The Landings, Unit One the Articles of Incorporation, these By-Laws, or the rules and regulations of the Association. In the event the Covenants Enforcement Committee determines that such probable cause exists, it shall report same to the Board of Directors.

The Board of Directors shall thereupon provide written notice to the person alleged to be in violation, and the owner of a home which that person occupies, or to which that person is a guest, if that person is not the owner, of the specific nature of the alleged violation, including a statement setting forth the provisions of the subdivision documents allegedly violated and a short and plain statement of the matters asserted by the Association, and advising of an opportunity for a hearing before the Board of Directors upon a written request delivered to a board member or designated agent within fourteen (14) days of the date of the notice of the violation or violations. The Board notice shall state the date, time and place of the hearing to be held if the hearing is requested.

The Board notice shall also specify, and it is hereby provided, that each recurrence of the alleged violation or each day during which the violation continues shall be deemed a separate offense, subject to a separate fine, not to exceed One Hundred (\$100.00) Dollars for each offense provided the total amount of fines shall not exceed \$2,500.00 exclusive of interest, costs and attorney fees. The Board notice shall further specify, and it is hereby provided for an alternative procedure available only for first time violations and not for recurring violations, that in lieu of requesting a hearing , the alleged violator or member may respond in writing to the notice, within fourteen (14) days of its date, acknowledging that the violation or violations occurred as alleged and promising that the violation or violations will henceforth cease and will not recur. Such acknowledgment and promise and performance in accordance therewith, shall terminate further enforcement activity by the Association with regard to the violation and no fines shall be levied.

iii. If a hearing is timely requested, the Board of Directors shall hold the same on the date and time and at the place set forth in the notice, and shall hear and receive the response of the violator and member if other than the violator, including written and oral argument on all issues involved and shall hear any witnesses that the alleged violator, the member, or the covenants Enforcement Committee, or its agents, may produce. Any party at the hearing may be represented by counsel.

iv. Subsequent to the hearing, or if no hearing is timely requested and if no acknowledgment and promise are timely and properly made, the board of Directors shall determine whether there is sufficient evidence of a violation or violations as provided herein, if the Board of Directors determines that there is sufficient evidence to support a finding that a violation or violations occurred, it shall send a written notification to the violator, and the member if other than the violator, announcing its finding that a violation or violations occurred and notifying the violator, and member if other than the violator, that fines will be assessed and levied as provided herein unless the violation is corrected within three (3) days from the notice of the Board. No further notice or hearing shall be necessary to enable the Board to levy fines for an uncorrected violation, or violations, or for recurring violations substantially similar to violations for which a hearing opportunity was previously provided.

v. A fine pursuant to this section shall be assessed against a home which the violator occupied **or** was visiting at the time of the violation, whether **or not** the violator is an owner of that home, and shall be promptly paid to the Association by the owner of that home. The owner shall be liable for attorney's fees and costs incurred by the Association incident to the levy or collection of the fine, including appellate proceedings.

vi. Nothing herein shall be construed **as** a prohibition of or a limitation on the right of the Board of Directors to pursue other means to enforce the provisions of the various subdivision documents including but not limited to legal action for damages or injunctive relief. In the event such other means are pursued, the Association shall not be required to comply with the procedures and provisions of this Article.