

**Policy for Handling Property Maintenance Non-Compliances**  
**Fairwood Greens Homeowners' Association**

1. Upon receiving written notification (including email) of a possible Homeowner non-compliance or possible non-compliance reported by a Trustee of the Board through personal observation, determine if it is indeed a non-compliance with the Association's Declaration of Covenants (CC&Rs) and Rules and Regulations (R&Rs). Determination is to be done through personal on site observation or confirmation by Board Trustee or someone appointed by the Board to investigate and report back on it.
2. Personal visit to (not applicable to non-compliances as to Animals and Offending Conduct complaints):
  - a. Observe reported non-compliance.
  - b. Obtain picture(s) of what constitutes the non-compliance.
3. If determined to be a violation/non-compliance, send the first letter (form letter #1) to owner(s) requesting correction.
  - a. Non-compliances to the R&R on Recreational Vehicles generally are given 3 to 4 days to comply, but this remains subject to the Board's discretion to use a different compliance period depending on the circumstances of any particular matter.
  - b. Non-compliances as to other Association's R&Rs with the exception of Animals and Annoyance / Offensive Conduct generally are given one week to comply, but this remains subject to the Board's discretion to use a different compliance period depending on the circumstances of any particular matter.
  - c. Reasonable time periods will be given to correct non-compliances, recognizing that some matters will require more time than others based on nature and circumstances of what needs to be done to comply; for example, painting a house is effected by weather, temperatures and seasonal factors and is a longer project as is cleaning a roof or reroofing.
4. At the end of the compliance deadline period, revisit property to determine if Homeowner has complied.
5. If compliance has occurred, send thank you letter (form letter #4) and close the file.
6. If compliance has not occurred, send a second compliance request letter (form letter #2), giving the same compliance deadline period as outlined in 3 above or such other reasonable time period as determined by the Board based on the circumstances of the matter.
7. Redo step 4 above.
8. Use step 5 above, if applicable.

9. If compliance has still not been made and there has not been any communication received, either verbal or written, send a third letter (form letter #5, called "Final"), again requesting compliance and setting a reasonable deadline for compliance. This letter also gives the information, warns owners that fines will be imposed if compliance or cooperative communication is not received by the deadline, with the fines starting the day after the deadline, and gives a notice of owner's right to request a hearing. This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or fine. This letter is sent via regular mail and as a certified letter, return receipt.
10. A motion will be sent to each Board Member via email requesting approval for the imposition of the fine assessment outlined in the third letter, and, assuming approval occurs and homeowner does not timely comply, then ratified and affirmed by motion at the next Board meeting. Approval must be by at least five members of the Board before proceeding to the next step.
11. Redo step 4 above.
12. Use step 5 above, if applicable.
13. If correction has still not been made and no communication received, send the fourth letter (form letter #6), called "Fine Letter" which confirms to the owner the imposition of the fine(s) and the date the fine(s) commences. This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or a fine. This letter is sent via regular mail and certified letter, return receipt.

The procedure for handling confirmed complaints verified by security, on the Association's R&R on Animals are:

- a. Upon receiving the first confirmed complaint, send first letter (form letter #1- Barking Dog).
- b. Upon receiving the second confirmed complaint, send second letter (form letter #2-Barking Dog-Final). This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or the fine(s). This letter is sent via regular mail and certified letter, return receipt.
- c. Upon receiving any additional confirmed complaints, send letter (form letter #6- Dog-Fine). This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or the fine(s). This letter is sent via regular mail and certified letter, return receipt.
- d. A motion will be sent to each Board Member via email requesting approval for the imposition of the fine(s) outlined in the second letter and then ratified

and affirmed by motion at the next Board meeting. Approval must be by at least five members of the Board.

The procedure for handling confirmed complaints verified by security, on the Association's R&R on Annoyance / Offensive Conduct are:

- a. Upon receiving the first confirmed complaint, send first letter (form letter #1-Noise). This letter advises of the fine if there is a second confirmed complaint for the same offense. This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or the fine(s). This letter is sent via regular mail and certified letter, return receipt.
- b. Upon receiving any additional confirmed complaints, send letter (form letter #6-Fine-OC) notification of the fine(s). This letter will include a copy of the Appeal Process R&R which relates to the Homeowners rights to request a hearing to offer a defense to the imposition of a violation and/or the fine(s). This letter is sent via regular mail and certified letter, return receipt.
- c. . A motion will be sent to each Board Member via email requesting approval for the imposition of the fine(s) outlined in the second letter and then ratified and affirmed by motion at the next Board meeting. Approval must be by at least five members of the Board

A copy of each letter will be provided to the Association Recording Secretary for entry into the PM log.

At any point where a "Thank You for compliance" letter has been sent, the file will be closed and retained for six (6) years or as outlined under the Document Retention and Destruction policy of the Association.

Each closed Homeowner's file will include all pictures taken, a copy of each letter sent, any correspondence received from Homeowners and, if applicable, a copy of the email motion for imposing the fine with notations of the first five (5) Board members vote to approve.

Files for those Homeowners who are assessed a fine will be kept separate from the closed files until the fine assessment has remained unpaid 60 days after the Homeowner receives the first statement of fines due. The files will then be forwarded to the Association's bookkeeper who will then contacts the Association's attorney for filing of a lien and such other collection efforts as authorized by the Board at that time.

Revised 02/20/11

**Adopted and Enacted by the Board this 22<sup>nd</sup> day of February, 2011.**