

NICKEL MINE AVENUE TRUST, a Nevada irrevocable trust;  
TRAVERTINE LANE TRUST, a Nevada irrevocable trust; MAHOGANY MEADOWS AVENUE TRUST, a Nevada irrevocable trust; SATICOY BAY, LLC, a Nevada Limited Liability Company,

**SUPREME COURT CASE NO:**  
**82205**  
Aug 31 2021 02:52 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Eighth Judicial District Court  
Clark County, Nevada  
Case No.: A-19-791060-C

Appellants,  
vs.

COPPER CREEK HOMEOWNERS  
ASSOCIATION a Nevada Nonprofit  
Corporation,

Respondent.

**RESPONDENT, COPPER**  
**CREEK HOMEOWNERS**  
**ASSOCIATION'S APPENDIX**

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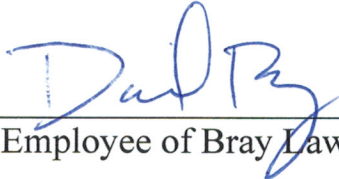
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Nevada Real Estate Division Frequently Asked Question – Violations of the Association's Governing Documents	08-30-2021	RA00001-RA00002	1

**CERTIFICATE OF SERVICE**

In accordance with NRAP 25, I hereby that on this 30<sup>th</sup> day of August, 2021, a copy of the foregoing **RESPONDENT, COPPER CREEK HOMEOWNERS ASSOCIATION'S APPENDIX** was served electronically through the Court's electronic filing system to the following individuals:

MICHAEL F. BOHN, ESQ.  
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# Nevada Real Estate Division

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## Violations of the Association's Governing Documents

Must an association's schedule of fines list out each potential violation and a corresponding fine amount?

### NRS 116.31031(1)(b)(2)

If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered, or sent prepaid by U.S. mail to the designated address of each unit, a schedule of the fines that may be imposed for those violations. It is not sufficient for the association to list generally "all violations" as a sole and single category and then prescribe one fine amount for all possible violations. Instead, the schedule must list out categories of fines for each potential type of violation and prescribe a corresponding fine amount. 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.

Can the association charge a fine exceeding \$1,000 for a violation of the governing documents?

### NRS 116.31031(1)(b)(2); NRS 116.31031(7)

The amount of a fine must not exceed \$100 for each violation or a total amount of \$1,000, whichever is less. The \$1,000 cap is on the amount that can be charged for violations cited at one hearing. Once violations become continuing, however, meaning that they have not been cured within at least 14 days, there is no cap on the fine amount. Thereafter, the executive board may impose an additional fine for each 7-day period or portion thereof that the violation is not cured.

If a violation has been cured but occurs again, the board cannot call the violation a continuing violation because it was in fact already cured.

Can I, as a unit owner, ask to see who else has been receiving violation notices in my community?

### NRS 116.31175(5)

The executive board of an association shall maintain and allow a unit owner to review, upon written request, a general record concerning each violation of the governing documents, other than a violation involving failure to pay an assessment. The general record must contain a general description of the nature of the violation and the type of sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount. This record must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or location of the unit associated with the violation.

Can I, as a board member, enter a unit that is not my own in order to cure a violation?

### NRS 116.310312

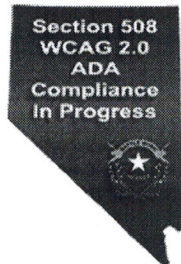
If a unit is "vacant" and the association has provided the unit's owner with notice of the hazardous violation, an opportunity for a hearing, and a notice of the intent to maintain the EXTERIOR of the unit or abate the public nuisance, **the association may enter the GROUNDS of the unit to abate the hazard.**

A unit is "vacant" if it reasonably appears to be unoccupied, the owner has failed to maintain the exterior to the standards set forth in the governing documents of the association, and the owner has failed to pay assessments for more than 60 days.

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