

## **BRANTLEY OAKS HOMEOWNERS ASSOCIATION, INC.**

### **Policy Resolution for Violation Processing and Fines**

Enacted: April 20, 2008

Effective: June 22, 2008

WHEREAS, the Brantley Oaks Homeowners Association, Inc ("Association") is empowered to exercise all of the powers, duties and authority vested in or delegated to this Association by provisions of the Bylaws, Articles of Incorporation, and the Declaration of Covenants, Conditions and Restrictions, and other state and federal laws.

WHEREAS, Article 47F-3-102 Section 12 of the North Carolina Planned Community Act states that the Association may impose reasonable fines or suspend privileges or suspend services provided by the Association for reasonable periods for violations of the Declaration of Covenants, Conditions and Restrictions, Architectural Guidelines and other state and federal laws.

WHEREAS, the Declaration of Covenants, Conditions and Restrictions states that each lot is subject to the restrictive covenants as to the use of the lot.

WHEREAS, Article 5 Item C of the Declaration of Covenants, Conditions and Restrictions states that an architectural review committee must approve all exterior changes to all Lots.

WHEREAS, Article IV Section 1 of the Bylaws states that the Board of Directors shall manage the business and affairs of the Association.

WHEREAS, there is a need for the Board of Directors to give direction regarding the process associated with the enforcement of the Covenants, Conditions and Restrictions and the Architectural Guidelines and the imposing of fines against Owners of Lots that are in violation. This resolution will be in effect from the date listed above until it is rescinded, modified or amended by a majority of the Board of Directors.

NOW THEREFORE, BE IT RESOLVED THAT the following policy shall be adopted by the Board of Directors regarding the process of enforcement of the Covenants, Conditions and Restrictions and the Architectural Guidelines.

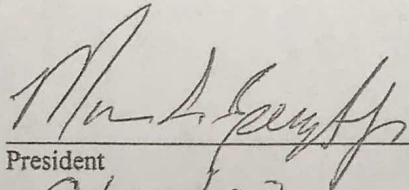
1. The Board of Directors, Architecture Review Committee or the Association's management company, shall issue any Owner of a Lot in violation of the Covenants, Conditions and Restrictions or Architectural Guidelines a violation notice.
2. The Owner of the lot that is in violation of the Covenants, Conditions and Restrictions and Architectural Guidelines will be given a specified number of calendar days to correct the violation.
3. After the specified number days to correct the violation have elapsed, the Board of Directors, Architecture Review Committee or the Association's management company will perform a re-inspection of the Lot.
4. If the violation has not been corrected, the Owner shall be issued a hearing notice to appear before the Board of Directors, Architecture Review Committee, five appointed HOA members or the Association's management company to discuss the violation and offer any explanation or evidence regarding the alleged violation. The hearing notice will specify the possibility of fines being levied for the violation.
5. The Hearing notice will be mailed to the Owner at least 10 calendar days prior to the hearing.
6. The committee present at the hearing will decide by majority vote of the committee members in attendance as to whether the Owner of the Lot is in violation and levy the appropriate fine.
7. The Board of Directors or the Association's management company will send to the Owner a written statement of the committee's decision and the amount of the fine that shall be imposed against the Owner's lot due to the violation.
8. Fines will be levied according to the Fine Schedule listed as Exhibit A to this Policy Resolution. All other violations not listed on the Fine Schedule shall be imposed as directed by the committee that held the hearing. Article 47F-3-107.1 of the North Carolina Planned Community Act states that the Association shall levy fines up to \$100 for each violation, or up to \$100 per day for continuing violations.
9. The Owner will be given 15 days from the date of the written hearing decision letter to appeal the decision of the committee to the Board of Directors. The owner must submit a written notice of appeal to the Board of Directors. If the Owner appeals the decision by a committee, all fines will continue to accrue until the appeal has been heard.
10. The Board of Directors or the Association's management company will send the Owner written confirmation of the appeal date and time at least 10 calendar days prior to the appeal hearing.
11. The committee members present at the appeal hearing will decide if the committee that assessed the fine ruled correctly or if the ruling should be overturned.
12. The Board of Directors or the Association's management company shall send a written to the owner detailing the results of the appeal hearing.

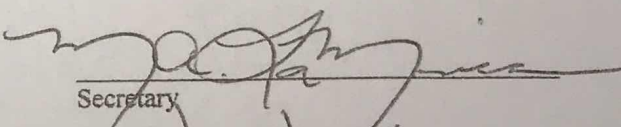


Conclusion:

Notwithstanding the above, the Board of Directors may at anytime during the enforcement process determine it to be in the best interest of the association to end the Violation fine process and refer the matter to Legal Counsel to pursue the Associations remedies, which may include injunctive relief or otherwise abate the violation.

- a) An Owner may correct or eliminate a Violation at any time during the pendency of any procedure started herein whereupon;
- b) When verified by the Board of Directors, Architecture Review Committee or the Association's management company that the violation has been corrected, the notice of violation will be voided but remain a matter of record; and
- c) The Owner will remain liable for all costs and Fines, and subject to the collection efforts as subscribed by the Bylaws and state law.

Approved:   
 President  
9/15/08  
 Date

  
 Secretary  
9/15/08  
 Date

**Exhibit A**

**BRANTLEY OAKS HOMEOWNERS ASSOCIATION, INC.**

**Violation Fine Schedule**

Fines will be levied against all Lots that are in violation within the following schedule:

	<u>Initial</u>	<u>Per Day</u>
Failure to receive required approval from ARC for any improvement or making an improvement to the Lot that does not comply with the Covenants, Conditions and Restrictions or Architectural Guidelines.	\$100	\$50
Storage of rubbish and building materials of any kind on the Lot (except building materials currently being used on an ARC approved improvement.)	\$100	\$25
Storage of wrecked or inoperable vehicles on the Lot. (expired license plate, expired inspection, flat tires, etc.)	\$100	\$25
Recreational vehicles parked on any Lot need to be screened from view of neighbors and the roadway.	\$100	\$25
Trailers and/or work equipment on any Lot need to be screened from view of neighbors and the roadway.	\$100	\$25
Unsightly growth and debris on any Lot.	\$50	\$25
Activities conducted on the Lot which are a nuisance to the community.	\$50	\$25