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OFFICIAL RECORD
Requested By:
TAYLOR CREEK HOA

Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 8 Fee: 21.00
BK-0811 PG-3064 RPTT: 0.00



Assessor's Parcel Number: _____

Recording Requested By: _____

Name: Jerry Johnson _____

✓ Address: 184 Taylor Creek Road _____

City/State/Zip Gardnerville, NV 89460 _____

Real Property Transfer Tax: _____

Changes to the Bylaws of Taylor Creek Homeowners Association, Inc.
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

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Taylor Creek Homeowners
Association



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August 1, 2011

The purpose of the changes to Article X - Community Rules of the Taylor Creek HOA Bylaws is to improve clarity, provide simplicity and remove conflicts with the most current version of the NRS.

In December 2007 Article X, Sections 12, 13 and 14 were added to the TCHOA Bylaws by a majority vote. The rules are a replication of, or in conflict with the following:

Section 12 - NRS 116.31031

Section 13 - NRS 116.310315

Section 14 - NRS 116.3115

Since 2007 there have been numerous changes to NRS. Because the NRS establishes the minimum procedural requirements that the executive board must follow the TCHOA Bylaws only need to reflect provisions that provide greater procedural protections.

In order to properly update the Taylor Creek HOA Bylaws we need to remove the most current recorded Article X - Community Rules sections; Section 12, Section 13 and Section 14. These sections are provided below with a line drawn through the text. These sections will then be replaced with the new text provided Article X - Community Rules, Section 12 after the lined through text.

Executive Board

Taylor Creek HOA

Professionally Managed by Lynne Cauley
1374 Highway 395, NV 89410 / P.O. Box 672 Minden, NV 89423
Office (775) 782-4646 Fax (775) 783-3532

ARTICLE X
COMMUNITY RULES

12. ~~Power of executive board to impose fines and other sanctions for violations of governing documents; procedural requirements; continuing violations; collection of past due fines.~~ Except as otherwise provided in this section, if a units owner or a tenant or guest of a units owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:
- (a) ~~Prohibit, for a reasonable time, the units owner or the tenant or guest of the units owner from:~~
 - (1) ~~Voting on matters related to the common interest community.~~
 - (2) ~~Using the common elements. The provisions of this subparagraph do not prohibit the units owner or the tenant or guest of the units owner from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.~~
 - (b) ~~Impose a fine against the units owner or the tenant or guest of the units owner for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the owners or residents of the Taylor Creek subdivision, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units owners or residents of the common interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed \$100 for each violation or a total amount of \$1000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.~~
 - (c) ~~The executive board may not impose a fine pursuant to subparagraph (b) unless not less than 30 days before the violation, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and within a reasonable time after the discovery of the violation, the person against whom the fine will be imposed has been provided with written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and a reasonable opportunity to contest the violation at the hearing.~~
 - (d) ~~The executive board must schedule the date, time and location for the hearing on the violation so that the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.~~

- (e) ~~The executive board must hold a hearing before it may impose the fine, unless the person against whom the fine will be imposed pays the fine or executes a written waiver of the right to the hearing or fails to appear at the hearing after being provided with proper notice of the hearing.~~
- (f) ~~If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7 day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.~~
- (g) ~~If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.~~
- (h) ~~The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.~~
- (i) ~~Any past due fine: (aa) Bears interest at the rate established by the association, not to exceed the legal rate per annum. (bb) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the common-interest community, the rate established by the association for the costs of collecting the past due fine:~~
- ~~(1) May not exceed \$20, if the outstanding balance is less than \$200.~~
 - ~~(2) May not exceed \$50, if the outstanding balance is \$200 or more, but is less than \$500.~~
 - ~~(3) May not exceed \$100, if the outstanding balance is \$500 or more, but is less than \$1,000.~~
 - ~~(4) May not exceed \$250, if the outstanding balance is \$1,000 or more, but is less than \$5,000.~~
 - ~~(5) May not exceed \$500, if the outstanding balance is \$5,000 or more.~~
- (j) ~~May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.~~

~~As used in this section:~~

- (k) ~~Costs of collecting includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that~~

~~an association may reasonably charge to the units owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.~~

- (l) ~~Outstanding balance means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added. [Approved 12/2007] [Removed/Replaced - 08/2011]~~

13. ~~Accounting for fines in books and records of association; prohibition against applying payment for assessment, fee or other charge toward payment of fine; exceptions. If Taylor Creek HOA has imposed a fine against a units owner or a tenant or guest of a units owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association:~~

1. ~~Shall, in the books and records of Taylor Creek HOA, account for the fine separately from any assessment, fee or other charge; and~~
2. ~~Shall not apply, in whole or in part, any payment made by the units owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the units owner provides written authorization which directs Taylor Creek HOA to apply the payment made by the units owner in such a manner. [Approved 12/2007] [Removed/Replaced - 08/2011]~~

14. ~~Unpaid fine or fees as Lien. The amount of any delinquent fine or fee assessed against any lot or owner and any late payment charge attributable thereto, plus interest on such assessment and charge at a rate not to exceed eighteen percent (18%) per annum simple interest, and the costs of collecting the same including reasonable attorney's fees and costs, shall be a lien upon such a lot and the improvements thereon. Such lien shall be prior to any declaration of homestead. Such lien shall be created in accordance with NRS 116.3116 and shall be foreclosed in the manner provided in NRS 116.31162 through 116.31168, inclusive. No lien collection action shall be subject to the provision of NRS 38 requiring arbitration through the Nevada Real Estate Division. [Approved 12/2007] [Removed/Replaced - 08/2011]~~

ARTICLE X
COMMUNITY RULES

12. Power of executive board to impose fines and other sanctions for violations of governing documents; procedural requirements; continuing violations; collection of past due fines.

- (a) 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.
- (b) Procedure for Filing Complaints. Owners and/or residents who witness any violation of the Association governing documents, including the Declaration of Covenants, Conditions and Restrictions, Bylaws, Articles of Incorporation and Community Rules should report the violation to the Management Company in writing. Notification should detail the facts of the situation and the CC&R or rule that is being violated. Anonymity of persons filing a complaint shall be strictly maintained.
- (c) Enforcement of Rules. The Association, it's Members, the Board of Directors, the Association Manager and all Committees of the Association shall vigorously enforce all Association CC&R's and all rules set forth in the governing documents. The Enforcement procedure shall be as follows:
- (1) The Association Manager or members of the Board of Directors will do a periodic inspection of the community and record violations.
 - (2) First, a **Courtesy Letter** will be sent to any Owner found to be in violation of the governing documents providing details of the violation.
 - (3) If not corrected, a **First Violation Notice** will be sent to the Owner with the date on which the violation must be cured and notice of possible sanction.
 - (4) If still not corrected, a **Second Notice of Violation & Hearing Date** will be sent to the Owner advising of the date, time and place of the hearing and potential fine that may be imposed. The scheduled hearing will be held whether or not the Owner elects to attend. No enforcement fee or fine will be imposed until after requirements set forth in NRS 116.31031 are met.
 - (5) After an opportunity for the Owner to plead their case at the hearing, the Owner will be dismissed and the Board, behind closed doors, will determine if the violation is found to be with or without merit. The Owner will be notified of the Board's determination by letter.
 - (6) The Board may approve waiving a fine. The Board must document all waivers of fines. At a minimum the following must be included; reason for the waiver, the

extenuating facts supporting waiving the fine, and the new date on which the violation(s) must be cured or be considered a continuing violation.

- (7) All correspondence regarding violations shall be kept on file.
- (d) Penalties and Fines. Failure to adhere to the association's restrictions set forth in the Association governing documents, including the Declaration of Covenants, Conditions and Restrictions, Bylaws, Articles of Incorporation and Community Rules may result in fines being levied after notice and hearing as set forth below.
- (1) **First Offense:** Written **Courtesy Letter** of warning. Notice to homeowners giving details of alleged violation(s).
 - (2) **Second Offense:** Written **First Violation Notice** of ongoing alleged violation with date on which violation(s) must be cured and notice of possible sanction.
 - (3) **Third Offense:** Written **Second Violation Notice & Notice of Hearing Date** and notice of possible sanction to be imposed for the same continued rule violation(s): a specified fine set forth in the Taylor Creek Homeowners Schedule of Fines for each occurrence within a certain time period up to the maximum allowed by law.
 - (4) Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit as set forth in Taylor Creek Homeowners Association Collection of Assessment Policy.
- (e) Fines for specific offenses are:
- (1) Violation of Taylor Creek Homeowners Association governing documents are set at \$100.00 per occurrence*.
 - (2) Attorney Fees - Taylor Creek Homeowners Association Collection of Assessment Policy.
 - (3) Interest Charge - Taylor Creek Homeowners Association Collection of Assessment Policy.
 - (4) Late Payment - Taylor Creek Homeowners Association Collection of Assessment Policy.
 - (5) NSF Checks - Taylor Creek Homeowners Association Collection of Assessment Policy.
- *An occurrence is any portion of a calendar month.
- (f) All unpaid fines are subject to the Taylor Creek Homeowners Association Collection of Assessment Policy. [Approved - 08/2011]


Jerald L. Johnson, Secretary
Taylor Creek Homeowners Association, Inc.

Changes to the Bylaws of Taylor Creek Homeowners Association, Inc

State of Nevada
County of Douglas County

Signed and sworn to (or affirmed) before me on August 18, 2011 by Jerald Leslie Johnson.

Jerald Leslie Johnson
Jerald Leslie Johnson

Shannon Decorse
(Signature of notarial officer)

