

**Determination and Consequences of Owner Not In Good Standing
For Violations of Provisions in Association Documents**

Purpose: To provide a companion policy to Section 7.05, Hearing Procedure, of the Bylaws of the Whispering Meadows Homeowners Association (Bylaws).

Intent: To adopt a uniform policy related to addressing violations of provisions in the Whispering Meadows Articles of Incorporation (Articles), Sixth Amendment and Seventh Amendment to and Restatement of Declaration of Covenants, Conditions, Restrictions and Dedication of Easements (Declaration), Bylaws, and any Board Policies adopted by the Board of Directors (Association Documents) by an Owner or such Owner's agents, family, guests, tenants, invitees or contractors (Owner).

This Policy and the related Section 7.05 of the Bylaws pertain only to violations of Association Documents, other than for nonpayment of a delinquent assessment.

An Owner is considered to be in good standing if the Owner is current in payment of all Dues, assessments, related charges, compliant with all Board Policies, pursuant to this Policy and Section 7.05 of the Bylaws. In addition, Owner shall maintain property and casualty insurance, per Article VI, Section 2, of the Covenants, as well as the latest approved Policy No. 104.

In order to enforce the provisions of the Association Documents, the Board may levy, assess, and collect reasonable fines and costs as established by the Board, and/or as fully set forth elsewhere in the Association Documents or under Missouri law, and/or impose sanctions, including, but not limited to, suspending voting, or suspending any rights of an Owner or said Owner's Lot or Townhome Unit, such as a loss of services and/or privileges, as appropriate under the circumstances.

Procedure for Determination of a Violation

1. An alleged violation form (which can be found at www.whisperingmeadows.org) must be completed, and should reference the section of the Association Documents being allegedly violated, and be sent to the Board for investigation, or the Board may initiate this procedure if a majority of its members agree to it.
NOTE: The violation form can be sent anonymously for a WARNING letter to be sent out to the offending Owner; but if more formal steps are to be taken as set out below, the form must be signed.
2. The Board, or an individual or Committee designated by the Board, will review the alleged violation form to determine whether or not a violation of the Association Documents has occurred.
3. If the Board determines that a violation has occurred and an informal resolution cannot easily be accomplished, it will commence the hearing procedure prescribed by Section 7.05 of the Bylaws.

Schedule of Monetary Fines, If Levied Pursuant to Section 7.05 of the Bylaws:

If, after the completion of the hearing procedure pursuant to Section 7.05 of the Bylaws, the Owner still has not remedied any violation determined to exist, or taken reasonable steps to remedy the violation, and/or paid any monetary sanction imposed by the Board in connection with the process under Section 7.05(c) and/or satisfied any obligation incurred as a result of the violation as provided in the Association Documents, then in addition to any such sanction and/or obligation, the Board may assess a fine for continuing non-compliance, lack of payment, or other failure to fulfill obligations incurred as the result of such violation as follows:

Ten (10) days following completion of the hearing procedure - \$25.00

Thirty (30) days following completion of the hearing procedure - an additional \$50.00

Sixty (60) days following completion of the hearing procedure - an additional \$100.00

Each thirty-day period of time thereafter - an additional \$100.00

The Association is not obligated to provide notification(s) to Owner with respect to the levy of the above fine(s), but will provide Owner with a monthly statement of the fines incurred to date.

Approved by the Board of Directors November 16, 2015

Revised and approved by the Board of Directors January 20, 2020; February 17, 2020; May 18, 2020; and November 20, 2023