

VIVO RESORTS MASTER ASSOCIATION (CLUB VIVO
RESORTS, A.C.)

POLICY REGARDING HEARING PROCEDURES AND
SCHEDULE OF FINES

Resolution # 3

Adopted April 16, 2020

The following policy has been adopted by VIVO RESORTS MASTER ASSOCIATION (CLUB VIVO RESORTS, A.C.) (“Association”) at a regular meeting of the Board of Directors.

Purpose: To establish a policy to protect community harmony by providing guidelines and a procedure to address conditions that disrupt that harmony,

NOW, THEREFORE, IT IS RESOLVED that the following Hearing Procedures and Schedule of Fines will be followed:

The Board of Directors is authorized to enforce timely assessment payments from owners, compliance with Rules and Regulations and other policies enacted in accordance with the governing documents by **assessing monetary penalties against owners, their guests, family and renters who are in violation.**

1. Notice and Hearing Procedures. The following notice and hearing procedures will be used whenever the Board meets to consider an alleged violation which could result in disciplinary action against a Member.

a. **Notice of Hearing.** Notice of the hearing will be sent at least ten (10) days prior to the hearing and will be given either personally, electronically or by prepaid first-class mail to the most recent address shown in the Association’s records. The notice shall contain, at a minimum, the date, time, and place of the meeting, the nature of the alleged violation for which a Member may be disciplined, and a statement that the Member has a right to attend and may address the Board at the meeting.

b. **Opportunity to Be Heard.** Members have the right to send a letter, send a representative, or appear in person to present evidence as to why they should not be disciplined. Members also have the right to bring an attorney with them to advise them or to speak on their behalf. The hearing will be held in executive session unless the member requests otherwise.

c. **Rescheduled Meetings.** Upon timely written request and for worthy cause, an accused party may be granted a continuance to a new hearing date. In the event a person fails to appear for a hearing, the Board will review the evidence presented and make its decision accordingly.

d. **Correction of Violation.** In the event the violation is corrected prior to the hearing date, the Board may, if appropriate, discontinue the proceedings.

e. **Notice of Decision.** Within fifteen (15) days of the Board's decision, the Member will be given written notice of the decision.

2. Remedies for Enforcement. To enforce the Governing Documents, the Board may impose one or more of the remedies described below as it deems appropriate to be effective. The selection of one remedy does not preclude the Association's right to pursue other remedies.

- a. Warning letters
- b. Monetary penalties
- c. Suspension of membership privileges
- d. Alternative dispute resolution (arbitration or mediation)
- e. Litigation

Failure to pay fines within thirty (30) days may result in legal action to collect the fines. If the Association is forced to retain an attorney to ensure compliance, collect fines, etc., the owner shall be liable for those attorney fees and all related expenses in addition to the fines.

3. Fine Schedule. Violation of the association's governing documents and Rules and Regulations may result in a warning letter, fine, and suspension of privileges and/or continuing fines as the Board may determine to be appropriate to the situation and as provided for in the fine schedule below. In addition to fines, the Board may file a lawsuit seeking judicial relief. The imposition of penalties and suspension of privileges will be subject to notice and hearing procedures.

1st violation, warning or fine - MXN \$3,000

2nd violation, same offense: - MXN \$5,000

3rd violation, same offense: - MXN \$7,000

Continuing violations: fines MXN \$3,000 per day may accrue until the violation is cured

Safety violations will receive a warning or a fine up to MXN \$20,000.00, depending on the violation.

The Association may pursue one or more remedies simultaneously. The selection of one remedy does not preclude the Association's right to pursue others nor prevent implementation of any remedy allowable by the Governing Documents or law; this resolution is under the law of condominium in Oaxaca state in article 87; but if the offender repeats the offense the procedure is under the law for the penalties.

Vivo Resorts Master Association
(Club Vivo Resorts, A.C.)

By:

Title