

The Villages of Rivershyre
Rivershyre Community Association, Inc.
Architectural Control Committee (ACC)

Procedure ACC-01

Covenant Violations

Prepared by: Members of the Architectural Control Committee

Approved by: (signed by Richard Huskin)
Chairman, Architectural Control Committee

Accepted by: (signed by William Ferguson, Jr.) 12/01/05
On behalf of the Board of Directors Date Accepted

1.0 Introduction

The duly approved covenants of the Rivershyre Community Association, Inc. shall be the guiding document in the enforcement of community standards applicable to The Villages of Rivershyre.

The Architectural Control Committee, as set forth in the Covenants applicable to the Villages of Rivershyre is charged with monitoring the physical condition of the Villages of Rivershyre and taking appropriate actions to ensure that the Covenants are upheld.

2.0 Violations of Covenants

2.1 Identification of Violations

The Committee members are charged with routinely observing the properties in the community for potential violations of the Covenants and compliance with generally accepted standards. Additionally, all residents of the community have a shared responsibility to report potential Covenant violations. Covenant Violation forms shall be used to document potential non-compliance. This form is available on Rivershyre's website for residents to print and submit and hard copies can be obtained from the Committee or from the Board Secretary.

2.2 Review of Violations

The Committee shall review all potential violations at a scheduled meeting. The Committee shall discuss the specifics of each potential violation and confirm or reject the violation by majority vote of the committee members present.

2.3 Committee Action on Penalties

The Committee shall follow the prescribed series of events in Section 3.0 when attempting to implement corrective actions for the Covenant violation. The Committee shall consider duly submitted Property Alteration Requests (PAR's),

corrective action plans, or any information submitted by the homeowner in determining if a violation has occurred, continues, or has been (or will be) corrected.

3.0 Resolution of Covenant Violations

Violations will be classified as either those of a temporary or readily correctable nature (Section 3.1) or those of a permanent nature or correctable only through difficult measures (Section 3.2).

3.1 Temporary or Readily Correctable

Examples of temporary or readily correctable violations include but are not limited to activities such as in the following examples. A homeowner or occupant of a residence parking any type of a vehicle other than conventional automobiles, jeeps and pick-up trucks at a residence (exceptions are allowed for purely recreational vehicles parked in a garage or area screened from view). The failure of a homeowner or occupant of a residence to maintain the property in a manner consistent with the appearance of the neighborhood. If formal steps to a resolution are deemed necessary for these types of violations, actions taken should proceed in the following manner.

3.1.1 Initial Violation

After the Committee confirms a violation, a letter is prepared from the Committee to the resident or homeowner of record. This letter shall identify the violation, quote the specific section of the Covenants that the homeowner is in violation of, and notify the homeowner that they have 30 days from the date of the letter to remedy the situation. The letter shall also notify the homeowner that they can come to the next Committee meeting to explain why the identified situation is not in violation of the Covenants or to explain their plans for coming into compliance with the Covenants. The letter will further state that failure to comply with the Covenants may result in a fine following a second and final notice.

NOTE: The Committee at its discretion may choose to send a resident a “friendly reminder” regarding complying with Covenants rather than issuing an initial notice of violation. Such reminders may be appropriate when dealing with yard maintenance, new residents who may be unaware of the Covenants, or other unique situations. Failure by the resident to comply with the applicable Covenants following the reminder would normally result in issuance of an initial violation letter.

3.1.2 Continuing Violation

If the violation continues to exist after 30 days following presentation of the notice described in Section 3.1.1, the Committee shall pursue the continuing violation. The Committee shall prepare a Second Notice. The Board of Directors must approve the Second Notice and an Officer of the Board shall sign it. The Second Notice shall inform the recipient that failure to remedy the covenant violation within 15 days of receipt of the

letter will result in a fine of \$100 being levied against the homeowner without further correspondence. This letter shall be sent via certified mail with receipt verification. Notices should be prepared immediately after the Committee's monthly meeting and provided to the Board Secretary for review and approval at the next Board of Directors meeting. Signature blocks on the letter shall denote both the Committee and the Board's approval.

3.1.3 Subsequent Violations

After the second notice and fine has been sent to the homeowner, the Committee will continue to review the situation to determine if the violation has been remedied. If it has not, the Committee will recommend to the Board that additional fines be levied against the homeowner on a monthly basis. The Committee should seek the assistance of the Treasurer in filing a lien against the property if fines totaling greater than \$300 remain unpaid for more than 30 days.

3.1.4 Repetitive Violations

If a homeowner is cited for the same violation on multiple occasions but takes corrective actions between these violations, then these violations may be considered as cumulative when determining appropriate action.

3.1.5 Response to Violation Notices

If a resident contacts the Chairperson or a member of the Architectural Control Committee in person, by phone, by email, or by written letter for the purpose of discussing or proposing a remedy to a violation, further action shall be held in abeyance pending resolution of the issue at the next scheduled Committee meeting.

3.2 **Permanent or Correctable with Difficulty**

Examples of violations of a permanent nature or correctable only through difficult measures include but are not limited to unapproved cutting of trees, alterations to the exterior of the residence, or construction of out-buildings.

3.2.1 **Unapproved Removal of Trees**

A \$250 minimum for removing a tree (Over 4" in diameter); plus \$50 for each inch over 4" in diameter. Example: 7" diameter tree = \$250 (minimum) plus \$150 (3 inches times \$50) for a total of \$400. However, the maximum fine for the unauthorized removal of a single tree should not exceed \$1,000.

3.2.2 **Unapproved Alterations to Exterior of Residence**

Unapproved alterations to exterior of residences shall be fined a total of 10% of the value of the alteration, not to exceed \$2,500. The value will be determined by the Committee based on information available. Examples: Sunrooms, Fences, Driveways, Parking pads, Boat Docks, Sheds, In-Ground Swimming Pools, etc.

3.2.3 Any additional items not specifically covered above that are done by a homeowner without approval will be addressed by ACC on case by case basis. Any fines or action taken against the homeowner should be based on the guidelines listed above.

4.0 Dispute Resolution

Residents may attend any meeting of the Committee. Residents may address the Committee regarding violations of the Covenants and present corrective actions, request approval of PAR's that would correct violations, or present evidence that the Committee has incorrectly concluded that a violation has occurred. Once a resident has presented their position, the Committee shall give due consideration to the issue and notify the resident in writing of the Committee's decision. If a resident does not reach an amicable resolution with the Committee, they can address the issue to the Board of Directors at its next scheduled meeting.

5.0 Timeliness

Because actions in this procedure are time sensitive, issuance of letters from the Committee and from the Board shall be timely. In general, letters should be issued within 3 working days of the Committee's monthly meeting. The Committee shall consider any known delays in sending and receiving letters when enforcing the timeframes noted above.

6.0 Addressing of Letters

Letters regarding Covenant violations will be addressed to the homeowner and resident which in most cases will be one in the same. For rental properties, letters will be addressed to the resident initially. All subsequent notices will be sent to both the resident and to the homeowner of record as identified in the Treasurer's records.

7.0 Modification

Minor updates or modifications of this procedure can be made by majority vote of the Committee. Major changes to this procedure such as to the timing of notices and fines must be approved by the Committee and accepted by the Board of Directors prior to implementation.