

TOLLGATE WOODS SUBDIVISION RULES RELATING TO FINES

The Board of Directors of Tollgate Woods Homeowners Association (the Association") adopts these rules on May 1, 2020, effective immediately.

BACKGROUND

A. The Association is responsible for governance, maintenance and administration of Tollgate Woods Subdivision (the "Subdivision").

B. The Association exists pursuant to the Michigan Nonprofit Corporation Act, the Articles of Incorporation for the Association, the Declaration of Easements, Covenants and Restrictions and the Association's Bylaws (collectively, the "Subdivision Documents").

C. Article V, Section 37 of the Declaration authorizes the Association's Board of Directors to adopt and enforce reasonable rules and regulations in the interest of the Subdivision, and Article VI, Section 3 of the Declaration specifically authorizes the Association's Board of Directors to adopt rules and regulations with respect to the imposition of fines.

D. The Association's Board of Directors desires to adopt rules with respect to the imposition on fines for violations of the Subdivision Documents.

The Association's Board of Directors adopts the following rules and regulations for the Subdivision (the "Rules"), which are binding upon all Owners and their tenants, occupants, successors and assigns, and which supersede any previously adopted rules on the same subject matter:

1. Procedures. The violation by any Owner or their occupants or guests of any provision of the Subdivision Documents shall be grounds for the Association to assess monetary fines against the involved Owner. The Owner will be deemed responsible for such violations whether they occur because of their personal actions or the actions of their occupants, guests or any other person admitted to the Subdivision through such Owner. Prior to assessing any monetary fine, the Board will adhere to the following procedures:

A. Notice of Alleged Violation. Notice of the violation, including the Subdivision Document provision violated, together with a description of the factual nature of the alleged offense set forth with such reasonable specificity as will place the Owner on notice as to the violation, shall be sent by first class mail, postage prepaid, electronic transmission, or personally delivered to the Owner at the Lot address or, if designated, at such other address as the Owner designates in writing to the Association. No fine shall be imposed until the Owner has been given thirty (30) day written notice of the existence of the violation, and the fine shall be imposed if the violation is not cured during that thirty (30) day notice period.

B. Hearing. The offending Owner shall also have an opportunity to appear before the Board and offer evidence in defense of the alleged violation. The hearing before the

Board may be at its next scheduled meeting, but in no event shall the Owner be required to appear less than 7 days from the date of the notice. If the Owner fails to respond to the notice of violation or appear at a scheduled hearing, such failure will constitute a default. Upon appearance by the Owner before the Board and presentation of evidence of defense, the Board shall, by majority vote of a quorum of the Board, decide whether a violation has occurred. The Board's decision is final.

2. Assessment of Fines. If there has been a violation of any of the provisions of the Subdivision Documents, the following fines may be levied:

FIRST VIOLATION	\$25.00 Fine
SECOND VIOLATION	\$50.00 Fine
THIRD VIOLATION	\$75.00 Fine
FOURTH VIOLATION	\$100.00 Fine
AND ALL SUBSEQUENT VIOLATIONS	

For purposes of this Rule, the number of the violation (i.e. first, second, etc.) is determined with respect to the number of times that an Owner violates the same provision of the Subdivision Documents, as long as that Owner may be an Owner of a Lot or occupant of the Subdivision, and is not based upon time or violations of entirely different provisions. In the case of continuing violations, a new violation will be deemed to occur each successive 14 day period during which a violation continues or in such intervals as may be set forth in supplements to this Rule; however, no hearings other than the first hearing shall be required for successive violations if a violation has been found to exist. Nothing in this Rule shall be construed as to prevent the Association from pursuing any other remedy under the Subdivision Documents for such violations, or from combining a fine with any other remedy or requirement to redress any violation.

3. Collection of Fines. Any fines that the Board levies pursuant to this Rule shall be assessed against the Owner and shall be immediately due and payable. Failure to pay the fine will subject the Owner to all liabilities set forth in the Subdivision Documents including, without limitations, those described in Article II of the Declaration.

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Respectfully submitted,
Board of Directors
Tollgate Woods Homeowners Association