

Resolution 006-2022 (Violation Notice & Enforcement Policy)

Whereas the Haile Village Center Owners Association Board of Directors (HVCOA BOD) is sitting in a qualified and noticed public session and a quorum is present, and **Whereas** the BOD is empowered to act in the best interests of the Association, and **Whereas** it is the intention of the BOD to so act, the following RESOLUTION is presented for a vote of the BOD:

Resolved that each Owner by acceptance of a deed to any property within the Association boundaries has or is deemed to have agreed, to follow the Declaration of Covenants, Conditions & Restrictions and Rules of the Association (“Controlling Documents”) and laws, rules and regulations of any authority having jurisdiction (AHJ). Among those rules and regulations are ones concerning daily life, health, safety, maintenance, and comportment.

When the BOD and/or the managing agent for the HVCOA are made aware of issues concerning failure to follow the Controlling Documents the BOD shall declare a Unit Owner in violation. The BOD or its Agent shall immediately notify the Unit Owner of record of the violation and depending upon the nature and or severity of the violation, provide a deadline to correct said violation.

All violations shall initially be classified as minor in nature. Determination of a minor violation may be made by the Agent of the BOD and shall be confirmed by the BOD no later than the next regular BOD meeting.

At the request of the Agent to the BOD or at the request of any BOD member, as herein outlined, or on motion by the BOD at any meeting a Major violation may be declared. A major violation shall be one which may impact the immediate health, safety, or welfare of HVCOA members or their property, or the public. In addition, violations of any governmental statutes, laws, rules or regulations which may negatively impact the HVCOA or the public shall be classified as major. Determination of a major violation shall be made by the majority assent of any three board members who shall not be required to sit in formal session but may be polled independently by the BOD Agent, or a BOD member. A minor violation may be, at the discretion of the BOD, be reclassified as a Major violation.

Delivery of notice of any violation may be made by any means allowed by law. Notice may also be made by hand delivery to a Unit Owner or any adult occupying the Unit, posting said notice on the property of the Unit Owner or delivery by electronic means if the Unit Owner has consented to same. Valid delivery shall be presumed to have been made if Notice is delivered to the current address of the Unit Owner on file with the HVCOA.

Unit Owners who disagree with the classification or the determination of a violation itself, shall have the right to petition the BOD for redress and consideration within two business days of receiving notice of a major violation and five business days of receiving notice of a minor violation. Such petition must be in writing and be delivered to the BOD or its Agent. Failure to so petition shall be treated as a presumption of the fact the violation both exists and must be corrected. Upon receipt of any petition all time limits for enforcement shall be suspended. A

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quorum of the BOD shall meet in emergency session, hear from the Petitioner or their agent, hear, and receive material supporting or refuting the violation and/or classification, and shall immediately sustain or reject the petition. Such meeting shall be considered an emergency action and notice to the general membership may be waived. No activity or vote other than the consideration and resolution of the petition and events surrounding same may be made. If the Petition is rejected, time limits shall resume, less the time expended during the petition process.

Notice shall consist of a copy of this Resolution and a separate written description of the violation and a method for the Unit Owner to abate, avoid, correct, or address the violation.

The Board of Directors agrees to the following enforcement procedures of the Controlling Documents and AHJ, and hereby direct their Agent to follow the policy as listed below:

First notice of a minor violation – Deliver a “Friendly Reminder” to include this resolution along with written reference to section(s) of Controlling Documents violated giving 30 days to comply/correct and to contact the BOD Agent.

Second notice of a minor violation – “Second Notice” letter to be delivered no sooner than 31 days after the first letter giving 14 days to comply/correct and contact management with notice that failure to comply will result in assessment of a fine against the Unit Owner of \$25.00 per day beginning on the fifteenth day following the second notice and continuing until compliance.

Final notice of a minor violation – “Final Notice” Letter delivered no sooner than 15 days after the Second Notice informing the Unit Owner that the matter is being forwarded for legal action against the Unit Owner and that all enforcement fees and costs shall be assessed against the Unit Owner.

All Notices of Major Violation – Notice shall take the form of, and be delivered in, the manner directed by the BOD.

If any part or portion of this resolution shall be declared invalid for any reason, the remaining shall be operative. This resolution shall take effect upon adoption.

	Aye	Nay	Abstain
Mark Fraser	<u> X </u>	<u> </u>	<u> </u>
David Worthy	<u> </u>	<u> </u>	<u> </u>
Linda Gogan	<u> X </u>	<u> </u>	<u> </u>
Thomas Black	<u> X </u>	<u> </u>	<u> </u>
Jeffrey Price	<u> X </u>	<u> </u>	<u> </u>

Vote Recorded on: June 2, 2022 by: Carrie Gailfoil, CAM

 X ADOPTED and directed to be inserted into the HVCOA records

 REJECTED