

NOTTINGHAM FOREST SOUTH HOMES ASSOCIATION, INC.

ENFORCEMENT POLICIES

All owners of property within the subdivisions commonly known as Nottingham Forest South, Estates of Nottingham South, Tomahawk Estates, Nottingham, and Villas of Nottingham are obligated to comply with the applicable recorded Declarations of Restrictions for the subdivisions (the "**Declarations**"). One of the powers of Nottingham Forest South Homes Association, Inc. (the "**Association**") is to enforce the Declarations. The following sets forth the procedure that the Association will follow with respect to the enforcement of the Declarations against violators of the Declarations.

I. Initiation, Investigation and Notice.

- A. Written Complaint. Any member of the Association, any director of the Association, or Association's Management Company may initiate the enforcement process by filing a written complaint with a member of the Board of Directors of the Association or the Association's management company. The complaint should be as specific as possible with respect to times, dates, places and persons involved.
- B. Preliminary Investigation. Upon receipt of a complaint, the management company or a member of the Board of Directors will make a preliminary investigation as to the validity of the complaint. If the condition has been corrected, or the complaint is determined to be without merit, and the complaint originated with a member of the Association, the management company will respond in writing to the complaining party.
- C. Notice of Violation. If preliminary investigation indicates further action is necessary, the Management Company or the President of the Association will mail a written notice of the violation (as described below), by first class U.S. mail to the alleged violator at the alleged violator's address listed in the records of the Association and (if different) to the property address. A courtesy copy may also be emailed to the alleged violator if an email address is in the records.

If the violation is not of an urgent nature, as determined by the management company or the President, an informal telephone call to the alleged violator may (but is not required to) be made by a member of the board or management company prior to providing the written notice. If an informal call is made but is not effective, the written notice will be given.

The written notice of violation ("**Notice of Violation**") will be provided to the alleged violator specifying:

1. the alleged violation;
2. if applicable, the action and time frame required to abate the violation; and

3. if a specific fine for the alleged violation is set forth in Section II below, the amount of the potential monetary fine to be assessed and notice that failure to cure could result in the levying of a fine.
- D. If action to abate the violation is not taken within the time frame indicated in the Notice of Violation, the management company or the President of the Association will mail a written notice of fines levied (“**Notice of Fine Levied**”), by certified US mail, return receipt requested, to the alleged violator at the alleged violator's address listed in the records of the Association and (if different) to the property address. A courtesy copy may also be emailed to the alleged violator if an email address is in the records. The Notice of Fine Levied will include the payment terms and payment due date.

II. **Sanctions and Enforcement Remedies.** The Board of Directors or Association’s management company may, but shall not be required to, assess sanctions and pursue enforcement remedies, which may include any or all of the following measures:

- A. The levying of monetary fines in accordance with the schedule below.
- All monetary fines will be treated as a special assessment against the violator and the applicable lot and shall bear interest at 10% per annum, and shall be subject to collection charges and lien rights of the Association.

1. Architectural Review Committee (“ARC”) Matters:

- a. Failure to submit written application and/or obtain approval of ARC prior to starting project (even if subsequently approved):

(1) Major exterior change that is not cured within 30 days from the date of the Notice of Violation: \$500.00, plus \$30.00 per day until remedied.

(2) Landscape, minor exterior, roof, or paint changes that is not cured within 15 days from the date of the Notice of Violation: \$250.00, plus \$20.00 per day until remedied.

(3) Basketball goal, play structure, or other play equipment that is not cured within 15 days from the date of the Notice of Violation: \$250.00, plus \$10.00 per day until remedied.

- b. Failure to obtain approval of ARC for changes and additions not included in the original ARC approval (even if subsequently approved): \$100.00, plus \$20.00 per day until remedied.

2. Unauthorized garage sales, sample sales, or estate sales:

First day of violation: \$250.00. Each subsequent day of violation:
\$500.00

3. Other Matters:

The amount of monetary fine for all other violations of the Declarations not specified above in section II, A, 1&2, (including, but not limited to, violations related to trash/recycling bins; non-compliant parking of recreation vehicles, commercial vehicles, trailers, boats; home and landscape maintenance, etc.) will be determined and levied by the Board of Directors when appropriate. The minimum per event fine will be \$25.00 and the maximum per event fine will be \$100.00. The minimum daily fine will be \$10.00 and the maximum daily fine will be \$30.00.

- B. The pursuit of all rights of action available at law or in equity, including, but not limited to, injunctive relief and monetary judgment for damages and for all costs and expenses incurred by the Association, including, without limitation, legal fees and expenses.
- C. To the extent permitted by law, the suspension of the rights or privileges of the violator to use common areas and/or to vote on matters on which members of the Association are entitled to vote.
- D. The Board of Directors, in its discretion, may authorize other means of addressing violations which are reasonable and appropriate under the circumstances.

III. **Applicability.** The Enforcement Policies delineated herein may be applied to alleged violations of the Declaration and to alleged violations of any duly adopted rules and regulations of the Association. These policies will not be necessary to impose any remedy or collection efforts for nonpayment of any assessment or special assessment levied by the Association in accordance with the recorded Homes Association Declaration or any fine levied by the Association in accordance with these Enforcement Policies.

IV. **Effective Date.** The Enforcement Policies delineated herein will be effective only after (i) the Board of Directors has duly adopted these Enforcement Policies at a meeting of the Board of Directors held after giving all owners a copy of the proposed text of the Enforcement Policies and an opportunity to provide comments to the Board of Directors, and (ii) ten (10) calendar days after a copy of these Enforcement Policies (as finally adopted by the Board) have been posted on the Association's website.