



Fox Hill Estates

HOA BOARD OF DIRECTORS

January 22, 2025

From: Fox Hill Estates HOA Board of Directors

Subject: Fox Hill Estates Adopted Fining Policy

Dear homeowners,

We are aware that one of the concerns within the community is not having a fining policy in place to assist the Board of Directors in maintaining our current CC&R's, Rules and Regulations and our current Bylaws. Unfortunately, we have had multiple residents who have rejected notices of non-compliance since the board was officially formed and recognized.

With continued research and recommendations from our current HOA management company, we have adopted a Fining Policy. The policy is attached for your review before it goes into effect at the end of the month. The HOA Board of Directors have voted on this action with a unanimous vote and will implement the fining policy starting January 31, 2025.

We want to thank all those who have expressed the desire to have a fining policy in place and the patience to allow the board to construct and establish the policy.

Thank you!

HOA Board of Directors

Fox Hill Estates Homeowners Association
Rules & Regulations For DCC&S
Article IV – Protective Covenants as To Usage
(Fox Hill Estates Board of Directors Adopted Fining Policy – 01/31/2025)

RULES FOR ASSESSMENT, NOTICE, AND COLLECTION OF FINES FOR PROPERTY USE AND OTHER VIOLATIONS

Preamble

Property use, and other restrictions appear in our CC&Rs. To help to ensure compliance, the board is empowered "...to establish enforcement procedures, to include notification requirements, time for ... corrective action, and a fine scheme for non-compliance." Article X, Section 6. Mindful of its obligation, your board has enacted and hereby publishes the enclosed fine schedule for property use and other violations, violation notice requirements, and advice of means of collection of assessed fines if not paid promptly. The property-use violations listed below track the property use restrictions appearing in your copy of our CC&Rs at Article IV, Sections 1-19.

Notice

A written notice of an alleged violation and/or of a fine assessment, if any, may be given personally to the lot owner at the property or at any other place where he or she can be found. Alternatively, a copy of the notice by certified mail, to the owner at the property address and at any other address filed with the association.

The notice of violation must specify the alleged violation(s) and the time for compliance before daily fines are assessed as provided in the enclosed fine schedule. The notice of fine assessment also must be in writing, stating the amount and the manner of calculation of the fine.

Covenant Violation Grievance Procedure

If a person or other entity against whom a fine has been assessed disagrees with the board's decision to impose a fine or with the amount thereof, a request for reconsideration by the board or by the association membership may be made and conducted. Any such request must be in writing and filed with the board within 15 days of the service date of the notice of violation or of the fine assessment is deemed complete. The defined daily or monthly fine will continue through the Violation and Grievance Procedure, provided the issue continues (example: A resident continues to park in a violation of Article IV, Section 13 of the CCR's).

Time of Payment

If a fine has been assessed and timely request for reconsideration has not been filed with the board, the fine is payable not later than 30 days from when service of the notice of fine assessment is deemed complete as provided in these rules. If a timely request for reconsideration has been filed and denied after hearing, or if the fine amount has been amended after hearing, the original or amended fine is payable not later than 30 days from when service of the notice of denial or of an amended fine is deemed complete as provided in these rules.

Enforcement Per DCC&Rs Article X

6. Enforcement and Remedies: Each permission contained in this declaration shall be enforceable by the Homeowners Association or by an Owner who has first made a written demand on the Homeowners Association to enforce such permission, and 30 days have lapsed without appropriate action having been taken by the Homeowners Association. Any enforcement action may be by a proceeding for such relief as may be provided at law or in equity, including but not limited to a temporary or permanent injunction and/or a suit or action to recover damages.

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BYLAWS OF FOX HILL ESTATES HOMEOWNERS' ASSOCIATION, INC.
ARTICLE IX
POWERS AND DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors shall have the power:

- A. To call special meetings of the members whenever it deems necessary.
 - B. To appoint and remove at pleasure all officers, agents and employees of the Association, prescribe their duties, fix their compensation and require of them such security or fidelity bond as it may deem expedient.
- Nothing contained in these bylaws shall be construed to prohibit the employment of any member, officer or director of the Association in any capacity.
- C. **To establish, assess, levy and collect assessments or charges.**
 - D. To establish an architectural review and other appropriate committees.
 - E. To adopt and publish rules and regulations.
 - F. To exercise for the Association all powers, duties and authority vested in or delegated to this Association, except those expressly otherwise reserved to the members.

-In cases of **prolonged non-compliance**, multiple fines may be assessed, and multiple legal actions may be filed, each one representing a particular period during which the non-compliance continued.

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Rules & Regulations adopted in accordance with the DCCRs

Article IV, Section 1 of the CCRs states:

1. Land Use. The property may be used only for single family residential purposes. No professional business, manufacturing business or commercial activity may be conducted on any Lot in Fox Hill Estates, all Phases. There shall be no commercial use on the property. Rentals for a term of one month or more shall not be considered commercial use. Home office or related uses which do not result in increased \vehicular traffic shall not be considered commercial use.

The board of Directors has adopted the below Rules and Regulations for the above Covenant:

- Owners found in violation of this covenant will be subject to the fines listed in the enclosed fine schedule.
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Article IV, Section 8 of the CCRs states

8. Outbuildings. All outbuildings on the lot shall be constructed in keeping with the construction and architectural of the other buildings on the lot and are subject to approval by the Architectural Review Committee. All outbuildings shall be kept and maintained in good condition, repair and appearance.

The board of Directors has adopted the below Rules and Regulations for the above Covenant:

- Owners are asked to maintain residences, fences, and outbuildings to their original condition.
 - Owners found to be in violation of this covenant will be subject to the updated fines listed in the enclosed fine schedule.
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Article IV, Section 13 of the CCRs states

13. Vehicles: Mobile homes, motorhomes, trailers, unlicensed or unsightly vehicles shall not be parked or allowed to remain along roadways. Motorhomes, trailers, pickups carrying campers, pickup campers not in use, boats and boat trailers shall be placed in a garage or on the side of the house behind the front of the residence, no parking of such vehicles on the driveway.

The Board of Directors has adopted the following Rules and Regulations for the above Covenant:

- Parking of RVs, Trailers and Boats the day prior and after a trip for loading/unloading is OK.
 - Owners requiring an exception should contact the management company in writing to request a Board PRE-approval.
 - Owners found to be in violation of this covenant will be subject to the updated fines listed in the enclosed fine schedule.
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Article IV, Section 14 of the CCRs states:

14. Animals. No animals of any kind shall be raised, bred, or kept on any lot, except that dogs, cats and other domestic animals may be kept and raised but not for commercial purposes. No livestock or poultry of any kind shall be raised, bred or kept on any Lot. Permitted animals must be confined to the lot of their owner and not permitted to run at large. All pet enclosures must be reviewed and approved by the Architectural Review Committee for height, materials and location prior to construction.

The Board of Directors has adopted the below Rules and Regulations for the above Covenant:

- Owners and residents shall not allow animals to bark or howl for extended periods of time becoming a nuisance to surrounding neighbors.
 - Dogs should be kept on a leash when in common areas within the community.
 - No person owning or in custody of an animal shall allow the animal to stray or go upon another Lot without the consent of the Owner.
 - Owners and residents shall confine pets from excretion on any areas other than their private property unless owner cleans up after their pet immediately.
 - Owners found to be in violation of this covenant will be subject to the fines listed in the enclosed fine schedule.
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Article IV, Section 18 of the CCRs states:

18. Offensive activity. No noxious or offensive activities shall be carried on or permitted upon any of the properties or shall anything be done thereon which may or may not become an annoyance or be offensive to the neighborhood nor may the premises be used in any way for any purpose which may endanger the health or safety of, or unreasonably disturb the residents of any tract.

The Board of Directors has adopted the below Rules and Regulations for the above Covenant:

- Owners are expected to obey the posted speed limit of 15 mph while on association roadways.
 - Owners may not push snow from private property onto the association roadways.
 - No noxious or offensive activities of any kind.
 - Owners found to be in violation of this covenant will be subject to the fines listed in the enclosed fine schedule.
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Article IV, Section 19 of the CCRs states:

19. Exterior grounds maintenance. Each owner of a Lot shall maintain the lawn and grounds to preclude noxious weeds and other noxious growths. The owner will not permit refuse piles or other unsightly objects or growths to remain on the grounds.

The Board of Directors has adopted the below Rules and Regulations for the above Covenant:

- Owners are responsible for treating noxious weeds and broadleaf weeds like dandelions, so they do not spread to neighboring properties, with the exception of lots that have a border alongside a common area, the common areas will be the responsibility of the HOA.
- Owners are responsible for keeping grass on developed and undeveloped lots mowed and neat throughout the growing season
- Owners found to be in violation of this covenant will be subject to the fines listed in the enclosed fine schedule.

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Non-Compliant Fine Schedule

Article IV, Sections 1-21

VIOLATION:

HOA ACTION:

Section 1.

Land Use. - Single family residence only.
No commercial use.

- Friendly Reminder of CC&R's
- After 48 hours, daily fine of \$50.00 until activity ceases.

Section 8.

Outbuildings. - Architectural approval, maintained and in good condition, repair, & appearance.

- Friendly Reminder of CC&R's & request to owner to provide plan.
- After 30 days, if no plan provided, \$100.00 fine per month until resolved.

Section 13.

Parking. - RV's/Trailers/Boats/Commercial vehicles, etc.

- Friendly Reminder of CC&R's
- After 48 hours, daily fine of \$25.00 RV until resolved.

Section 14.

Pets. - Off leash, roaming, waste left behind.
Nuisances - Noise, Barking dogs, etc.
No livestock or Poultry of any kind.

- Friendly reminder of CC&R's
- Second offense - \$25.00
- Fine of \$50.00 for all repeat offenses.

Section 18.

Offensive Activities. - Breaking the 15mph posted speed limit, any & all other noxious & offensive activities deemed by the HOA Board.

- Friendly reminder of CC&R's
- After 48 hours, daily fine of \$25.00 until resolved.

Section 19.

Exterior grounds. - Maintenance.
Seeding, planting, weed control.
Architectural approval.

- Friendly reminder of CC&R's & request to provide plan.
- After 30 days, if no plan provided, \$100.00 fine per month until resolved.

All sections within ARTICLE IV of the CC&R's are subject to fines as the HOA Board deems warranted.