

Quail Landing Homeowners Association
Homeowner Appeal
Hearing Process
Adopted May 24, 2001

In instances where homeowners choose to appeal penalties imposed by the HOA, such appeal shall be conducted as follows:

Request for Hearing

A homeowner choosing to appeal a fine or penalty shall request such a hearing by written notification to the property manager. Any individual board member who is contacted by the homeowner for the purpose of requesting a hearing shall direct the homeowner to request the hearing as stated above.

Response to Request

Upon receipt of a request for a hearing, the property manager shall place the matter on the agenda of the next regular HOA Board meeting. When a hearing request is received less than 15 (fifteen) calendar days before the next regular HOA Board meeting, the property manager shall place the matter on the agenda of the subsequent regular HOA Board meeting. The property manager shall send written notice acknowledging receipt of the request to the homeowner. Such acknowledgment shall include the date, time and location of the meeting during which the hearing will be held.

Open Session or Executive Session

The homeowner shall be notified of the right to choose a hearing conducted in open session or executive session. If the homeowner does not elect to have the hearing conducted in open session, it will automatically be held in executive session.

Hearing Officers

The Board President shall act as chairperson of the hearing panel, unless he/she is the appealing homeowner, in which case the Vice President shall serve as chairperson. Other present board members will act as the hearing panel and shall make decisions based on the facts presented during the hearing. The Board may choose to employ someone who is not on the Board to serve as recording secretary of the hearing. Such person shall not play any other role during the hearing.

Conduct of Hearing

- a) If the meeting is to be held in Executive Session, the President shall recess from regular session for the purpose of conducting the hearing.
- b) The Hearing Chairperson shall call the meeting to order and indicate, for the purpose of the record, those parties who are in attendance and will participate in the hearing.
- c) The Property Manager shall be charged with the responsibility of presenting a *short*, factual presentation of the history of the violation and fines or penalties assessed. Such presentation shall include presentation of any pertinent documents related to the situation at hand.
- d) Board members may choose to ask clarifying questions of the Property Manager relating to the history or documents presented.
- e) The appealing homeowner will then be provided the opportunity to make a *short* presentation, outlining reasons why the fine or penalty should not be assessed. Such presentation shall include any pertinent documents related to the situation at hand.

(Continued on page 2)