

COMMUNITY REGULATIONS ENFORCEMENT: Covenants, Conditions and Restrictions

The Board has a fiduciary responsibility to the community to fairly and reasonably enforce the recorded Covenants, Conditions and Restrictions (CC&R's). Consistency of enforcement is important to maintain property values and gain acceptance by the community. All owners and residents of The Landing shall comply with all provisions of the Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions, the Bylaws, the Architectural, Landscape, and Lake Buffer Guidelines and Community Regulations. Owners and residents shall also be responsible for compliance by their guests. Failure to comply with the aforementioned documents will be grounds for an action for injunctive relief, for suspension of voting rights and use of recreational facilities, for assessment of fines, the recording of liens, or other legal or equitable relief.

The Covenants and Restrictions Committee monitors compliance of items pertaining to the Declaration of Covenants, Conditions, and Restrictions by periodically performing a "walk-through" of the community. When a violation is noted, the Management Agent will notify the homeowner by mail. If the owner is a non-resident, a copy of the violation notice will be sent to the owner as well as to the tenant. Failure of the respective committee to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.

The following is the procedure by which violations will be enforced:

Enforcement Process

1. Violation reported and confirmed by previously mentioned committees. Written violation form submitted to Management Agent.
2. Management Agent will verify that there is no granted exception on file pertaining to the violation for the owner.
3. If no exception has been granted, then Management Agent mails a "friendly" reminder notice to owner requesting correction of the violation.
4. After the expiration of 1 business day from the date on which the reminder notice is delivered to the owner, the respective committee shall inspect the property. If the violation has not been corrected or other suitable arrangements for its correction have not been approved in writing by the committee, then the Association will exercise its available enforcement options.
5. The Management Agent will issue a second notice of the violation informing the owner that the 1 day period has lapsed and initiate the following corrective and/or appropriate legal action.

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- a. For a first offense: \$25.00 fine continuing with \$5.00 per day for each day of offense.
 - b. For a second and/or subsequent offense: Suspension of community privileges and \$50.00 fine continuing with \$10.00 per day for each day of offense.
6. Before any such fine may be collected or the right of community privileges suspended, the member shall have the opportunity to be heard at a hearing before the Board of Directors.
 7. The Management Agent mails a "Notice of Hearing" that meets the requirements of the law to the owner stating the reason for the hearing, the time and location. Such notice shall be delivered by certified mail to the member at the address of record with the Association. The notice must provide the owner 10 days notice before the hearing date.
 8. The Board convenes the Hearing and presents the evidence which supports the contention that a violation exists. Then the owner presents their evidence concerning the alleged violation. The board dismisses the owner, reviews the information presented and makes a decision. The Board can make a ruling even if the owner does not attend the hearing. The secretary of the Board records the Minutes of the Hearing and these become a part of the permanent records of the Association.
 9. Management Agent mails a "Notice of Hearing Determination" letter to the owner advising the specifics of the Board's decision, including the terms of any fines that are being applied and corrective action needed. The notice contains deadlines set by the Board.
 10. All assessed fines determined from the "Hearing" will be treated in the same manner as a Special Individual Assessment according to the CC&R's. Fines are due within thirty (30) days of assessment. After the fines have accrued for 30 days without payment, the Association can file a lien on the property and can foreclose the lien. This requires a Board action.
 11. Where the violation presents a health or safety hazard, the Management Agent, with Board approval, may take immediate action to correct the violation. Notification to the owner of the action taken and the costs incurred and due from the owner will be made by certified mail.
 12. Failure of the respective committee to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.