

LAKELAND HILLS HOMEOWNERS ASSOCIATION

Due Process Procedure

The Board of Directors shall: Solicit from the Association, individuals, to form a Due Process Hearing Board, consisting of at least two (2) members of the Board of Directors and a third person at large from the association's membership. In the event a volunteer is not forthcoming, the third Director will become the third Hearing Board member. Such Hearing Board will be convened when a **Right and Opportunity to be Heard Notice** is received.

The due process notice format will be maintained on the www.lhha-a.com website and can be copied, filled out and submitted to the Board of Directors for subsequent action.

The Due Process Hearing Board shall:

1. Review the notice to determine those owners, or occupants affected by the proposed action.
2. Notify all affected parties of the action requested and the fact that an impending hearing will be scheduled. Based on the nature of the complaint and magnitude of the action required the Hearing Board will establish when the hearing can be conducted. The timing of the hearing will be set once all the facts have been gathered from all parties and understood by the board.
3. Publish a notice of hearing containing the time, date and location. The hearing will be scheduled no more than five days after all information has been obtained, understood and disseminated to all those affected.
4. Conduct the hearing - the hearing will be conducted using reasonable rules of order as established by the Board. The format of the hearing will consist of the following:
 - a. The affected person originating the request for hearing shall have the right to personally or through a representative give testimony in writing, orally or both.
 - b. Others affected by the notice will have the right to voice their opinions in the same manner as that of the originator.
 - c. The Hearing Board will close the hearing, summarize their findings and provide in writing all findings and recommendations. These recommendations may include any of the following:
 1. Do something
 2. Stop doing something
 3. Initiate reasonable fines in accordance with established association fine policies
 4. Initiate daily fines if the remedy warrants them

5. Identify reimbursements back to the association when cost associated with fines and attorney's fees have been expended.
- d. The various resolutions shall be considered by the Hearing Board in making its final recommendation but shall not be binding on the associations' Board of Directors unless the composition of the Hearing Board consisted only of the Board of Directors due to lack of volunteer response to support the process.
- e. Notify the affected person of the decision of the Hearing Board and the Board of Directors final decision on the matter in the same manner in which the notice of hearing was given, no more than ten days after the conclusion of the hearing.

The persons originating the complaint shall:

1. Obtain a due process form from the LHHA-A.com website
2. Develop a short and plain statement of alleged violations which are fact intensive citing specific governing document violations.
3. Prepare and submit the form and date to the hearing board.
4. Participate in the scheduled hearing
5. Receive the formal notification of resolution

Other affected parties identified in or discovered during violation investigations shall:

1. Develop and submit information pertinent to the originating violations using the affected parties, form found on the LHHA-A.com website.
2. Attend the due process hearing.
3. Participate in the hearing as required.
4. Obtain results from the hearing in the same manner as notified by the board.

Forms:

- A. Right and Opportunity to be Heard Notice
- B. Other affected party due process information summary
- C. Due process final notification of hearing results