

**Corniche Sur Mer Homeowners Association
Enforcement and Fine Policy
And Schedule of Fine Assessments**

Violation of the Corniche Sur Mer Homeowners Association's ("Association") governing documents, CC&Rs, Bylaws, Architectural Guidelines, Rules and Regulations, by owners or their tenants, guests, or invitees will result in the imposition of enforcement measures against the member, including fines, special assessments, and suspension or revocation of membership privileges after due process, and/or legal action, as determined by the Board. Violation of the Association's Parking and Vehicle Rules may also subject the offending vehicle to the Association's Towing and Enforcement Procedures for Parking. In accordance with the Association's governing documents, the Board has adopted the following enforcement procedure and list of fines for violations of the governing documents.

Homeowners or residents who believe a violation of the governing documents has occurred may notify the management company, and the notification must be in writing. Suspected violations may also be reported orally or in writing by a Board member, a Committee member, or a management representative.

A. Alleged Violation: In the event of an alleged violation of the governing documents, the Board or the Association President may direct management to issue a courtesy letter and/or direct management to schedule a hearing and send a hearing letter as described below.

1. Courtesy letters shall include the following:
 - a. Statement of Alleged Violation. A written statement setting forth the alleged violation in ordinary and concise language.
 - b. Basis for Violation. A reference to the specific provision of the governing documents which the homeowner is alleged to have violated.
 - c. Time to Correct. The length of time the homeowner is being given to correct the violation.

2. Hearing letters shall include the following:
 - a. Statement of Alleged Violation. A written statement setting forth the alleged violation in ordinary and concise language.
 - b. Basis for Violation. A reference to the specific provision of the governing documents which the homeowner is alleged to have violated.
 - c. Hearing Schedule. The date, time and place of the scheduled hearing.
 - d. Sanctions. The sanction(s) which may be imposed at the hearing.
 - e. The date for the hearing may be no less than fifteen (15) days

after the date the notice of hearing is mailed or delivered to the homeowner. The homeowner is entitled to attend the hearing, submit a statement of defense to the Board in advance of the hearing (which statement must be received by no later than 3:00 p.m. the day of the hearing), or present a statement of defense and supporting witnesses at the hearing.

B. Imposition of a Fine: If a fine is imposed, a notice will be mailed to the member and the next subsequent member assessment statement will show the fine as an additional charge. The Board's decision for or against imposition of a fine, penalty or action by the Board, after notice of the violation and hearing, shall be by official Board action and shall be made in writing, to the member, setting forth the reason(s) for such decision. Notice shall be sent to the member within fifteen (15) days following the action, according to provisions of the California Civil Code, Section 5855(c), *et seq.*

C. Suspension of Voting Rights: The voting rights of any member may be suspended by action of the Board of Directors if the member's assessment account remains past due for a period more than ninety (90) days. Such suspension shall remain in effect until all unpaid and delinquent assessments are paid in full. The Board may also suspend the voting rights of any member for up to thirty (30) days for an infraction of the Association's governing documents.

Any suspension of rights of a member or other person by the Board of Directors shall not be effective for at least five (5) days after the date of the Board of Directors meeting at which the member, or other person, was provided an opportunity to be heard. Notice of suspension by the Board shall be in writing and sent to the member, by first-class mail, within fifteen (15) days following the Hearing.

D. Towing: Violation of the Association's Parking Rules may include implementation of enforcement measures and may also include towing of the subject vehicle, in accordance with the Corniche Sur Mer Homeowners Rules and Regulations, Towing and Enforcement Procedures for Parking.

E. Legal Action: The Board may decide, in certain instances, that legal action should be initiated prior to, in addition to, or in lieu of enforcement measures and/or fines, at any time during the enforcement procedure. The Board has the authority to take whatever legal action that, in the Board's discretion, may be necessary to correct violations.

F. Guests, Vendors, Contractors, Service Staff and Tenant Non-Compliance

Homeowners are responsible for all actions of their guests, vendors, contractors and service staff while they are visiting or working within the community. Homeowners are also responsible for their tenant's violations of the governing documents. Violations will be issued to a homeowner for guests, vendors, contractors, tenant or service staff rules infractions. It is the responsibility of the homeowner to advise their tenants, guests or workers of the Rules that may apply (i.e. damage to Association property, pets, speeding, parking, fire lane parking restrictions, etc.)

Pursuant to the requirements of California Civil Code, Section 5925, *et seq.*, members are hereby notified of their right, under certain circumstances, to participate in some form of Alternative Dispute Resolution (ADR) prior to initiating certain types of lawsuits.

SCHEDULE OF FINE ASSESSMENTS

Subject to Paragraphs A and E above, the following penalty schedule applies to all matters of non-compliance pursuant to the community's governing documents with the exception of the three compliance issues outlined below:

- First Violation Courtesy Reminder Notice
- Second Violation Same Offense Violation Notice
- Third Violation Same Offense Hearing Notice, First Penalty of \$500.00
- Fourth Violation Same Offense Hearing Notice, Second Penalty of \$1,000.00
- Continuing Violation Same Offense Hearing Notice of \$2,000.00 and \$2,000.00 for every subsequent observation or occurrence thereafter, until compliance has been met.

The Board is anticipating that the homeowner will address these issues in a timely manner and no further action will be necessary.

1. ARCHITECTURAL PROCESS-NON-COMPLIANCE-PENALTY-\$10,000.00

In an effort to deter homeowners from proceeding with exterior modifications without receiving Architectural Control Committee review and approval, should a homeowner commence any exterior modifications without formal written approval from the Association, said member will be assessed a penalty up to \$10,000.00 and potential CEASE AND DESIST of all work taking place. Additionally, all contractors will be denied community access until approval has been granted. The homeowner will be required to prepare and submit plans, fees and deposits for the modifications and will be subject to removal of said modifications if they are not approved by the Association. Please take note of this very important policy and process.

2. NON-RESIDENTIAL USE OF A HOME

No part of a lot shall be used for any business, commercial, vending or any non-residential purpose and all lots shall be used for single family residential use. An owner may maintain an office and conduct business activity within his or her lot provided that there is no external evidence of such activity and such activities are in conformance with all applicable governmental ordinances. No clientele or patrons of the business activity may visit the lot or park automobiles on the common area or the lot. The existence of such business activity may not be apparent or detectable by sight, sound or smell from outside the boundaries of the lot. Violations of this rule can result in a penalty assessment of up to \$10,000.00. Prohibited non-residential uses shall include, but are not limited to, Airbnb, HomeAway, VRBO and other types of transient leasing or renting of the home. No residence shall be leased or rented for a time period of less than 30 days. (CCR's, Article VII, Use Restrictions, 7.11, Residential Use).

3. LOUD PARTIES, LOUD VEHICLES-GENERAL NOISE NUISANCE

Loud parties, loud cars, loud stereos, or any other general nuisance should be directed to the POLICE. Parties and general gatherings that cause common area damage or infringe on the use of common area by other members, will be assessed a penalty of \$1,000.00 as well as the owner responsible for the party will be assessed any costs required to repair the common area.