

Elmcrest Neighborhood HOA LLC

Covenant Enforcement Guide

Purpose

The purpose is to identify and publish a guide concerning the manner in which Elmcrest Neighborhood HOA LLC covenant violations are addressed.

Scope

This guide applies to the enforcing of violations after there has been a written complaint received by the Elmcrest Neighborhood HOA LLC board.

Guideline

Without a guide, complainants and violators can have wildly contrasting expectations of the process used to address a violation. As Elmcrest Neighborhood HOA LLC covenants do not address a specific course of action for enforcing covenants, this guideline is meant to help members keep reasonable expectations for how violations will be addressed. This guideline's purpose is to that end, but is not a policy that the board must to follow to the letter, as all possible circumstances cannot be addressed here.

General escalation order is:

(1) Warning - (2) Fines - (3) Suspension of rights and privileges - (4) Lien on home.

Example of violation escalation is as follows:

1) A written complaint is submitted to the board

2) The board will determine if the complaint is an actual violation

If no covenant or bylaw violation is found, clarification will be addressed with the complainant. If nothing further is found, the complaint will be dismissed.

If a violation is found, the board will address the violation.

3) HOA President will contact the member about the violation

A written warning can be delivered in person, mailed, or posted at the front door. Even a simple, verbal warning should be documented.

HOA members will be given a specific amount of time to address the violation. The warning should include amount of time to remedy before fines, suspension of rights/privileges, and liens.

If the violation is remedied immediately, or within the stated time, the issue will be considered finished.

4) A violation fine (no less than \$25) will be assessed to the home owner

If the home is not back in compliance with the HOA covenants within the stated time frame. Each successive day without remedy will accrue another violation fine.

5) Suspension of member rights and privileges after 7 concurrent fines.

All member rights and voting power will be suspended.

6) A lien will be placed on the home after 15-30 days of fines.

All lien, legal, trade, professional or service fees associated with the violation will be the responsibility of the homeowner and will be paid before a lien is removed from the home.

7) Any repeated violations within 12 months will be considered the same instance and a fine will be immediately assessed.

Steps 1-4 will be skipped.

The board at any time may deviate from this guide if they find it is within the best interest of the neighborhood and it's members. Furthermore, if a local, state or federal regulation addresses the violation complaint, it is up to the discretion of the board to either forward the complaint to the appropriate jurisdiction or to request the complainant do so. They may allow the correct jurisdiction to address it solely, or the HOA may simultaneously address the issue as described above.

Beyond fines, possible expenses could include, but are not limited to, fees from lawyers, court, towing, landscaping, general contractor, and any other service hired by the HOA to bring a home into compliance with our covenants.

If at any time clarification or remediation assistance is needed, please contact the board immediately. Despite the HOA board's duty to enforce our covenants, we are hopeful to make the process as painless as possible and our hope is always to remedy violations without the need of fines or enforcement beyond a notification to violators.

All records/copies of communication and contracts pertaining to violations should be kept on file by the current board of the HOA.

If a member wishes to appeal the enforcement of a violation they can appeal to the Board of Directors.