

RAVEN HILLS HOMEOWNERS ASSOCIATION

Subject: Raven Hills Resolution 06-1 - General Procedure for Covenant Enforcement Resolution

Approved May 15, 2006

References: Covenant Articles VI, VII, VIII, IX, X, and XI
By-Laws: Articles VIII and XII

Responsible Director: Director for Covenants

WHEREAS Raven Hills Homeowners' Association has a declaration, and By-Laws of the Raven Hills Homeowners' Association

NOW, THEREFORE, BE IT RESOLVED THAT the Association will enforce the declaration and By-Laws with the following procedure:

ENFORCEMENT OF COVENANTS and BY- LAWS

Step 1

In order to begin the rules enforcement process, a covenant violation may be observed by any member of the Raven Hills Homeowners' Association.

Any rule violation he or she wishes to complain about must be stated in writing – electronic correspondence is accepted. The written complaint must include:

- a. The violation including date and approximate time of the alleged violation.
- b. The name and/or address where the alleged violation has taken place.
- c. The person making the complaint must be identified.
 - Individual homeowner must be identified in the letter of complaint.
 - Committees, as well as groups of owners or residents, may also bring complaints.
 - The Covenants Director or any Board Member may also file a complaint.

Step 2

When the violation is not reported by the Covenants Director, it shall be submitted to the Covenants Director who shall make an observation to confirm the violation.

Step 3

Upon confirmation of the violation, The Covenants Director will contact the homeowner and verbally notify them of the violation and offer a face-to-face meeting to resolve the matter.

Step 4

If the homeowner refuses to correct the violation after the informal conversation/visit, then the Covenants Director will send the first violation notification to the homeowner. This letter must:

- a. State the violation.
- b. The action requested to cure the violation.
- c. A time period during which the violation may be abated without further sanction (not less than 30 days).
- d. Name of Covenants Director and Raven Hills HOA mailing address for written response to the violation letter.

Step 5

Should the homeowner fail to either correct the violation and/or respond in writing with a viable plan for corrective action within 30 days, a second letter will be sent. This letter must include:

- a. Statement that the violation still exists.
- b. The action requested to cure the violation.
- c. A notice of hearing before the Board.
- d. Date, place, and time of the hearing.
- e. The homeowner shall have the right to attend the hearing and produce any statement, evidence or witness on his or her behalf.

- f. A listing of the options available to the Association, which are:
- 1) Commencement of fines 30 days / six (6) months from the hearing date if failure to correct the covenant violation has been observed by a Board Member and a witness.
 - 2) Should a fine be imposed on the homeowner, standard collection action may be pursued that may take the form of court action for damages, collected as provided by law. It is also possible that standard collection action may include the filing of a lien on the property for nonpayment of the fine and, ultimately, foreclosure if necessary.
 - 3) Completion of the required work by the Association as provided for in the Covenants, Article IX, Section 1 & 2, and as more fully defined below.

Step 6

After consideration of the homeowner's defense, if presented, the Board will determine which of the above actions will sufficiently resolve the violation. The Covenants Director shall prepare a written notice to the homeowner and advise the homeowner which of the above penalties has been established and the effective date of commencement.

Step 7

To implement the rights of the Association to enforce the covenants:

- a. Fines may be filed as a lien on the property.
- b. The Association may employ qualified assistance to correct the violation by obtaining competitive bids for the required work.
- c. The Association shall present the bids along with the accumulated amount of the fines and other related expenses to the homeowner.
- d. The homeowner may decide to choose one of the bids and proceed with the required work; or reject all bids.
- e. The Board will continue with further actions as required to enforce the covenants.

Step 8

In an effort to resolve the matter promptly and amicably, the Board may authorize a representative to negotiate with the homeowner, by offering to reduce or remove the amount of the fines in favor of proper and complete corrective action to restore the property to the covenant requirements.

Other cost factors such as attorney fees, administrative costs, court fees and interest on the indebtedness shall be collected or disposed of as decided by the Board.

Step 9

The Board of Directors shall vote to determine if further legal action will be taken.

Step 10

When satisfactory corrective action has been taken by any homeowner, the Covenants Director shall send a Letter of Appreciation to the homeowner, expressing the gratitude of the Board of Directors and the entire community of Raven Hills.

Step 11

The Covenants Director shall keep a written record of activity and regularly report to the Board of Directors all actions taken.

APPROVED:

Date: May 15, 2006

President: Signed
James Schaffner

Secretary: Signed
Kirsten Peterson

Covenant Enforcement Process

