

RESOLUTION 2021-05

**TWIN RIVERS HOMEOWNERS ASSOCIATION
AS TRUSTEE FOR THE TWIN RIVERS COMMUNITY TRUST**

AMENDED RELATING TO TRASH FINES

WHEREAS, The Board of Trustees of the Twin Rivers Homeowners Association is entrusted with the responsibility to enforce the Trust documents as authored, namely the Declaration of Restrictions and Reservation of Easements and the Indenture; and

WHEREAS, The Board of Trustees of the Twin Rivers Homeowners Association have, pursuant to Resolution 2020-05 relating to garbage fines; and

WHEREAS, the Board of Trustees of the Twin Rivers Homeowners Association have, determined that due to the increase of debris and trash left in certain areas within Twin Rivers Community, which has either been placed out on the wrong days, have been torn apart or not placed in appropriate totes or which are bulk items or hazardous items which have been inappropriately placed; and

WHEREAS, pursuant to the Twin Rivers Indenture, which governs the Twin Rivers Community and which requires the Trustee to maintain the open space areas and maintain the services for the benefit of the owners, tenants and lawful occupiers of the community, as well as to maintain the ecological balance of the land as set forth in Paragraph 3 of the Indenture; and

WHEREAS, in paragraph 6 of the said Indenture, the Trustee shall have the right, in its sole discretion and with the best interest of the beneficiary, to make reasonable rules and regulations as to the conduct of the beneficiary upon the trust land; and

WHEREAS, in paragraph 7 of the said indenture, the Trustee cognizant of the best interest of the beneficiaries, shall have the further power to create various services and to make appropriate charges thereof to the users thereof in connection with the maintenance and management of the Trust; and

WHEREAS, in paragraph 14 of the said indenture, it is set forth that the amount of monies deemed necessary by the Trustee and the manner expenditure thereof, including but not limited to, the allocation thereof, shall be a matter for the Trustee to determine in its sole discretion consonant with the best interest of the beneficiaries; and

WHEREAS, in paragraph 23 of the said indenture, beneficiaries and their lawful guests and visitors are required to preserve the aesthetic of the Trust land; and

WHEREAS, in paragraph 24 of the said indenture, no beneficiary shall be permitted to place trash or excess material of any kind on or about the Trust lands; and

WHEREAS, in Article IV, the Twin Rivers Homeowners Association, and the Twin Rivers Community Trust, was created to “promote the health, safety and welfare of its residence”; and

WHEREAS, in the Bylaws governing the Twin Rivers Homeowners Association Article 7 Section 1 under Powers the Bylaws state: (a) adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, under Article 7 of the Bylaws Section 2 (g), the Board of Directors “shall have the power to cause the common areas to be maintained”; and

WHEREAS, it is in the best interest as determined by the Board of Directors to maintain common areas in accordance with various governing documents for the benefit of the owners, tenants, and lawful occupiers of land within the community;

WHEREAS, that the Twin Rivers Homeowners Association as Trustee for the Twin Rivers Community Trust, have determined that since there have been many violations of the trash policy within Twin Rivers, which have affected the aesthetic of Twin Rivers and could pose a health or safety concern that the Board has determined the following fine schedule to be appropriate in connection with trash debris or bulk items where they have been placed inappropriately or put out on the wrong day and that the following fines are hereby subject to further modifications or amendments were deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby establishes the following trash violation fines:

First violation	\$100 Fine
Second violation	\$150 Fine
Third and subsequent violation	\$200 Fine

If a truck and staff are required to be dispatched to pick-up a large amount of bulk or trash debris placed on common grounds, without the knowledge of the Trust staff, the fine will be based on the volume and cost of the pick-up and disposal of said trash.

In addition, the loss of non-essential privileges may occur. These include the removal of Assigned parking spaces, pool privileges and community room rental.

WHEREAS, if there are no violations for a twelve (12) month period from the last dated violation, the next violation notice is considered a first violation.

BE IT FURTHER RESOLVED, that the printing of this Resolution in its entirety in the community newsletter publication, "Twin Rivers Spotlight", and on the Twin Rivers Community website constitutes proper notice.

Duly approved by the Board of Trustees
At their meeting of September 9, 2021

ATTEST:

Julian Best, Secretary