

Kure Dunes Home Owners Association
Board of Directors
Directed Homeowner Hearing
On
Architectural Compliance Issues

NOTE: (MD) Offered a Motion as stated below. The motion was seconded by (ET), and passed by a 7-0 vote of the complete Board of Directors.

Introduction:

A Kure Dunes Home Owners Association, Board of Directors, Directed Homeowner Hearing, shall be held in accordance with the following procedure:

1. The Hearing Subject will be announced by the Officer or Director involved with the issue
2. The Hearing will be convened as part of a Closed Session of the Board of Directors. Present at the meeting shall be:
 - a. The duly elected Officers and Directors of the KD HOA;
 - b. The Homeowner involved with the subject of the Hearing;
 - c. Any third-party individuals asked to be present by the Home Owner;
 - d. Any third-party individuals asked to be present by the KD HOA Board of Directors;
 - e. NOTE: If the Board of Directors believes it would expedite matters related to the hearing, and if the hearing involves other Homeowners not invited by the Homeowner, those other Homeowners may be present as guests of the Board of Directors;
3. The Homeowner(s) present, is/are introduced, and the subject of the Hearing is announced by reading the findings of any inspection or other interactions with the Homeowner.
4. (Note that clarification may be sought, in step 5 below, regarding how the finding became a violation.)
5. NOTE: If the Homeowner is not present, after having been informed of the date and time of the Hearing, an automatic time delay of 60-minutes will be allowed prior to holding the Hearing in the absence of the Homeowner, in case the Homeowner is tardy and not absent.
6. If the Homeowner questions how a finding became a violation, the involved Director can provide said explanation.
7. The Homeowner is asked whether s/he agrees or disagrees that the cited rule applies and that they are in violation of the rule.
8. If the Homeowner agrees and acknowledges that the cited rule applies, and agrees that they are in violation of the rule, the Hearing proceeds to the Penalty Phase (Step 11, below).

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9. If the Homeowner does NOT agree that the cited rule applies, and/or does NOT agree that they are in violation of the rule, the Hearing proceeds to the Evidence Phase (Step 9, below).
10. If the Homeowner does NOT agree either/or that the cited rule applies or they are in violation of the rule.
 - a. The Director identified who raised the issue in Step 1 above, presents the evidence that shows that the Homeowner had been notified of the violation, and had been given ample prior notice to allow repair/replacement/renovation necessary to correct the violation;
 - b. (NOTE: The Board of Directors presents information first in a Hearing, since the burden of proof lies with the Board of Directors;)
 - c. The Homeowner responds to the information provided in step 7a, explaining the reasons why s/he does not believe that a violation exists, or the steps they have taken to correct the violation;
 - d. The Homeowner has the right to present any evidence, or introduce any Homeowner and/or Contractor to support his/her opinion regarding the violation status.
11. At the conclusion of Step 9, the homeowner and guests are excused in order that the Board of Directors might discuss any new information presented at the Hearing.
12. At the conclusion of Step 10, the homeowner and guests are invited back into the room to hear the results of the Board of Directors decision on the alleged violation.
 - a. If the Board of Directors agrees with the Homeowner, that the presentation of evidence convinces the Board that a violation does no longer exist, the Hearing is dismissed, the Homeowner thanked for his time and effort to maintain his/her property in compliance with the covenants, and the Hearing closes;
 - b. If the Board of Directors determines that a violation of the covenants is in existence, the Board shall make known the Penalties to be imposed on the Homeowner, as:
 - i. If it is decided that a Penalty is appropriate, said penalty comes into effect on the day of the Hearing;
 - ii. The minimum penalty of \$150/violation;
 - iii. An additional penalty of \$50/month/penalty is added to the basic penalty for each month the penalty is not paid;
 - iv. NOTE: For multiple violations, the penalty may be standardized and allowed to accrue up to a maximum of \$500/month.
13. At the conclusion of Step 12, based on a successful Motion made by an Officer or Director, the Hearing is concluded and the Board returns to the conduct of the regular monthly Board meeting.