



**POLICY RESOLUTION  
FEES, FINES, AND COLLECTION  
October 13, 2022**

**WHEREAS**, “Covenants”, as referred to herein, is the Declaration of Protective Covenants of Lanier Lakes Homeowners Association, Inc., properly recorded in the Madison County Probate Judge’s Office on August 22, 2005;

**WHEREAS**, “Bylaws” are the Bylaws of Lanier lakes Homeowners Association, Inc.;

**WHEREAS**, “Architectural Guidelines” are the Rules and Regulations of the Lanier Lakes Homeowners Association, Inc.;

**WHEREAS**, Section 1. Enforcement – Article XIII General Provisions of the Declaration of Protective Covenants for Lanier Lakes Subdivision gives the Board of Directors the powers and duties necessary to conduct the affairs of the Association to make such rules and regulations as the Directors deem in the best interest of the Association; and

**WHEREAS**, the Board of Directors is charged with protecting the livability, property values, and integrity of the Covenants, conditions and restrictions of the Association;

**WHEREAS**, from time to time, Owners fail to abide by the terms of the Association’s Covenants, Bylaws, Architectural Guidelines or Rules & Regulations as identified in the Blue Book.

**WHEREAS**, the Board of Directors may deem it necessary, on a case-by-case basis, to levy fines for violations of the Associations’ Covenants, Bylaws or Architectural Guidelines or Rules & Regulations as identified in the Blue Book rather than initiating a lawsuit to correct behavior that can otherwise be corrected by the use of such “fines”;

**WHEREAS**, the authority to levy fines is consistent with the authority granted to the Board of Directors pursuant to the Covenants;

**WHEREAS**, for the health, safety, welfare, and comfort and convenience of all residents, the Board wishes to further delineate the rules enforcement policies regarding Fining Procedures issued to the membership on August 14, 2019 is now revoked.

**NOW THEREFORE BE IT RESOLVED**, the Board of Directors of the Lanier Lakes Homeowners Association desires to adopt the following schedule of fines by which all owners will be bound in the event of a covenant, bylaw, or rule violation;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the following schedule of fines attached as Exhibit A, along with the fine increase to \$100, which may be amended and revised from time to time, is adopted;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that nothing herein shall limit the authority of the Board of Directors to enforce the Declaration of Protective Covenants, Bylaws or Architectural Guidelines by any and all means permitted by law, in addition to levying of fines, as may be deemed necessary.

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110 Crystal Pond Court, Madison, AL 35757  
Telephone: 256.701.5857

**EXHIBIT "A" – SCHEDULE OF FEES AND FINES**

**ANNUAL ASSESSMENTS:**

**\$170 – Must be RECEIVED on or before October 1 each year.**

- Date of payment receipt is defined as:
  - 1) Date of postmark for checks mailed to the HOA;
  - 2) Date of transaction for electronic payments including ACH and online credit card payments.  
Credit Card payments may be subject to a transaction fee.
- If annual dues are not received by October 1 as defined above, a **Late Fee of \$5/day will be imposed for 30 days October 2 – 31.**
- Should an account remain unpaid after 30 days, beginning November 1 there will be a **\$100 late fee** added to the account on the first of each month until total obligation is paid in full.

**FINES:**

**\$100 - Covenant Violations and Self-Help Administrative Action**

*(see Bylaws: Article III, Section C, Item 3 "Finning Procedures")*

- Written notice shall be served upon the owner of the property in violation to specify:
  - The nature of the violation and the fine to be imposed;
  - That the violator may, within ten (10) days from the date of the notice, request a hearing at the next scheduled Board meeting regarding the \$100 fine imposed;
  - The HOA email address and telephone number to contact to request challenging the fine.
- The above fines may be imposed on a one-time, per occurrence, or continuing daily, weekly, or monthly basis as determined by the Board of Directors. For violations deemed to be continuing or recurring in nature, there will be no additional notices sent nor rights to a hearing for twelve months after the date of the initial notification.
- Continued failure to rectify the violation may result in self-help. Self-help (*Covenants Article XIII, Section 2*) gives the Board the right to engage professional services to correct the violation on behalf of the homeowners and bill back those services to the homeowner.

**COLLECTIONS:**

*(See Covenants: Article IV, Section 7. Effect of No-payment of Assessments; Remedies of the Association.)*

- 1) All payments shall be applied first to costs and attorney's fees, then to late charges, then to interest, then to delinquent assessments for dues and covenant violations.
- 2) All fines levied by the Association are the personal obligation of the specific homeowner(s), and shall be added to the Owner's ledger, and shall become a lien on the Owner's lot, to the extent permitted by law.
- 3) The Covenants allow for collection through lawsuit - legal fees for this service are added to the balance to be collected from the Owner (as of June 15, 2021, attorney's fees are billed at \$200/hour. Other fees may apply.)
- 4) In addition to the owner being responsible for all inception-to-date legal expenses above, outcomes of a lawsuit may include adverse impact on your credit score, background reports, garnishment, security clearance, employability, and any other consequences as may be imposed by the Probate Court.

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# Lanier Lakes

Homeowners Association, Inc.

ATTEST:

Kaye E. Reynolds  
President

Tracy P. Jen  
Treasurer

DATE: October 13, 2022

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