



3 Cherry Way Violation Hearing Process Guidelines

Common complaints regarding HOA process hearings can be split into at least three (3) different categories:

- Before the hearing, the Board
 - did not attempt to settle reasonably;
 - did not explain variance procedure; or
 - did not properly send notice of violation or opportunity to cure.
- During the hearing,
 - The Board was disorganized;
 - A Board member was rude;
 - The Board was not prepared for the hearing;
 - The Board did not give owner time to gather/present case; or
 - The Board did not view property/alleged violation.
- After the hearing,
 - The Board did not give valid reasons for decision; or
 - The penalty was unreasonable.

To avoid the above common complaints and to ensure the 3 Cherry Way Board of Directors (BOD) conduct due process hearings for alleged violations of the community's governing documents fairly, objectively and consistently, all homeowners should be subject to the same "process." These hearings will be held the first Tuesday of the month at 10AM. The below checklist will assist the BOD to achieve this goal.

- Appoint one person to chair the hearing
- "Script, script, and script" – prepare remarks and a clear statement of the alleged violation (to prevent rambling or editorializing)
- Conduct the hearing in executive session
- Keep the hearing informal
- Act professionally and cordially at all times
- Allow homeowner five (5) minutes to make his/her case
- Listen to the homeowner, do not interrupt
- Do not engage in a debate or argument with the homeowner
- Talk with, not down to the homeowner
- Only ask questions if necessary (at the end)
- If the hearing becomes heated, end the hearing before it escalates
- After the hearing concludes, the Board will discuss the issue in an executive session and then determine whether alleged violation occurred and will send a Hearing Results Notice to resident.