

An excerpt from NCGS § 47F (North Carolina Planned Community Act)

§ 47F-3-107.1. Procedures for fines and suspension of planned community privileges or services.

Unless a specific procedure for the imposition of fines or suspension of planned community privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any lot owner should be fined or if planned community privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47F-3-102(11) and (12). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The lot owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of planned community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The lot owner may appeal the decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate, or modify the prior decision of the adjudicatory body. (1997-456, s. 27; 1998-199, s. 1.)

Crosswinds H.O.A. Fine Policy (Effective October 15, 2015)

Consistent with the applicable provisions of NCGS § 47-F, Crosswinds Homeowners Association has promulgated the following fine policy to be applied to violations of the Covenants, Restrictions and Rules and Regulations.

1 st Violation	"Courtesy Notice"
2 nd Violation	"Reminder Letter"
3 rd Violation	Official Notice of Infraction and Opportunity to Be Heard* and subject to a \$25.00 fine
4 th Violation	Notice of Recurring Violation and \$50.00 fine
5 th Violation	Notice of Recurring Violation and \$75.00 fine
6 th and Subsequent Violations*	Notice of Recurring Violation and \$100.00 fine

*Property owners are entitled to a hearing before an adjudicatory panel appointed by the Board of Directors before the first fine for violation of a specific rule is applied to the owner's account. Following the opportunity for a hearing, subsequent violations of the same rule are subject to the above fine policy without further warnings or hearings. Such fines are applied for each observation of a violation. Fines will start at the \$25.00 level unless otherwise specified below.

Violations of the following rules will skip the first two violation notice levels and be handled in the same manner as a standard "3rd" violation (hearing required):

Architectural infractions

Continuing (subsequent violations beyond the 6 levels noted above) may be subject to daily fines of up to \$100.00 per violation per day. Daily fines could be imposed by the Board of Directors on a case-by-case basis.

*Violation series start over (reset to Courtesy Notice letter level) once a specific owner's lot is violation free for a period of 12 months.