



43529 Ridge Park Drive
Temecula, California 92590
Phone: (951) 699-2918
Fax: (951) 699-0522
morningstar@avalonweb.com

June 2016

Morningstar One Community Association

Implementing a New Enforcement and Fine Policy

(California Civil Code sections 4360, *et seq.*)

PLEASE TAKE NOTICE that new Enforcement and Fine Policies were approved as presented by the Board of Directors on May 25, 2016 to be mailed out to the membership for a 30 day review and comment period before officially being adopted at the following Open Session Board Meeting.

The purpose of the revisions to the Enforcement and Fine Policy is to implement a new design Review fine for work that commences within the community without approval (new policy is highlighted).

A copy of the proposed of the new Enforcement and Fine Policy is attached herewith as Exhibit "A" and incorporated herein by this reference.

The Board of Directors is scheduled to adopt the new Enforcement and Fine Policy at the July 27, 2016 Board of Directors Meeting at 6:00 PM. Please submit your comments to Management no later than July 13, 2016 to be included in the board packet for review and consideration.

Thank you!

Avalon Management
As Agent for Board of Directors
Morningstar One Community Association

Morningstar One Community Association

Enforcement and Fine Policy

The Association and/or any owner has the right to enforce the Association's Rules and Regulations **and any portion of the CC&Rs**. This right includes requesting the violator to cease the offending action, taking legal action against the violator and making a complaint to the Board of Directors.

Once a resident gives the Board of Directors a **signed** written complaint that a rule has been violated, the Board will investigate the allegation and may take action against the offending resident, including, but not limited to fining or imposing a special assessment, if appropriate or instituting legal action.

However, nothing in this section obligates or requires the Board of Directors or authorized committee to take any legal action against an individual resident. The Board of Directors, in making this decision, will determine the costs and benefits of taking such action.

A. DUE PROCESS:

Prior to the imposition of any fine, individual reimbursement assessment or suspension of rights, the homeowner shall be given notice and an opportunity to appear in person or in writing before the Board of Directors or appropriate committee.

B. ENFORCEMENT GUIDELINES:

Generally, though not necessary, the Association shall adhere to the following schedule:

1. **First Offense:** Warning Letter and Request to Correct Violation (if applicable). Possible fine of **\$100.00**, special assessment to reimburse the Association for costs incurred in compelling compliance, suspension of privileges.
2. **Second Offense:** Possible imposition of fine of **\$200.00** individual assessment to reimburse the Association for costs to compel compliance, suspension of privileges. Institute Alternative Dispute Resolution and/or Internal Dispute Resolution. Filing of lawsuit.
3. **Third Offense/Continuing Violation:** Possible imposition of fine of **\$400.00** for third offense and for each month violation continues, special assessment to reimburse the Association for costs to compel compliance, suspension of privileges. Institute Alternative Dispute Resolution and/or Internal Dispute Resolution. Filing of lawsuit.
4. **Blighted Property:** To preserve and protect the desirability and appearance of the community, and to protect against the impairment of property values which result from the neglect and deterioration of property, the initial and subsequent fines imposed by the Association for any of the following conditions may range from **\$100.00** to **\$400.00** depending upon the nature and extent of the violation:
 - A. Property which is not kept clean and sanitary and free from accumulations of overgrown or dead or decayed trees, weeds or other vegetation, rubbish, garbage or junk;
 - B. Property in a condition considered dangerous to the health of neighboring residents (e.g. non-maintained swimming pool);
 - C. Property which is likely to or does harbor rats, vermin or other pests; or
 - D. Property which substantially detracts from the aesthetic and economic values of neighboring properties.

Morningstar One Community Association

Enforcement and Fine Policy

C. DESIGN REVIEW FINE:

ANY work that begins without submitting and receiving written approval from the Master Architectural Committee may be subject to a fine **up to and including \$1,000**.

In addition, to or in lieu of imposing fines, the Association may correct any or all of the blight conditions at the property owner's expense as provided for within the CC&Rs, following notice and an opportunity for a hearing before the Board of Directors.

Depending on the severity and frequency of the violation and the violator, the choice of the enforcement procedure(s) and/or enforcement remedy utilized may vary.

The Association reserves the right to institute any of the above-referenced enforcement measures regardless of whether it is the first offense, second offense, etc.