

Whispering Creek Homeowners Association RULES ENFORCEMENT PROCEDURE

In accordance with the authority under the Declaration of Covenants, Conditions and Restrictions, By-Laws, the Maryland Homeowners Association Act and the Maryland Contract Lien Act, and in order to promote the general welfare of the Association, Whispering Creek Homeowners Association adopts this 3rd day of November, 2010, the following procedure:

Whenever the Board of Directors determines that a violation of the Association's Declaration, By-Laws of approved Rules and Regulations exists and must be corrected, a "notification letter" will be sent to the owner of record and/or tenant of the lot involved or the owner and/or tenant who is responsible for the violation. The responsible lot owner will have thirty (30) calendar days from the date of the notification letter to correct the violation before a "written demand" to cease and desist is sent.

If a violation is not corrected within thirty (30) days of the notification letter, the Board of Directors will serve a written demand on the alleged violator stating:

- the alleged violation;
- the action required to correct the violation;
- the time period of ten (10) calendar days during which the violation may be corrected without fines being imposed on the unit owner;
- notice that a hearing will be held on the alleged violation after ten (10) calendar days from service of the written demand;
- the time and place of the hearing;
- an invitation to the alleged violator to attend the hearing and defend using any statement, evidence and witnesses on his/her behalf;
- each violation is subject to an initial fine of One Hundred Dollars (\$100.00); however, that fine may escalate to a total of Five Hundred Dollars (\$500.00) per year if the violation remains unabated.

The hearing shall be held at the next scheduled Board of Directors meeting following written notification pursuant to the written demand and shall afford the alleged violator a reasonable opportunity to be heard. At the conclusion of the hearing, the Board will render a decision on the merits of the alleged violation and any defense presented by the responsible lot owner. Prior to the effective date of any fine imposed hereunder, a copy of the written demand, proof of service, including the date and manner of delivery, a written statement of the results of the hearing and any fine imposed shall be placed into the Minutes of the hearing.

If, after being duly served with the written demand, the lot owner/tenant does not appear, and/or the Board finds after a hearing that the alleged violator has committed a violation and taken no corrective measures prior to the hearing, the Association shall levy a fine of One Hundred Dollars (\$100.00) for every violation of which the alleged violator has been notified.

Clayett Management
7540 N. Market Street

Frederick, MD 21701

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The One Hundred Dollar (\$100.00) fine shall commence on the 31st day after the hearing unless corrective measures have been taken before that date. No fine will be levied prior to the expiration of thirty (30) days from the date of the hearing.

Furthermore, if the violation continues unabated for a period of seven (7) additional days beyond the effective date of the initial fine, an additional fine of Fifty Dollars (\$50.00) shall be automatically imposed with an effective date of eight (8) days later than the effective date of the initial fine and additional fines of Fifty Dollars (\$50.00) per seven day period thereafter of unabated violations until the maximum fine for each unabated violation reaches the total sum of Five Hundred Dollars (\$500.00) per year.

<u>Per Violation</u>	<u>Fine</u>
Initial Fine Levy	\$100.00
7 days	\$ 50.00
14 days	\$ 50.00
(continued every seven (7) days for each violation)	

The maximum fine to levy against a violator for each unabated violation will be \$500.00 per year.

All payments received from the violator by the Association will be applied to the oldest delinquent balance, whether that balance is composed of fines or monthly assessments.

Legal action as deemed necessary will be pursued if the violator fails to pay any fines levied prior to correction of the violation or after the Five Hundred Dollar (\$500.00) maximum fine is reached.

Decisions by the Board will be made on a case-by-case basis.

This procedure was adopted under the provisions of the BYLAWS, of The Whispering Creek Homeowners Association, Inc. Incorporated Maryland 2005, PAGE 13, Article XIII, Adoption of Rules and Regulations, Item #3, Adoption: Referendum.

Date: 1/20/11 James M. Cook Pres.

Date: 1/20/11 [Signature] Vice. Pres.

Date: 01/20/2011 [Signature] Treasurer

Date: _____