

# Village Grande at English Mill

## PROCEDURE 130 – Violations

Process/Procedure Owner: Board of Trustees

### 1.1 Purpose

This procedure describes the process to follow when a violation of the Declaration of Covenants, and Restrictions (the “Declaration”), By-Laws, or any other Rules & Regulations of (hereinafter collectively referred to as the “Governing Documents”) has occurred.

Prompt correction of any violations of the Governing Documents by Members of The Village Grande at English Mill Homeowners Association (the “Association”) is critical to the health and welfare of the Community and to the preservation and/or enhancement of our the property values of our Homes. Your Board takes its obligation to enforce the Association’s Governing Documents very seriously. The policies and practices outlined herein shall remain in effect until such time as they are modified by the Board pursuant to by a duly adopted resolution.

This policy is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior by the Members and occupants within the Community. It has been designed consistent with our Community values and Governing Documents. The Board reserves the right to combine or skip steps depending upon facts of each situation and the nature of the offense. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling, previous issues and the severity of the issue.

Should there be a conflict between the terms of this Procedure and the terms of the Governing Documents, the terms of the Governing Documents shall control.

The following is the Association’s practices for addressing violations of its Governing Documents:

### 1.2 Roles and Duties

**Member or Occupant** – Correct the violation and pay any fines imposed.

**Site Manager** – Primary contact with Member or occupant for Steps 1, 2 and 3. Also prepares and maintains appropriate documentation in the files.

**Board of Trustees** – Authorize imposition of any fines or waiver of any fines or other fees.

**Alternative Dispute Resolution Committee** (“ADR Committee”) – The ADR Committee shall mediate any disputes in an effort to bring prompt resolution to the issue.

### **1.3 Procedure**

#### **Step 1: Counseling and Verbal Warning**

Step 1 creates an opportunity for the Board to make verbal contact with the offending Member or occupant, in a nonthreatening and constructive manner, to identify the specific violation and outline steps the Owner or Occupant must take in order cure the violation.

The verbal contact will be documented and placed in the Owner's/Occupant's File.

#### **Step 2: Written Warning**

While it is hoped that the issue identified in Step 1 has been corrected, the Board recognizes that this may not always be the case. A written warning involves a more formal documentation of the situation and consequences. There may be incidents so problematic and harmful that immediate action is necessary to ensure the safety or welfare of the Members or others, the Board (usually through the Community Manager) may skip Step 1 and immediately proceed to Step 2. Also in some circumstances, Step 2 may be repeated before moving to Step 3.

During Step 2, the Board will send a written warning to the Member or Occupant confirming the verbal warning, outlining the offense, and stating the fine that may be imposed if corrective action is not taken within 10 days or other timeframe as appropriate. The warning letter may be hand delivered or sent via U.S. Mail. If possible, the warning letter shall also be sent via Email.

#### **Step 3: Imposition of Fine**

If an Owner or Occupant fails to take corrective action as outlined in Steps 1 and 2, a fine may be imposed in accordance with Article 9.05 of the Declaration and Article 12.02 of the By-Laws. All fines must be approved by the Board. A letter will be prepared outlining Steps 1 and 2 and the failure to comply. The letter will also inform the Owner or Occupant of their right to use the Alternative Dispute Resolution Committee to help resolve the matter if they dispute the issue. The letter will impose the fine in accordance with the Governing Documents and be sent to the Owner or Occupant in accordance with the notice provisions in Article XV of the Bylaws. . Fines that are not received within fifteen (15) days of the stated due date are considered delinquent and shall accrue interest charges at the rate of six percent (6%) per annum.

#### Appeal Process

The Owner or Occupant will have the opportunity to present information to challenge the Board's punitive actions. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the situation, while allowing for an equitable resolution of the dispute.

Copies of all documents will be placed in the Owner's/Occupant's File.

#### **1.4 References**

Article 9.05 of Declaration of Covenants and Restrictions

Articles VI and XII of the By-Laws

Article XII of the By-Laws

Procedure 131 – Delinquent Collections

#### **Definitions and Acronyms**

None

#### **1.5 Attachments**

None

#### **1.6 Inquiries**

Questions regarding this procedure should be directed to the Board of Trustees.