

BOONE'S TRACE PROPERTY OWNERS' ASSOCIATION, INC.

Enforcement Procedure Policy Resolution

WHEREAS, under the collective authorities provided to the Board of Directors of the Boone's Trace Property Owners' Association, Inc. contained within the Governing documents of the Association which include; *The Covenants, Condition and Restrictions for The Boone's Trace Development, The Articles of Incorporation of Boone's Trace Property Owners' Association, Inc., The Bylaws of the Boone's Trace Property Owner's Association, Inc.* along with those duties and powers provided for Boards of Directors under *KRS Chapter 273 Nonprofit Organizations* (more commonly referred to as the Kentucky Nonprofit Corporation Act; *The Board of Directors has the authority and the Duty to enforce the Covenants, Conditions, and Restrictions (CC&Rs) of the Boone's Trace Development;*

WHEREAS, the Board of Directors has the authority and right to draft, publish, and adopt Rules and Regulations governing the use of the common area and facilities and the personal conduct of the members and their guests there on, and to establish penalties for the infraction thereof, which penalties may include fines, or suspensions of the right of a member to use the common area and facilities;

WHEREAS, the Board of Directors desires to define an Enforcement Procedure that provides for the fair and impartial enforcement of the association's rules, regulations, and restrictions;

WHEREAS, such the Board of Directors desires to define a Schedule of Fines to be incorporated in the Enforcement Procedure, with such fines and/or penalties to be considered as a Special Assessment against the involved Owner(s) in accordance with the Governing Documents,

NOW THEREFORE BE IS RESOLVED that the following Enforcement Resolution be adopted:

The Board of Directors hereby establishes the following Enforcement Procedure to be followed in the enforcement of all Rules and Restrictions of the Boone's Trace Property Owners' Association, Inc:

1. To begin the Enforcement Procedure, a unit owner or resident, must state in writing to the Board of Directors the rule or CC&R violation that is the subject of the complaint.
 - a. The letter is to be sent to the Managing Agent who will receive the letter on the behalf of the Board of Directors,
 - b. The person making the complaint must be identified in the letter complete with their contact information and address,
 - c. The letter must state specific details, including the date and approximate time, of the violation and a brief description of the violation,
 - d. The person making the complaint will be called to testify at a hearing in the event the alleged violator requests such a hearing. Other than the requirement to appear at the hearing, the identity of the person making the complaint shall not be otherwise publicly revealed.
 - e. The managing agent, employees of the Management Company, committee members, Directors, as well as groups of owners or residents, may also bring forward complaints.
2. Upon receipt of the complaint letter, the Managing Agent will mail to the alleged violator (and/or the absentee Owner in the case of an resident/tenant violator), a **"First Violation Notice"** containing:
 - a. A brief description of the violation including the date, approximate time, and location,
 - b. The action required to correct the violation,

- c. Specifying a deadline for compliance, with the deadline not to exceed 10 days from the date of the letter,
 - d. Describing any associated fine and/or sanction that will be assessed against the unit should the violation persist after the specified deadline. Such fine to be in an amount as set forth in the Schedule of Fines which is incorporated into this resolution.
 - e. Copies of the **"First Violation Notice"** are to be sent to the Covenants and Restrictions Committee and the person making the complaint.
3. Should the violation persist past a five (5) day grace period after the deadline specified in the **"First Violation Notice"**, the managing agent will send the alleged violator a **"Second Violation Notice"** which will impose the penalty and/or fine and include:
 - a. A statement describing the alleged violator's right to a hearing to discuss the complaint and to potentially obtain a waiver and/or dismissal of the fine and/or penalty,
 - b. If the alleged violator does not exercise their right and request a hearing within a ten (10) day period of receipt of the **"Second Violation Notice,"** the alleged violator is presumed to accept the fine and/or penalty,
 - c. Copies of the **"Second Violation Notice"** are sent to the Covenants and Restrictions Committee and the person making the complaint (and/or the absentee Owner in the case of an occupant/tenant violator).
4. If the alleged violator requests a hearing or if the alleged violator does not fulfill the penalty and/or continues with the rule violation, the Managing Agent will schedule a fact-finding hearing with the person making the complaint, and the Covenants and Restrictions Committee. Should the violator or their representative fail to appear at the hearing, a default hearing will be held in the violator's absence. After the hearing, the Covenants and Restrictions Committee shall meet in Executive Session and make their ruling decision.
5. A **"Decision Notice" Letter** is sent by the Managing Agent" to the Violator (and/or absentee Owner in the case of an occupant/tenant violator) and the Board of Directors. The **"Decision Notice"** explains:
 - a. The fine and/or penalty that has been imposed on the violator,
 - b. Explains an appeal process, where the violator can request, within ten (10) calendar days of the receipt of the **"Decision Notice"** and **"Appeal Review"** with the Board of Directors.
6. If the alleged violator requests an **Appeal Review**, the Managing Agent will schedule the Appeal Review at the next regular meeting of the Board of Directors. Should the violator, or his representative, fail to appear at the scheduled Appeal Review, a default Appeal Review will be held in the violator's absence. After the Appeal Review, the Board of Directors shall meet in Executive Session and make their decision.
 - a. The Managing Agent will send to the violator (and/or Absentee Owner in the case of an occupant/tenant violator) a certified letter with return receipt informing the violator of the Board of Director's final decision and the application of the fine and/or penalty.
 - b. All decisions by the Board of Directors based on the Enforcement Procedure and the Appeal Review are binding on the violator (and/or absentee Owner in the case of an occupant/tenant violator).
7. Payment of a fine does not relieve the violator of not curing the violation. In the event a violator fails to cure the violation, or the violation occurs again within a twelve month period, the violation

shall be considered a repeat violation and the Board may assess an increased fine of \$150 per day for each day the violation remains uncured.

- a. In the event of a reoccurring violation, the Managing Agent shall begin the enforcement process with the mailing of a **"Second Violation Notice."**
8. In the event a violation continues to persist, the Association reserves its rights to pursue compliance through any and all legal avenues available to the Association.

9. SCHEDULE OF FINES

a. **\$25 per Day or per Incident.** Violations related to Article V of the CCRs:

- i. Paragraph 1 - Signs
- ii. Paragraph 2 - Parking and Garages
- iii. Paragraph 4 - Animals and Pets
- iv. Paragraph 5 - Nuisance
- v. Paragraph 6 - Unsightly or Unkempt Conditions
- vi. Paragraph 7 - Antennas.
- vii. Paragraph 8 - Clotheslines, Garbage Cans, Tanks, and Similar Items
- viii. Paragraph 12 - Air Conditioning Units
- ix. Paragraph 15 - Garage or Yard Sales
- x. Paragraph 16 - Soliciting
- xi. Paragraph 17 - Traffic Control

b. **\$50 per Day or Incident.** Violations related to Article V of the CCRs:

- i. Paragraph 9 - Subdivision of Unit
- ii. Paragraph 10 - Firearms/Weapons
- iii. Paragraph 11 - Drainage
- iv. Paragraph 13 - Business/Home Occupations
- v. Paragraph 14 - Off-Road Vehicles

c. **\$150 per Day or Incident. Repeated Violations and or uncorrected Violations.**

10. The Board of Directors reserves the right to modify the **Schedule of Fines** at any time with the effective date to be upon Thirty (30) Day notice to the membership.

Signed: _____

President-Board of Directors

Date: _____

4/10/2007

Recorded in the Book of Minutes this _____ 9th _____ day of _____ April _____, 2007.

Attested: _____

Secretary - Board of Directors

Date: _____

4/9/2007