

PENALTIES FOR NON-COMPLIANCE AND DEFAULT



The Board of Trustees for Bayberry Cove Condominium Association has adopted the following Penalties for Non-Compliance and Default.

GENERAL

Sanctions as hereinafter set forth shall be imposed upon the Unit Owners for failure of a Unit Owner, guest, invitees, employees, etc., to comply with any of the terms of the Condominium Rules and Regulations, Amendments to the Rules and Regulations, By-Laws and the Master Deed.

NOTICE

Upon presentation to a member of the Board of Trustees of a failure of a Unit Owner to comply with any of the terms of the condominium documents, the Board will:

- a. Notify the Unit Owner by e-mail and Certified Mail, Return Receipt Requested, regarding the nature of the deficiency and required action to rectify the situation.
- b. Advise the Unit Owner if this is a warning or if a fine has been levied.
- c. Advise the Unit Owner of the deadline to pay any levied fines.
- d. Advise the Unit Owner that a lien will be placed on that Unit for unpaid fines.

HEARING

The non-complying Unit Owner shall present reasons why penalties should not be imposed, for non-compliance of a term(s) of the Condominium Rules and Regulations, Amendments to the Rules and Regulations, By-Laws and the Master Deed, to the Board of Trustees, as described in the notice from the President of the Board of Trustees, to the Unit Owner. Following the presentation or the lack of appearance by the non-compliant Unit Owner, the Board of Trustees will make a decision regarding the documented non-compliance including penalties and forward a written decision to the non-complying Unit Owner, by certified mail, to his permanent address, not later than ten (10) days after the Board Meeting where the non-compliance was presented.

ADR – ALTERNATIVE DISPUTE RESOLUTION

ADR is a fair and efficient means for Unit Owners to resolve disputes between one another or against the Association. ADR is also a condition of issuing a fine. Request for ADR should be made in writing to the Board. In your request, state your complaint clearly and specifically request that you be provided ADR. ADR providers shall be appointed by the Board from Trustees from the Oak Ridge Condominium Association. Whoever is selected must be impartial. ADR procedures are available upon request.

NON-COMPLIANCE VIOLATION

The failure to comply with any term of the Condominium Rules and Regulations, Amendments to the Rules and Regulations, the By-Laws and the Master Deed in any twenty-four (24) hour period shall be considered a new non-compliance. A non-compliance violation may be a single event that would accumulate to multiple non-compliance violations and thus incur multiple penalties, or it could be a non-compliance violation that is ongoing, therefore subject to multiple penalties.

PENALTIES

Penalties will be assessed as follows:

- a. First non-compliance or violation – The Board shall issue formal written notice of the non-compliance or violation, and request response to and correction of the non-compliance or violation within seven (7) calendar days; Unit Owners shall have twenty-four (24) hours to resolve violations of the Rental Policy.
- b. Second non-compliance or violation – The Board shall impose a fine not in excess of \$100.00 to be assessed on a daily basis, and advise the Unit Owner of their right to an ADR hearing.
- c. Third and subsequent non-compliances or violations – a fine not in excess of \$300.00 to be assessed on a daily basis.
- d. Any violations of Federal, state, local, or BCCA regulations that require immediate corrective action shall be corrected immediately or fines may be levied.
- e. Failure to pay any fine will result in a lien placed against the property.

Payment of Penalties

Penalties shall be payable to the Bayberry Cove Condominium Association and delivered to the Office at Bayberry Cove within thirty (30) days of receipt of second and third notices.

Collection of Penalties

Penalties shall be treated as an assessment subject to the provisions for the collection of assessments as set in the New Jersey Condominium Act.

Application of Penalties

All monies received shall be allocated as directed by the Board of Trustees.

Non-exclusive Remedy

The penalties shall not be construed to be exclusive, and shall exist in addition to all other rights and remedies to which the Association or other Unit Owners be otherwise legally entitled.

EXCLUSIONARY

The Rules and Regulations and Penalties for Non-Compliance and Default are effective on the date of issue. Unit Owners whose Units are not in compliance, on the date of issue, are grandfathered, if the non-compliance is not in violation of State or local ordinances. However, changes made to their Units after The Rules and Regulations, Amendments to the Rules and Regulations, The By-Laws and The Master Deed have been issued, shall be consistent with the spirit and intent that the Board of Trustees intended when they issued them. Any Unit Owner who violates these Rules and Regulations henceforth shall be subject to the Condominium Penalties.