



# Enforcement Policy

The enforcement policy as specified in the rules and regulations is necessary to maintain the value and appearance of Somerton Forge at the highest level. Non-compliance and/or disregarding the rules and regulations devalues our properties and destroys the uniformity of our community.

The Somerton Forge Homeowners' Association, Inc. (SFHA) Declaration of Restrictions, Covenants and Easements and By-Laws provides for the enforcement of SFHA rules and regulations (see Declaration Article V, Section 3 and By-Laws Article V, Section 8). The Board of Directors (BOD) has direct responsibility regarding enforcement of the rules and regulations by SFHA members. Therefore, the following guidelines and procedures were adopted by the BOD effective Jan. 1, 2019. This document supersedes all other enforcement policies previously adopted.

- 1. VIOLATION** - When the Association is notified or identifies that a violation of SFHA rules and regulations has occurred, the Association will investigate the specific rule and/or regulation violation, gathering the necessary evidence, including but not limited to, witnesses, photographs, police blotters, etc.
- 2. SCHEDULE OF FINES** -

Snow Policy violation	= \$250 per vehicle per incident
Rules and Regulations violation	= \$250 per incident
Architectural Violation	= \$250 per incident
Per Diem Fine	= 5% per day
- 3. PROCESS** - Notification by first class mail will be sent to the member describing the violation with specific reference to the relevant rule and/or regulation. The member will be expected to respond either by accepting the violation or by providing the Association with specificity of the facts negating the violation no later than ten (10) days from the receipt of the notification  
Should the member respond within the required ten (10) days disputing the violation, the member has the right to be heard by the BOD and must request to be heard either in writing or by contacting the Association or BOD directly. The member will be advised in writing no later than thirty (30) days by the Association of the date and time the member is to be heard.  
Should the member fail to respond within the required ten (10) days, the member's action will be deemed an acknowledgement that a violation does exist and the member will be required to pay the assessed fine. Should the fine not be paid within the required time, the member risks additional fines and/or legal action.  
If the member does not dispute the notice within the required time and does not pay the assessed fine and/or correct the violation, a per diem fine will be levied.  
A continuance will be granted only under the most exceptional circumstances at the discretion of the Board.
- 4. RIGHT TO BE HEARD PROCEDURE** - The right to be heard procedure will be informal and all participants are expected to act with courtesy and respect. The member will be provided with evidence gathered by the Association. The member may be represented by an attorney and may present witnesses, documentation, etc. and must advise the Association of the same prior to the meeting with the BOD.  
The member will be advised that all evidence presented during the process will be considered and a decision rendered within ten (10) days of the right to be heard procedure.  
If the decision is upheld or modified, the member will have no more than ten (10) days to pay the assessment or modification.  
Should the member refuse or ignore the decision of the BOD, the member's case will be referred to the Association's attorney for legal action. Legal action taken by the BOD will not only involve the original assessment with appropriate penalties, but will ask for expenses incurred by the Association including but not limited to attorney's fees, contractor fees for work requested by the Association regarding the subject property. As a matter of information, all of these fines and costs for correcting the violation shall accrue and become a lien on the member's property as if they were assessments pursuant to the rules and regulations.