

**SHADOW LAKE HOMEOWNERS ASSOCIATION  
REFERENCE MANUAL**

**NONCOMPLIANCE POLICY  
(ESTABLISHED JUNE 2007)**

The Board of Directors (hereinafter referred to as “Board”) is given authority under the By-Laws, Articles VII, Section 7.01, Part A, to “adopt and publish rules and regulations governing the use of the Common Areas, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof.” The Master Deed, Declaration of Property, Article IX, Restrictions as to Use and Occupancy, Section 9.05, addresses “Fines.” “In addition to any other remedy that it may have, the Council can levy a reasonable fine against a Unit Owner who has violated any Rule or Regulation set out in the Declaration, the By-Laws, or made by the Council. Before the fine can be levied, the Unit Owner must be sent written notice of the nature of the violation and be given thirty (30) days after the date of mailing to cure the violation. If the violation is not cured, the Council may levy a fine against the Unit Owner and against the Unit. The fine may be reported as a lien and is otherwise enforceable as an assessment lien, including by foreclosure and including the collection of reasonable attorneys’ fees. Each day of the violation may be considered a separate violation.”

Note: Unit owners always have the option of submitting an improvement application to request a variance to the stated rules and regulations. Each request will be evaluated on a case-by-case basis and in the best interest of the community overall.

The following provides the action that will be taken when a Unit Owner fails to comply with the Declaration, By-Laws, Policies, or Rules and Regulations and an improvement application for a variance has not been submitted and approved.

**FIRST OFFENSE**

- The Management Company will send an initial violation notice to the Unit Owner via certified mail. The notice will allow 30 days to correct the described violation and advise the Unit Owner that a \$50 fine will be imposed if the violation is not corrected within the 30 day time period.
- If the violation is not corrected within 30 days after initial notification, a second certified letter will be sent to the Unit Owner advising that the violation has not been corrected. The letter will allow an additional 30 days to correct the described violation. If the Unit Owner fails to correct the violation within this second 30 day period, a second \$50 fine will be imposed.
- If the Unit Owner still has not corrected the violation after the second 30 day period has expired, the Board reserves the right to take legal action, as addressed above, against the Unit Owner. This includes considering each subsequent day as a separate violation.

#### SUBSEQUENT OFFENSE(S) FOR SAME VIOLATION

- The Management Company will send a certified letter to the Unit Owner advising that the same violation has occurred again. The letter will give the Unit Owner 30 days to correct the violation. If the violation is not corrected in 30 days, a \$100 fine will be assessed against the Unit Owner.
- If the Unit Owner still has not corrected the violation after the 30 day period has expired, the Board reserves the right to take legal action, as addressed above, against the Unit Owner. This includes considering each subsequent day as a separate violation.

The Master Deed, Article XIV, Miscellaneous, Section 14.04, Enforcement of Provisions, provides that the Council has the right to enforce imposed liens and charges.

In the event a Unit Owner wishes to appeal the decision, the following procedure must be followed. The Unit Owner must request a hearing by the Board. Such request is to be submitted, in writing, to Towne Properties within 10 days of receipt of the **first** correspondence concerning the violation. Pending a final decision on a timely request for review, and while the rule violation is under review, no further penalties will accrue. The request is to be mailed to:

Shadow Lake Condominium Association  
c/o Towne Properties  
500 Thomas More Parkway  
Crestview Hills, KY 41017

The Management Company will then schedule a hearing at the earliest mutually agreeable date and time (not to exceed 30 days from receipt of the request for a hearing). Following the hearing, the Board will review the pertinent facts and arrive at a final ruling. Within 10 days of the hearing, this ruling will then be submitted, in writing, to the person who requested the hearing. In the event these guidelines are unclear or ambiguous, the Declaration, Articles of Incorporation, By-Laws, and/or any applicable ordinances shall be controlling.

**APPROVED: SHADOW LAKE BOARD OF DIRECTORS – JUNE 26, 2007**