

10. Opportunity to be Heard

I. Introduction

Any homeowner determined by the Board to be in violation of any of these Rules and Regulations may request a hearing to offer a defense to the imposition of fines. All hearing requests must be received by the Tustin Ranch Homeowner's Association no later than thirty (30) calendar days following homeowner notification of the violation. Failure to request a hearing within this time frame shall be deemed as the homeowner's waiver of this chapter of these Rules and Regulations.

II. Hearing Request Procedure

A. Within fourteen (14) calendar days following receipt of a complete written request by a violating homeowner, the Association President will assemble a three-member Review Board. The Review Board will consist of not less than one (1) current Board member. To be complete, the homeowner's written request must contain the following information:

- 1) Name and address of homeowner,
- 2) Explanation of why the fine is unwarranted,
- 3) Three (3) copies of all documentation to be presented by the appealing homeowner at the hearing,
- 4) Names of attorney/witnesses violating homeowner intends to bring,
- 5) Dated signature of homeowner.

B. The hearing will take place at a time and place to be determined by the Review Board, but not later than ten (10) calendar days following its formation. The appealing homeowner will have up to thirty minutes to explain why he/she should not be fined. At the conclusion of the presentation, the Review Board will close the hearing and discuss the merits of the explanation.

C. The Review Board will send written notice to the appealing homeowner within seven (7) calendar days stating the outcome of the hearing. If the Review Board finds in favor of the appealing homeowner, the homeowner's account will be credited for previous fines incurred. If the Review Board determines that the explanation was inadequate to justify waiver of the fines, the fines will remain on the homeowner's account and where applicable, continue to accrue.

III. Fine Collection

All homeowner's fines will be billed by the Tustin Ranch at the end of each month. If the fines remains unpaid 45 days past the billing date, all available collection methods will be used, up to and including a lien against the violating homeowner's property. Interest and legal fees incurred while pursuing collection of the same may also be charged to the violating homeowner.