

Rock Creek Estates Home Association

Declaration of Restrictions Violation Policy

ADOPTION OR AMENDMENT OF POLICIES, PROCEDURES AND RULES

The Board of Directors from time to time in accordance with Associations governing documents, may in any open meeting Amend, Adopt or Delete, this policy with a majority vote from the Board. Should the Board make changes to the above, it shall give all members via regular mail, a copy within 30 days after adopting the change. Any part of governing documents that do not comply with UCIOBORA or Federal State and Local law shall not be enforceable.

ASSOCIATION ENFORCEMENT AND COMPLAINT PROCEDURE

Fining Policy

The fine schedule will be initiated upon the 2nd Offense starting with a fine of \$25. Each subsequent offense will be fined double the previous offense. *Note: Different violations will not compound upon each other as each unique violation will incur its own offense process.*

Enforcement Policy

Enforcement of the governing documents is the responsibility of the Board of Directors. From time to time, the Board or its agents may do property inspections to determine if violations of the governing documents have occurred. Additionally, any member of the Association may file a written complaint detailing time, date, and nature of the alleged violation to the community management company, which then will take the necessary steps to investigate the complaint and if warranted, issue a violation notice.

HOA VIOLATION PROCEDURES

1. A violation form (which can be obtained by contacting the community management company or via eNeighbors) must be completed and should reference the section of the governing documents being allegedly violated and be sent to the community management company who will forward the complaint to the Board of Directors and/or appropriate committee for investigation.
2. The Board of Directors and/or appropriate committee will review the violation form and determine the validity of the alleged violation in regard to the governing documents of the Association.
3. The community management company, on behalf of the Board of Directors and/or appropriate committee, will send out the notice of violation as follows:

1st Offense: "Notice of Violation Warning" and the right to appeal will be sent to property owner for compliance within 30 days. After 30 days, if the community management company has not received an appeal or response from the offending owner/resident, the community management company will follow up

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with the Board of Directors and/or appropriate committee as to whether the violation persists. If the violation persists, the 2nd offense will be automatically imposed.

2nd Offense: If the same violation occurs within the next 12 months a fine notice will be sent indicating the amount of the fine and the right to appeal (amount will be according to the Association fining policy). The fine will be imposed after the appeal process has lapsed.

3rd Offense: If the same violation occurs within the next 12 months a second fine notice will be sent indicating the amount of the fine and the right to appeal (amount will be according to the Association fining policy). The fine will be imposed after the appeal process has lapsed.

4th Offense: If the same violation occurs within the next 12 months a third fine notice will be sent indicating the amount of the fine and the right to appeal (amount will be according to the Association fining policy). The fine will be imposed after the appeal process has lapsed. Additionally, a notice will be sent with the intent to start legal action for continued non-compliance.

5th and Ongoing Offenses: If the same violation occurs within the next 12 months a fourth or subsequent fine notice will be sent indicating the amount of the fine and the right to appeal (amount will be according to the Association fining policy). The fine will be imposed after the appeal process has lapsed. Legal action will be initiated for continued non-compliance.

Appeal Process

An appeal request must be submitted in writing to the community management company within 30 days from the date of the "Notice of Violation Warning" letter or 15 days for each subsequent offense. An owner (or resident, by written consent of owner) shall have the right to appeal any notice of violation and/or fine in which the owner may present evidence or explanation as to why the property owner has not violated the governing documents or why special circumstances exist. If an appeal is requested within the allotted time no further action or additional notices for the same violation or fine shall be assessed until the appeal process is complete.

Board/Committee Final Decision

Within 30 days after an appeal a determination as to the validity of the alleged violation will be rendered by the Board of Directors and/or appropriate committee. The property owner will be notified in writing of the decision. Any fines levied by the Board of Directors and/or appropriate committee will be due and payable immediately. Failure to pay will be treated in

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accordance with the governing documents. Any Board of Director or appropriate committee member who initiates an appeal on their behalf will be excused from the final decision process.

ATTORNEY FEES POLICY

Attorney Fees

The Association will require owners to reimburse for collection costs, reasonable attorney fees and any other costs incurred by its attempts to collect sums owed to the Association, enforcement of governing documents and policies for the Association. In the event the property owners prevail, the Association shall not charge any of the above costs to the owner.

Attorney Client Privilege

Once the Association has resolved any matter for which they sought legal advice or that concerned litigation, including collection of past due assessments, the Board of Directors and/or appropriate committee at its discretion may disclose such communication or opinion and disclose at an open meeting and make the opinion an open document to the Association Membership, or the Board, at its discretion, may preserve the attorney client privilege on the issue. The Board shall discuss in executive session prior to relinquishing the attorney client privilege.

CODE OF CONDUCT FOR BOARD OF DIRECTORS AND/OR APPROPRIATE COMMITTEE

Board of Directors and appropriate committee members shall act in the best interests of the Association as a whole for the benefit of the entire community, and shall, at all times, strive to do what is best for the Association as a whole. Members shall not use their positions as such for private gain, for example:

- No Member shall accept a gift or favor made with the intent of influencing a decision or action on any official matter
- No Member shall receive any compensation from the Association for serving on the committee.
- No Member shall willingly misrepresent facts to advance a personal cause or influence the community to advance a personal cause.

HOMEOWNERS CONFLICTS

If Disputes occur between the Association and Homeowner, the Board of Directors will make every effort to resolve those disputes with the Homeowner. The Board of Directors does reserve the right to consult their attorney for advice on any dispute. If the dispute cannot be resolved, the Board of Directors may take what action they deem necessary to enforce the governing documents and protect the well-being of the Association.

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The Undersigned hereby certifies that the forgoing resolutions were adopted by the Board of Directors of the Association at a duly called and held meeting of the Association on this day, November 4th, 2021.

Kenneth Romine, President

Melvin Cape, Vice President

William Pringle, Secretary

Ashley Beets, Treasurer

Richard Vick, Facilities Manager