

SPRUCE HILL ESTATES HOMEOWNER'S ASSOCIATION, INC.
Policy Resolution P2-2016

PROCEDURES FOR PROPERTY VIOLATION ENFORCEMENT

WHEREAS, Article II, Section 2.2(a) of the Bylaws for SPRUCE HILL ESTATES HOMEOWNER'S ASSOCIATION, INC., ("Association") grants the Executive Board all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of the Bylaws, the Articles of Incorporation, or the Declaration of Conditions, Covenants, and Restrictions ("Covenants");

WHEREAS, Article IX, Section 3 of the Covenants of the Association, Inc., provides for the enforcement of same;

WHEREAS, the Executive Board desires to establish uniform procedures for the enforcement of Covenants;

NOW THEREFORE, BE IT RESOLVED, that the following policy and resolution be adopted for all violations of the Association's governing documents:

1. Categories of Violations.

Property violations shall be categorized as follows:

- A. **Architectural** - Modifications accomplished without approval or not in compliance with the conditions of approval.
- B. **Maintenance** – Covers lawn/vegetation and the exterior of all structures, including decks, fences, etc. that require maintenance and/or repair.
- C. **Vehicle** - Includes any type of vehicle violation described in the Association documents.
- D. **Miscellaneous** – Other violations not covered in above categories, e.g. trash cans, common area, storage, pets, noise complaints, seasonal decorations, etc.

2. Review/Reporting Violations.

The Executive Board shall conduct routine periodic inspections throughout the property and record violations and/or confirm reports of violations from other residents. For complaints that cannot be verified by the Association (certain pet violations, noise complaints, etc.), the reporting resident must provide in writing the offender's name and address. Names of complaining residents are not routinely revealed, but shall be part of the official records that may be examined in accordance with the Association Bylaws ("Bylaws") and the West Virginia Non-Profit Corporation Act.

3. Notification of Violations.

In any instance where the violation presents a health or safety hazard, the Executive Board may take immediate action or abbreviated notification to correct the violation at the Owner's expense.

Upon a reasonable and timely request from an Owner, the Executive Board is granted the authority to extend deadlines identified in any notification.

All notification of violations as described below will be mailed via first class mail to the Owner at the address of record with the Association. If the Owner is a non-resident, a copy of the violation notice shall also be mailed to the tenant at the unit address.

- A. **Architectural** – Upon confirmation of a violation, the Executive Board will initiate the notification process, which will consist of three (3) notices to be issued at intervals of ten (10) days.
- B. **Maintenance**
 - a. **Lawn/Vegetation Maintenance** - Upon confirmation of a violation, the Executive Board will initiate the notification process, which will consist of two (2) notices to be issued at intervals of ten (10) days.
 - b. **Structural & Other Maintenance** - Upon confirmation of a violation, the Executive Board will initiate the notification process, which will consist of three (3) notices to be issued at intervals of ten (10) days.
- C. **Vehicle** - Upon confirmation of a violation, the Executive Board will place a ticket on the vehicle or, if the address of the person responsible for the vehicle is known, issue a Cease and Desist letter, with notification that unless the vehicle is removed and/or the violation corrected, the vehicle will be towed in ten (10) days at the owner's expense.
- D. **Miscellaneous** – Upon receipt of a complaint and/or confirmation of a violation, the Association will initiate the notification process, which will consist of three (3) notices to be issued at intervals of ten (10) days or a repeat of the violation within twelve (12) months, the Executive Board will issue another notification, up to a total of three (3) notices for the same type of violation.

The Executive Board reserves the right to alter or abbreviate any time frames or steps listed in this resolution as deemed necessary in appropriate circumstances.

4. Hearing.

If there has been no resolution to the issue ten (10) days after the final notice described above has been mailed, or if there is a repeat of a Miscellaneous or Maintenance violation within twelve (12) months, the Owner shall be notified of a request for a hearing and fines that may accrue at a rate of up to twenty-five dollars (\$25) per day until notification of correction is received by the Association specified in Article II, Section 2.2(m) of the Bylaws.

If a hearing is requested by the Executive Board, notice of said hearing, including the charges or other sanctions that may be imposed, shall be mailed by certified mail, return receipt requested, to the Owner at the address of record with the Association at least ten (10) days prior to the scheduled hearing.

5. Enforcement.

In accordance with Article II, Section 2.2 (m) of the Bylaws, the Executive Board acting on behalf of the Association is empowered to impose charges, after notice and hearing, levy any and all expenses of enforcement by the Association for violations of the Covenants, Bylaws, rules, and regulations of the association that the Executive Board may take if there is no satisfactory resolution, to include one or more of the following:

- A. By proceedings at law or in equity against any person or persons violating or attempting to violate any Covenant, either to remove violations or to recover damages, and furthermore, the person or persons in violation shall pay all costs of any such suits to enforce compliance with these Covenants.
- B. To enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.
- C. Enforcement Costs. By resolution, following the Notice and Hearing, the Executive Board may charge the expense of enforcement of the Covenants, Bylaws, or Rules after such Notice and Hearing.

Adopted by the Executive Board this 17th day of May, 2016.

ATTEST:

**SPRUCE HILL ESTATES HOMEOWNER'S
ASSOCIATION, INC**

BY: _____

V, President

WITNESSED BY: _____

Jody Lyager