

BERNARDO SANTA FE

HOMEOWNERS' ASSOCIATION

C/o Association Management Group
Tel: (760) 931-4180 Fax: (760) 931-4188

2131 Las Palmas Drive, Suite A, Carlsbad, CA 92011-1524
Email: amg@associationmanagementgroup.net

POLICY FOR VIOLATION DETERMINATION

Effective January 1, 2006

Be it hereby resolved that the Board of Directors of the Bernardo Santa Fe Homeowners' Association has duly adopted the following method of addressing and validating violations of the Rules & Regulations and the Covenants, Conditions and Restrictions (CC&Rs) of the Association. Violations, specifically or non-specifically outlined in the CC&R.s, shall be separated into three (3) general categories.

Architectural Violations shall include, but not be limited to: failure to obtain architectural approval prior to initiating improvement and/or failure to construct improvements in accordance with provisions of architectural approval. Upon receipt of notification or physical inspection by Management, owner will be immediately notified of the violation and an enforcement policy will be enacted.

Visible Violations shall include, but not be limited to: parking, vehicular restrictions and exterior maintenance. Upon noticing of violation observed by Management, through physical inspection or by Board Member, or upon written complaint signed by an owner, owner will be immediately notified of the violation and an enforcement policy will be enacted. The said violation statement must include details such as date and location of violation; name(s), address(es) and/or phone number(s) of witnesses. If a vehicle is involved, a complete description, including license number and Parking Permit number, if present; and, if possible, a photograph, would be appreciated in addition to the written complaint.

Nuisance Violations shall include, but not be limited to: noise, odor, Common Area damage, behavior or control of pets, and/or behavior or control of owners' children, family members or guests. Upon written complaint signed by an owner, or physical witnessing by Management or Board Member, owner will immediately be notified of violation and an enforcement policy will be enacted. The said violation statement must include details, such as date(s) and location(s) of violations; name(s), address(es) and/or phone number(s) of witnesses. If a series of similar events has occurred, these violations must be documented in detail.

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To establish a violation of the governing documents of the Association, proof of said violation must be obtained. A Board Member or Management Representative can substantiate proof through visual observance. Proof can also be substantiated upon written notification of two (2) owners of two (2) separate residences.

First Action: Owner shall receive a general warning notice outlining the nature of the alleged violation and requesting correction and/or remedy of said violation.

Subsequent Action: Should owner fail to correct the violation, appropriate penalty fines will be assessed. Should owner continue to fail to correct the violation, the Board shall exercise the option of filing a Notice of Non-Compliance against the property and/or initiate legal action.

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COMPLAINT AND RULE ENFORCEMENT POLICY

Effective January 1, 2006

- 1. Homeowners need to file a formal written complaint and forward it to the Bernardo Santa Fe Homeowners' Association, in care of the Management Company. A signed and dated letter should comprehensively lay out the basis of the complaint and provide the information regarding when, where, who, what and how the violation occurred.**
- 2. An owner is strictly liable for violations of these Rules by his or her guests or tenants. Where a tenant is in violation of a Rule, the owner will be served notice and have the responsibility for subsequent action as outlined hereafter as though they stand in the shoes of the offender.**
- 3. When the complaint is received, the Management Company will send a formal complaint letter to the offending owner of record at his or her last known address. This letter will state the nature of the offense, the deadline for correction and the date of the Board Meeting at which the complaint will be heard. This letter may include the amount of the assessment to be levied if not corrected, as well as any assessment to be levied for any repetition of the violation.**
- 4. All complaints will be heard in the Executive Session Board of Directors Meeting. If the offending owner has corrected the violation, the Board will impose no assessment and will close that complaint. If the violation has continued, the Board will determine what sanction is appropriate for the violation. Should the offending owner not appear at a scheduled hearing, the Board may make a determination on the matter in his or her absence. Any such determination would be binding.**
- 5. Notice of the Board action will be sent to the owner of record at his or her last known address.**

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PENALTY AND FINE POLICY

Effective January 1, 2006

- 1. Assessments for a first offense for any one violation will be \$50.00. Subsequent violations of the same Rule will be assessed at the rate of \$50.00 times the number of previous offenses, including the present offense. In addition to any assessment levied, the Board shall impose any additional sums, which amounted to actual cost, to the Association to repair the Association property or correct the violation. The Board of Directors may also suspend the voting rights or right to use the Association's recreational facilities, or any combination thereof, for any Rule violated. Any such suspension, however, shall not exceed thirty (30) days in length.**
- 2. All assessments and charges imposed against an owner for a violation of the Rules will be applied to the offending owner's account and will appear on the owner's next statement of account. Unpaid balances will be subject to additional late fees, interest and charges as applied to the statement. Unpaid assessments shall become a lien against the offender's real property. Unsatisfied liens may result in foreclosure proceedings.**
- 3. Seven (7) days following the mailing of the letter notifying the owner of the Board's actions, Management may check on the complaint to determine if the violation is reoccurring. If the complaint has not been corrected, a new complaint will be filed and the procedure outlined above will be repeated. The offending owner would be subject to the multiple assessment provisions outlined herein. If the violation has been corrected, no further action will be taken.**
- 4. All homeowners of record and tenants will receive a copy of this complaint procedure and a copy of the complaint form. Additional copies will be available from the Management Company.**
- 5. All letters and notices required under this procedure shall be mailed in the United States mail, first-class postage prepaid, and addressed to the offending owner at the last known address listed with the Management Company.**