

**WOODLAND PLACE HOMES ASSOCIATION, INC.**

RULE NO. 2008 – 2

**SUBJECT:** Adoption of a policy and procedures regarding maintenance of property and architectural control enforcement

**PURPOSE:** To adopt a policy and procedure to be followed when a complaint is received of a violation of architecture control policies and guidelines, a violation of the Declarations, a violation of the restrictions and/or a complaint about the overall upkeep of property in the Association. It shall also be the purpose of this policy to ensure the regular and routine upkeep of all properties.

**EFFECTIVE DATE:** September 1, 2008

WHEREAS, Section 10 of Declaration of Restrictions for Woodland Place Homes Association Inc. (hereinafter “the Association”) dated 4 November 1991 states that the Architectural Control Committee (ACC) maintains the authority to approve any and all changes or modifications to any residence including exterior colors or landscaping; and

WHEREAS, Section 29 of Declaration of Restrictions for Woodland Place Homes Association Inc. (hereinafter “the Association”) dated 4 November 1991 states that each homeowner within the Association agrees by acceptance of a deed to property restricted by said Declaration agrees to maintain said property and all improvements thereon including, without limitation, the cutting, trimming of all lawn areas and necessary care and maintenance of all plantings upon said property; and

WHEREAS, Article IV, Section 1 of the Bylaws states that the Board of Directors (Board) may make such rules and regulations as they may deem best; and

WHEREAS, the Board is desirous of adopting a policy to govern the enforcement and application of all governing documents on maintenance of properties, and to that end, adopted the following resolution at a regularly scheduled monthly Board meeting identified in the execution and adoption page at end of this Rule.

NOW THEREFORE, the Board of Directors hereby adopts the following rule:

**A. Basis of Violations:**

1. Exterior Maintenance: Upon notification, either through a visual inspection by a designee of the Association or through a complaint received by either the ACC or the Board, that a Lot, appurtenance, or improvement has deviated from published standards of the association, and/or has become unsightly, and/or is not receiving routine and proper upkeep and/or maintenance, not being kept in good order, repair, and free of debris, including, but not limited to, seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or any other external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management; and/ or

2. Covenants and or By-Laws: Upon notification, either through a visual inspection by a designee of the Association or through a complaint received by either the ACC or the Board, that a Lot, appurtenance, or improvement has any violation of any of the covenants pertaining to property maintenance identified in the Declaration or the By-Laws.

**B. Violation Notifications and Unresolved Remedy Process:**

1. Upon a report of a violation, the ACC or Board shall review the report and contact the homeowner of the lot which is the subject of the report.

2. The communication to the homeowner shall cite the alleged unacceptable condition and shall provide a restoration period.

3. Restoration Period: The restoration period for the alleged violation shall not be less than 10 days, and shall begin with date of the communication. The Board reserves the right to impose shorter restoration periods in the event of any danger to the health, safety or welfare of Association residents. Duration of the restoration period shall be set at discretion of the Board with due consideration for reasonable labor requirements, materials availability, and weather restrictions. Such restoration period shall not exceed 6 months. Restoration periods shall be unique to the

violation and lot and shall not be globally fixed by type of correction, home, or location. Restoration periods do not have to be applied equally Lot-to-Lot or violation-to-violation. The restoration period may vary Lot to Lot according to restorative needs and desires of the community as determined by and expressed by the Board.

**C. Property Maintenance and Architectural Control Enforcement Violation Hearing:**

1. Hearing Notice: After completing a process of communicating to a homeowner of a violation, without satisfactory remedy or restoration, the Board is to cause homeowner to receive a notification letter for a scheduled hearing before Board of Directors. The notification letter is to be sent to the homeowner by regular mail which shall advise the owner of the alleged violation and provide a minimum of ten days (10) notice of a hearing at which time the owner will be permitted to attend and present information, either orally or in writing. This rule will be satisfied upon mailing said letter, whether or not a signed return receipt is received from the homeowner.

2. Hearing Procedure: At the hearing before the Board the following procedures will be followed:

a. Identification (by reading aloud) of the notice of hearing and the invitation to be heard will be placed in the minutes of the hearing. This requirement is waived if the homeowner appears at the hearing.

b. A designee of either the ACC or Board Member will present the information concerning the alleged violation. The designee will be afforded a presentation time not to exceed 10 minutes.

c. The homeowner, if present, may present information regarding the alleged violation. The homeowner will be afforded a presentation time not to exceed 20 minutes.

d. Any other parties who wish to speak at the hearing will be allowed a time period not to exceed 3 minutes per property. The Board may at its discretion limit duplicative statements or witnesses.

e. After the last party wishing to speak, the President of the Board will adjourn the hearing, note the time in the minutes, dismiss any non-Board members, and continue with the business of the monthly board meeting.

3. Board Follow-up: After the hearing, the following procedures will be accomplished:

a. Determination Vote and Owner Notice: The Board will caucus and determine, by majority vote, whether a violation exists. Caucus discussions shall not be included in the minutes; however, numerical results of the vote shall be identified in the minutes. If a majority of the Board does not find that a violation exists, the matter shall be concluded

b. Homeowner Notice: The Board will attempt to advise the homeowner, in writing, of the decision made by the Board, within five days (5) after the date of the hearing. If a violation is found to exist, the homeowner will be notified in writing of the corrective actions required and the restoration period by which the corrective actions must be completed. The homeowner will be afforded a minimum of five (5) days (unless an earlier date is specified by the Board in order to correct a violation which threatens the health, safety or welfare of residents in the community) to complete corrective actions.

c. Failure to Appear: If the homeowner fails to appear at the hearing, then no hearing need be held and the Board may take whatever action may be appropriate to enforce its covenants, rules, and regulations.

**D. Uncorrected Violations:**

1. Entering the Lot for Restoration: After the Board Hearing, if the Board determines that the homeowner remains in violation and the violation is not corrected by the final restoration

period date specified by the Board, the Board may appoint an agent to enter upon the Lot, remove, terminate or abate the violation by contracting for such modifications as the Board deems necessary, in the Board's exclusive discretion, to either restore the premises to its original condition, or to complete an architectural change previously approved by the Board or ACC, and the entire cost thereof, plus any attorneys' fees incurred by the Association in connection with the violation, will be assessed against the homeowner of the Lot and a lien shall be placed against the lot to recover said costs and fees.

2. Legal Action: In lieu of appointing an agent to enter upon the lot to abate the violation, the Board reserves the right to file a legal action to obtain a Court Order directing the homeowner to remove, terminate or abate the violation, and requesting that the homeowner pay all legal fees or other expenses incurred by the Association in connection with the violation. The Board may also direct legal counsel to file suit to collect any monies that may be due to the Association as a result of the uncorrected violation and/or legal fees or other expenses incurred by the Association in connection with its actions to correct or abate the violation.

**E. Financial Collections Procedure:**

1. Invoice to Homeowner: Immediately after completion of restoration, Board shall cause to be generated an invoice for the total of all remedy costs associated with restoration of the property, including reasonable attorney fees and documented administrative costs. Invoice shall be mailed to homeowner via "Certified, Return-Receipt US mail."

2. Homeowner Payment: Homeowner shall have no more than 10 business days from date of certified receipt to pay said invoice in full to the association before the invoice is declared a delinquent homeowner's debt to the association.

3. Delinquent Homeowner's Debt: If in default after 10 business days, the delinquent homeowner's debt will be turned over to legal collection by association's attorney for lawful

collections. In addition, the delinquent homeowner's debt shall immediately be escalated in priority to a more demanding debt than homeowner's annual property assessment.

4. Homeowner's Annual Property Assessment Becomes Default Payment: In parallel with legal collection process for the restoration debt, all incoming assessment monies for this property shall be first applied to satisfy homeowner's outstanding restoration debt. If the assessment becomes delinquent as a consequence of this priority, By-Law provisions shall apply including the steps necessary to record a financial (delinquent assessment) lien against the property.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 10<sup>th</sup> day of August, 2008.

WOODLAND PLACE HOMES ASSOCIATION, INC.

/s/ David Kight  
By: David Kight  
President, Woodland Place Homes Association, Inc.

This is to certify that at a regularly scheduled meeting of the Board of Directors of Woodland Place Homes Association, Inc. on the 10<sup>th</sup> day of August, 2008, this Rule was adopted by a majority vote of the Board of Directors.

/s/ Doug Richardson  
By: Doug Richardson  
Secretary, Woodland Place Homes Association, Inc.