

**EPWORTH FOREST
ADMINISTRATION COMMITTEE**

Pier Violation Enforcement Policy / Appeal Guidelines

Approved: April 5, 2017

By-laws of Epworth Forest Administration Committee Section 5 States:

The Board of Directors shall have such powers as are reasonable and necessary for the administration of the affairs of the Committee and to accomplish the performance of their duties, conferred by the Indiana Nonprofit Corporation Act or by other law and which powers include, but are not limited to, the power: (a) To adopt and publish reasonable rules and regulations governing the use and enjoyment of the Easement, the management and administration of the Committee, and as otherwise permitted in the 1994 Judgment and 2014 Order, and to establish sanctions for the infraction thereof, in each case in a manner consistent with the 1994 Judgment and 2014 Order;

Agreed Amended Contentions, March 20, 2014, Paragraph 34 h

- vii.** The Epworth Forest Administration Committee will possess the authority to levy reasonable fines for violations of policies and pier assignments and to levy reasonable late fees for failure to pay pier fees, all consistent with the Court's January 21, 2014 Order;
- viii.** The Epworth Forest Administration Committee will possess the authority to place a lien on any lot in Epworth Forest to secure payment of any assessed fee and to secure a judgment obtained against a lot owner;

Enforcement Procedure for Violations of Pier Administration Policy

1. Pier Administration Committee will attempt to contact the owner via telephone and follow up with written communication in the form of the First Notice as outlined below.
2. First Notice – Pier Administration Committee will send a (friendly) written notice to the owner which will outline the specific violation and give a seven (7) day notice to bring pier assignment back into compliance. The notice will state a re-inspection to take place after seven (7) days from date of notice. The notice will contain no mention of fees or potential charges.
3. Pier Administration Committee will attempt to contact the owner via telephone and follow up with written communication in the form of the Second Notice as outlined below.
4. Second Notice – Pier Administration Committee will send a second written notice to the owner. The notice will outline the repeated specific violation and give a seven (7) day notice to bring pier back into compliance and detail the fee that will be assessed if pier is not brought back into compliance within the seven (7) day period. The letter will state a re-inspection to take place after seven (7) days from the date of notice.
5. Third Notice – Pier Administration Committee will send a final written notice to the owner. The notice will outline the repeated violation, detail that the violation fine below shall now be assessed and shall include payment terms and conditions. It will also state that we have repeatedly tried to work with the property owner to resolve the non-compliance issue and that if we cannot resolve the issue in the next 30 days further action may be required including legal resolution.

Appeal Guidelines

1. Once EFAC has notified the owner in writing that the owner has a noncompliance issue, the pier owner has five (5) days to request an Appeal hearing.
2. EFAC will notify the pier owner within five (5) days of an Appeal hearing date.
3. At the Appeal hearing, the pier owner or his representative will be given fifteen (15) minutes to make an appeal.

4. After the appeal is heard, EFAC has 5 days in which to send a written decision to the pier owner.
5. Once the decision issued in writing, the EFAC decision is complete and final.

Schedule of Fees

| Fee | Amount | Description |
|----------------|---|--|
| Violation Fine | \$20 per day, not to exceed \$ 500.00 per month | Fine amount shall be determined by the Committee and shall apply to all violations of the Pier Administration Policy |

Fine Structure for Late or Non-payment of Pier Fees

Pier Administration Committee will deliver late notices 30, 60 and 90 days after due date of pier fees with details of the late charges outlined in the notice.

Schedule of Fees

| Fee | Amount | Description |
|-------------|--------------------|--|
| Late Charge | \$ 50.00 per month | Shall apply to pier assignments not paid within 30 days of due date and shall be charged for consecutive month delinquent thereafter |