



Violation / Fine Policy  
Somerset Farms Homeowners Association

The following guidelines for violation notification and assessment of fines has been developed by the Somerset Farms Homeowners Association (HOA) Board of Directors in order to carry out its responsibility of upholding Somerset Farms HOA Covenants, Conditions & Restrictions (CC&R's), Supplemental Design Guidelines, Bylaws, and Rules and Regulations in a fair and respectful manner toward homeowners.

The HOA periodically receives questions, concerns and or reports of homes with suspected violations of the Somerset Farms HOA CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations. These concerns are reviewed by the HOA Board to confirm that a violation exists, and if necessary, will conduct an inspection of the property.

**1st Notice - Friendly Reminder:**

The HOA will both email and post (USPS) a letter to the address(s) on file notifying the homeowner that they are in violation of HOA Governance Documents.

**1st Notice will contain:**

- a) The date that the property was inspected and found to be in violation.
- b) The specific section of the CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations that references the violation.
- c) Request for correction of the violation to be completed within **7 Days** from the date of the letter.
- d) Request for written response to the notification letter of the violation with the stated remediation plan.
- e) Copy of the HOA Violation / Fine Policy.

**2nd Notice - Warning/Notice of Possible Fine:**

If the homeowner does not respond to, or correct the violation as indicated in the 1<sup>st</sup> Notice (**Friendly Reminder**) within 7 Days from the date of that letter, the HOA will both email and post (USPS – Certified Mail) a letter to the address(s) on file notifying the homeowner that the HOA Board will meet to vote on fining the homeowner. **Notification of the meeting will be at least 30 days prior to meeting.**

A majority vote by the board shall be required prior to imposing any fine on a member for a violation of Somerset Farms HOA CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations.

In the event the homeowner begins resolving the violation prior to the meeting and notifies the HOA in writing, no fine shall be imposed as long as the member continues to address the violation in good faith, and within an agreed upon time line, until the violation is fully resolved.



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**2<sup>nd</sup> Notice will contain:**

- a) Date, Time and Location of the HOA Board Meeting.
- b) The original date that the property was inspected and found to be in violation.
- c) The follow-up date that the property was inspected and found to be in violation.
- d) The specific section of the CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations that references the violation.
- e) Copy of the HOA Violation / Fine Policy.
- f) Copy of 1<sup>st</sup> Notice Issued to homeowner.

**3<sup>rd</sup> Notice – Violation Fine:**

If a majority vote by the HOA Board concludes the homeowner is in violation of Somerset Farms HOA CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations, the Board will both email and post (USPS) a letter to the address(s) on file notifying the homeowner that they are have been fined for non-compliance.

**3<sup>rd</sup> and Subsequent Notice(s) will contain:**

- a) Date, Time and Location of the HOA Board Meeting where the Board voted to fine the homeowner.
- b) Board Decision / Vote Outcome
- c) Amount of fine assessed by the Board.
- d) Date the Fine is to be paid (within 30 days).
- e) The original date that the property was inspected and found to be in violation.
- f) The follow-up date that the property was inspected and found to be in violation.
- g) The specific section of the CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations that references the violation.
- h) Copy of the HOA Violation / Fine Policy.
- i) Copy of 1<sup>st</sup> Notice Issued to homeowner.



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- j) Copy of 2<sup>nd</sup> Notice Issued to homeowner.

**Violation / Fine Forgiveness:**

The Somerset Farms HOA Board may, at its sole discretion, forgive the first (1<sup>st</sup>) fine that has been levied against the homeowner if: A majority vote by the HOA Board concludes the homeowner has resolved all violations that were listed in the 3<sup>rd</sup> **Notice – Violation Fine** in good faith before the assessed fine was due for payment. Any subsequent HOA Board action that results in a fine being levied against the homeowner will not be considered for forgiveness.

**Violation Fine Forgiveness Notice(s) will contain:**

- a) Date, Time and Location of the HOA Board Meeting where the Board voted to fine the homeowner.
- b) Board Decision / Vote Outcome
- c) Amount of fine forgiven by the Board.

**SCHEDULE OF FINES**

Effective March 1, 2022

- A. **Original Fine** is defined as the amount of the fine for any violation of the HOA's CC&R's, Supplemental Design Guidelines, Bylaws, or Rules and Regulations. The amount of this fine is **\$150 for each violation.**
- B. **\*Ongoing noncompliance** is defined as any subsequent violation within 12 months of the date of the first fine occurrence, or after receiving an additional fine for the same or different violation within the 12-month period.

*Ongoing noncompliance will continue until there is a 12-month period of compliance.*

**C. The penalties for ongoing noncompliance are:**

- a) Subsequent noncompliance violations will result in doubling the original fine amount (i.e., Original Fine Amount \$150, then any additional non-compliance will result in a fine of \$300 for each event).

| <b>Policy / Guidance Violations</b> | <b>Fine</b> |
|-------------------------------------|-------------|
| Original fine amount                | \$150       |
| Ongoing non-compliance fine         | \$300       |



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| *Violations during on-going non-compliance | \$300 |
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**D. The homeowner's address of record will be the:**

- a) Homeowner's contact address listed with the Somerset Farms HOA, and/or
- b) Last email address provided to the Somerset Farms HOA by the homeowner if the homeowner has elected to use electronic notification for HOA business.

**E. All fines are payable and due within thirty (30) of the date of the written notice of the fine.**

**F. Default Assessment / Non-Payment\***

**8.9 Default Assessments** Default Assessments may be levied against an Owner (i) as a monetary penalty imposed by the Association as a disciplinary measure for the failure of the Owner to comply with rules and regulations adopted by the Association, the Bylaws or this Declaration, (ii) as a means of reimbursing the Association for costs incurred by the Association for repair of damage to any Common Areas and facilities for which the Owner was responsible, or (iii) as a means of reimbursing the Association for costs incurred by the Association for maintenance or repair work on the Lot of the Owner pursuant to Section 6.9 hereof. Default Assessments imposed against a Lot and its Owner shall be fully enforceable through the lien provisions of this Declaration.

**8.10 Reserved**

**8.11 Effect of Non-payment of Assessments: Remedies of Association.** Any Assessment installment, whether of a Regular, Special, or Default Assessment, which is not paid within 30 days of its due date shall be delinquent. In the event that any Assessment installment becomes delinquent, the Association, in its sole discretion, may take any or all of the following actions:

8.11.1 Assess a late charge of not less than \$25 per delinquency.

8.11.2 Assess an interest charge from the date of delinquency at the rate of 1<sup>1/2</sup> percent per month on the unpaid balance.

8.11.3 Suspend the Owner's easement and right to use any of the Common Area, if any, during any period of delinquency.

8.11.4 Accelerate all remaining Assessment installments for the year in question so that unpaid Assessments for the remainder of the year shall be due and payable at once.

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\* Second Revised and Restated Declaration of Covenants, Conditions and Restrictions (CCR's) for Lockey Subdivision City of Eagle, Idaho (Effective April 9, 2015)



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8.11.5 Bring an action at law against any Owner personally obligated to pay the delinquent installments.

8.11.6 File a Statement of Lien with respect to the Lot, and foreclose on the Lot as set forth in more detail below.

The Association may file a Statement of Lien by recording with the Recorder of Ada County, Idaho, a written statement with respect to the Lot, setting forth the name of the Owner, the legal description of the Lot, the name of the Association, and the amount of delinquent Assessments then owing, which Statement shall be duly signed, acknowledged and verified by the oath of the president, a vice president or the manager of the Association having knowledge of the facts, and which shall, within five (5) business days after recording thereof, be served upon the Owner of the Lot by personal delivery or by certified mail to the last known address of the Owner of the Lot. Thirty (30) days following the mailing of such notice, the Association may proceed to foreclose the Statement of Lien in the same manner as provided for the foreclosure of mortgages under the statutes of the State of Idaho. Such lien shall be in favor of the Association and shall be for the benefit of all other Owners. In either a personal or foreclosure action, the Association shall be entitled to recover as part of the action, the interest, costs, and reasonable attorneys' fees with respect to the action. No Owner may waive or otherwise escape liability for the Assessments provided for herein by non-use of the Common Area or the Owner's Lot. The remedies herein provided shall not be exclusive and the Association may enforce any other remedies to collect delinquent Assessments as may be provided by law.

**Amendments & Change Log**

| <u>Date</u> | <u>Section Changed</u>       | <u>Changed Text</u> |
|-------------|------------------------------|---------------------|
| 03/01/22    | Original Document            | N/A - New Document  |
| 07/01/22    | Violation / Fine Forgiveness | N/A - New Section   |