

**LINDEN TREE LANE HOMEOWNERS ASSOCIATION**  
**RESOLUTION TO ADOPT RULES ENFORCEMENT PROCEDURES**

WHEREAS, the Linden Tree Lane Homeowners Association (the “Association”) is governed by provisions of the Illinois General Not for Profit Corporation Act, the Illinois Common Interest Community Association Act, and the Association's Declaration and By-Laws; and

WHEREAS, the Association's Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements (hereafter "Declaration") provides that the direction and administration of the Property and the affairs of the Association shall be vested in the Board of Directors (“Board”); and

WHEREAS, pursuant to Section 3.7(a) of the Declaration, the Board has authority to adopt rules and regulations governing the use, maintenance, and administration of the Common Areas, Common Area Improvements, Buildings, and Dwelling Units for the health, comfort, safety, and general welfare of the Owners and occupants thereof; and

NOW THEREFORE, in furtherance of the foregoing, the Board does hereby adopt the following Policies and Procedures for Enforcement of the Declaration, By-Laws, and Rules of the Association.

Adopted by the Board of Directors at a meeting held on   October     9  , 2023 at Glenview, Illinois.

Motion made by George Thompson and seconded by Shari Friedman, Dave Lai and Carol DiGiacomo.

Vote Taken:	4	For	4
		Against	0
Abstain:	1		
	Rob McNeil was not present		

**LINDEN TREE LANE HOMEOWNERS ASSOCIATION**  
**ABBREVIATED POLICIES AND PROCEDURES REGARDING RULES**  
**ENFORCEMENT**

The Board of Directors of the Linden Tree Lane Homeowners Association (“Association”) may levy a fine against any Owner or Occupant for a violation of the Declaration of Covenants, Conditions, Restrictions, Easements for Linden Tree Homeowners Association (“Declaration”), By-Laws, or Rules by such Owner or Occupant (or their guest or invitee), after providing written notice of the violation and an opportunity for a hearing with the Board, in accordance with the following:

- A. Any Owner or resident or the property manager may make a complaint that a violation of the Declaration, By-Laws, or Rules has occurred. The complaint shall be submitted in writing to the Board of Directors or the property manager, within seven (7) days of the alleged violation.
- B. If the complaint sets forth a violation of the Declaration, By-Laws, or Rules, the Owner shall be notified in writing (hereafter "Notice of Violation") of the complaint and alleged violation by the Association or its duly authorized agents. If the complaint is based on conduct of the Owner's tenant or other occupant, the tenant/occupant shall also be notified of the alleged violation. The notification shall be in a manner prescribed by the Board in a form similar to that which is attached hereto as **Exhibit “A”** (hereafter "Notice of Violation").
- C. Any person charged with a violation of the Rules is entitled to an opportunity for a hearing. If the Owner, tenant, or occupant desires a hearing, the Owner must proceed as follows:
  - 1. Within ten (10) days after the date of the Notice of Violation, the Owner must complete the Request for a Hearing form, which is attached to the Notice of Violation, and return it to the Association or its Managing Agent.
  - 2. If a request for a hearing is timely filed, a hearing on the complaint shall be held before the Board, and the Board shall advise as to the date, time and location for the hearing. The hearing shall be conducted no later than thirty (30) days after receipt of the Request for Hearing.
- D. At the hearing, evidence of the alleged violation will be presented (e.g., witness testimony, witness statements, photos, video) and the Owner/tenant will have the opportunity to present a defense and respond to the allegations.
- E. Following a hearing (**or if the Owner fails to appear at/request a hearing**), the Board shall issue its determination in writing regarding the alleged violation in a form similar to that which is attached hereto as **Exhibit “B.”**.
- F. If an Owner is found to have violated personally or is otherwise liable for a violation of any of the provisions of the Declaration, By-Laws, or Rules, the following shall occur:

1. If found to be guilty of a first violation of a given provision of the Declaration, By-Laws, or Rules, the Owner shall be notified of the finding by the Board or its duly authorized agents that a first violation has occurred. The Owner shall also be assessed a fine. The first violation, at the discretion of the Board, may be considered a warning that, if any further violations occur, a fine for the violation will be imposed. In the alternative, the Board may elect to assess a fine.
2. If found to be guilty of a second, additional, or continuing violation of the same provision of the Declaration, By-Laws, or Rules, the Owner shall be notified of the finding by the Board or its duly authorized agents. The Owner shall also be assessed a fine.
3. Where a fine is imposed, unless expressly provided in another Section of these Rules, it shall be in the amount of fifty dollars (\$50.00) for a first violation of a rule, in the amount of <sup>one hundred</sup> \_\_\_\_\_ dollars (\$100.00) for a second or subsequent violation of a rule, or the sum of dollars (\$\_\_\_.00) per day for a violation of a continuing nature. If the Board determines, in its sole discretion, that a particular violation is particularly egregious, the Board may double or triple the amount of the fine. A FINE FOR A VIOLATION OF A CONTINUING NATURE WILL BE IMPOSED FROM THE FIRST DAY OF THE VIOLATION AND WILL CONTINUE UNTIL THE VIOLATION HAS BEEN ELIMINATED AND THE ASSOCIATION HAS RECEIVED NOTICE OF IT.
4. If found to be guilty of any violation, including a first violation, the notice of determination may also require the Owner to pay for any damage or any unauthorized condition on the Property for which the Owner has been found responsible, to pay the costs of any repairs which have previously been made or will be made by the Association, or to pay any legal expenses and costs incurred by the Association as a result of the violation.
5. All Notices shall be deemed delivered when deposited in the U.S. Mail, Certified Mail Return Receipt Requested, if addressed to the Owner/Resident at the Dwelling Unit (or at such other address provided to the Association by the Owner), or when personally delivered to the Owner/resident with an affidavit of such personal delivery by the person making such personal delivery.

**EXHIBIT "A"**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF VIOLATION**

Re: Violation of Declaration, By-Laws, or Rules

You, \_\_\_\_\_, are the owner of the Dwelling Unit located at \_\_\_\_\_ ("Dwelling Unit") in the Linden Tree Land Homeowners Association ("Association").

The Association contends that on or about \_\_\_\_\_, 202\_\_ you engaged in the following conduct \_\_\_\_\_.

This constitutes a violation of the Association's Rules/Article \_\_, Section \_\_ of the Association's Declaration of Covenants, Conditions, Restrictions, Easements ("Declaration") that provides as follows:

\_\_\_\_\_

The Board of Directors of the Association may levy a fine, or take other action as permitted by law, if it determines that the violation did occur, after providing you this Notice of Violation and Opportunity for a Hearing.

You may request a hearing by signing, dating and returning the attached Request For a Hearing form within ten (10) days of the date of this notice to \_\_\_\_\_.

If you fail to request a hearing within ten (10) days or fail to appear at a hearing on these charges, you will be found guilty by default, and fines, charges, costs, expenses and legal fees may be assessed against you and added to your account.

Please contact \_\_\_\_\_ if you have any questions.

Very Truly Yours,

**BOARD OF DIRECTORS OF LINDEN TREE LANE HOMEOWNERS ASSOCIATION**

**EXHIBIT "B"**

TO: \_\_\_\_\_ DATE: \_\_\_\_\_, 20\_\_

**NOTICE OF DETERMINATION REGARDING VIOLATION**

On \_\_\_\_\_, 20\_\_, you were notified of a violation of the Declaration, By-Laws, or Rules of the Association. Pursuant to the Association rules:

- A hearing was held regarding the alleged violation; or .
- You have admitted to the violation by default and waived your right to request a hearing.

After considering the complaint and evidence, the following determination has been made and the following action(s) will be taken:

- You were found not guilty and no action will be taken.
- A 1st, 2nd, 3rd violation of the Association's Declaration, By-Laws or Rules has occurred and a fine in the amount of \$\_\_\_\_ was levied and is now due. [OR, A violation of the Association's Declaration, By-Laws or Rules has occurred and you are hereby advised and warned that, if any further violations occur, a fine for the violation will be imposed; however, no fine is being levied.]
- A violation of the Association's Declaration, Bylaws or Rules of a continuing nature has occurred and a fine in the amount of \$\_\_ per day from \_\_, 20\_\_ was levied and is now due. A FINE FOR A VIOLATION OF A CONTINUING NATURE WILL BE IMPOSED FROM THE FIRST DAY OF THE VIOLATION AND WILL CONTINUE UNTIL THE VIOLATION HAS BEEN ELIMINATED AND THE ASSOCIATION HAS RECEIVED NOTICE OF IT.
- Damages, expenses and administrative charges in the total amount of \$\_\_\_\_ have accrued and are now due by you.
- Legal expenses have been incurred by the Association as the result of your violation and are now due by you.
- Damages have occurred or an architectural violation exists, as charged in the complaint. The Association will proceed to have the damages or violation corrected or repaired at your own expense.
- OTHER: \_\_\_\_\_.

Very truly yours,  
Board of Directors of Linden Tree Homeowners Association

By: \_\_\_\_\_  
Its \_\_\_\_\_

**CERTIFICATION**

I, \_\_\_\_\_, Secretary of the Linden Tree Homeowners Association, an Illinois association, do hereby certify that the foregoing Resolution was duly adopted by the a majority of the Board of Directors of said Association, upon motion duly made and seconded at its \_\_\_\_\_ \_\_, 202\_\_ Meeting which was duly noticed and at which a quorum of the Board was present throughout, and that said Resolution has not been modified, altered or rescinded but remains in full force and effect.

Certified this \_\_\_ day  
of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Secretary