Rules and Regulations
Gazebo Condominiums Owners' Association, Inc.

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Gazebo Condominiums

	Item	Responsibility	
		Owner	Assoc.
	Garage door	X	
	Front door	X	
	Patio doors	X	
	Windows	X	
	Furnace/air conditioning	X	
	Exterior lighting fixtures		X
	Exterior electrical outlets	X	
	Exterior water faucets		X
	Clothes dryer vent	X	
	Water heater vent	N/A	
	Sanitary vent		X
	Patios	X	
	Skylights	X	
	Window sills (outer)		X
	Window sills (inner)	X	
	Garage floor	X	
	Roof plywood under shingles		X
	Sidewalks		X
	Roads		X
	Driveways		X
	Seal coating drives	X	
	Gutter cleaning		X
	Sanitary sewer lateral		X
	Sanitary sewer lateral (clog)	X	
	Storm sewer lateral		X
	Storm sewer lateral (clog)		X
	Utility service within unit	X	
	Utility service to buildings		X
	Utility service passing thru one unit to serve the other		X
	Furnace	X	
	Water heater	X	
	Drywall in garage	X	
	Drywall on interior walls	X	

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	Item	Responsibility	
		Owner	Assoc.
	Exterior pests/animals		X
	Interior pests/animals	X	
	Bathroom fixtures	X	
	Kitchen fixtures/appliances	X	
	Cabinets	X	
	Personal property	X	
	Personal property insurance	X	
	Building insurance (exterior)		X
	Building insurance (interior)	X	
	Liability insurance (exterior)		X
	Liability insurance (interior)	X	
★	Lawn care		X
	Landscape bed (weeds, edging, stone)		X
	Shrub/tree trimming		X
	Shrub/tree replacement		X
★★	Snow removal – under 2"	X	
	Snow removal – over 2"		X
	Building maintenance (exterior)		X
	Building maintenance (interior)	X	
★★★	Porch upkeep and painting (second floor)	X	

★ Owner to water limited common area

★★ For the protection of garage doors, owner should clean surface of driveway 2 feet from garage door prior to plowing

★★★ Porches will be painted when your building is being painted, but are the owners' responsibility in the interim years

Reference: Association/Disclosure Material V (2)
Owner/Bylaws Article VIII, Sec. 1 (A) – (B)

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IMPORTANT INFORMATION
Please keep this information with your governing documents

GAZEBO CONDOMINIUMS OWNERS' ASSOCIATION, INC.

RULES ENFORCEMENT AND GRIEVANCE PROCEDURE RESOLUTION

WHEREAS the Board of Directors of Gazebo Condominiums Owners' Association, Inc. (the "Association") has the authority to make and amend "reasonable regulations concerning the use of the Condominium property," pursuant to Section 12(b) of the Declaration and Article V, Section 3 of the By-Laws; and

WHEREAS there is a need to ensure that the members of the Association obey the Rules of the Association and that the Association provide due process while enforcing the rules contained in its governing documents;

THEREFORE, BE IT RESOLVED that the Association adopt the following Rules Enforcement and Grievance Procedure, which shall replace any previously adopted Rules to the contrary:

1. The following is a schedule of the fines that will be imposed for non-compliance with the law, the Declaration, Bylaws, rules, regulations, covenants, conditions or restrictions (herein collectively "Condominium Documents"):

    a. **A WRITTEN WARNING <u>for a Unit Owner or resident's first violation</u>** of the Condominium Documents. In addition, a member of the Board may attempt to contact the offending party to explain the violation and the need that all residents and Unit owners comply with the Condominium Documents.

    b. **TWO HUNDRED FIFTY DOLLARS ($250.00)** shall be assessed against a resident or Unit Owner for a second violation of the Condominium Documents (or for the violation that remains after the Unit Owner has received the warning letter discussed in 1.a). The second violation does not need to be the same violation as the first violation in order for the $250 fine to be assessed.

    c. **THREE HUNDRED DOLLARS ($300.00)** shall be assessed against a resident or Unit Owner for each successive violation of the Condominium Documents.

    d. Notwithstanding paragraphs (a-c) immediately above, **FIVE HUNDRED DOLLARS ($500.00) shall be assessed for each violation** of the

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Condominium Documents, when in the sole opinion of the Board of Directors the violation meets one or more of the following criteria:

1. The violation is in direct defiance of a previous mandate from the Board of Directors.
2. The violation was malicious in its intent.
3. The violation is evidence of a pattern of the resident's or Unit Owner's non-compliance with the Condominium Documents.
4. The violation is of such a nature that the violation cannot be corrected and/or that direct monetary restitution cannot be determined. *(i.e. if alterations are made that cannot be restored to their original state.)*

2. Each day that a violation exists shall be a new violation subject to fine at the discretion of the Board.

3. **Attorney Fees**

   a. The Board may also assess a unit owner who has violated the Condominium Documents for the actual attorney fees incurred associated with reviewing the facts and Condominium Documents and advising the Board.

   b. In the event that the Association retains an attorney to collect any funds due, enforce any rule within its governing documents, bring any claim against a unit owner or defend any claim or allegation by a unit owner, including any counterclaim, the Association shall, if it is the prevailing party in the claim or defense, be entitled to collect from the unit owner all of its costs and expenses, including reasonable attorney fees. In the event that the Association retains an attorney to represent the Association's interest in a suit filed by the unit owner's mortgage company in which the Association is a named defendant, the Association shall be entitled to collect from the unit owner all of its costs and expenses, including reasonable attorney fees. **This Rule does not apply to owners' fair housing complaints, neither State nor Federal.**

4. Any Unit Owner or resident who has been accused of violating the Condominium Documents or been fined may demand that the matter be heard by a Grievance Committee. Such demand must be in writing and provided to the Board of Directors within 14 calendar days of the notice of the violation or fine. If no demand is made within 14 calendar days, then the finding of a violation and/or fine shall be final and binding. If a demand is timely made, the matter shall be submitted to the Grievance Committee within seven (7) days.

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5. **GRIEVANCE COMMITTEE RULES AND PROCEDURES**:

a. The Grievance Committee shall consist of three (3) members at large of the Association who are chosen by the Board. The members at large shall not be officers or members of the Board of Directors of the Association.

b. The Grievance Committee may either be a standing committee, with each member serving for one (1) year, or the committee may be *ad hoc* and appointed on an as-needed basis by the Board of Directors.

c. For any grievance hearing, a majority vote of the Committee will determine the action and decisions of the Committee.

d. Members serving on any Grievance Committee must not be directly involved in the specific dispute at hand.

e. Upon receipt by the Grievance Committee of a grievance, the matter shall proceed as follows:

1. A letter shall be sent by certified mail, return receipt requested, informing all parties:

a. Of the time, place and date of a hearing before the Grievance Committee.

b. Of the right to counsel.

c. That evidence shall be received and a record made whether or not the party complained against attends.

2. The hearing shall be divided into two (2) sections:

a. The hearing.

b. The determination and decision.

3. The Hearing Section shall be open to only the Grievance Committee, the parties involved, their attorneys and witnesses.

4. The Determination and Decision Section of the meeting shall be open only to the Grievance Committee, and possibly the attorney for the Association if so requested by the Grievance Committee. The decision will be rendered in writing to all concerned parties within five (5) business days of the hearing.

5. If the complainant, or their representative, fails to appear at the hearing without a valid excuse acceptable by the Grievance

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Committee, the grievance shall be dismissed without prejudice and reasonable and necessary costs incurred by the responding party assessed against the complaining party.

6. If the alleged offender fails to appear, the complainant must prove his/her grievance and no presumption shall be made against the alleged offender for non-appearance.

7. The burden of proof shall be on the complainant to prove the grievance by a preponderance of the evidence.

f. The decision of the Grievance Committee is final and binding. There shall be no appeal of the decision absent evidence that:

1. The award was procured by corruption, fraud or undue means;

2. There was evident partiality or corruption on the part of the Grievance Committee, or any of them;

3. The member of the Grievance Committee were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause show, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced;

4. The Grievance Committee exceeded its powers, or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all homeowners at their last known addresses.

The Board of Directors adopted this resolution on March 4, 2021, with the policy to take effect on March 5, 2021.

President Barbara Wesley

Secretary Alix Groves

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