

GENERAL GUIDELINES FOR ENFORCEMENT OF BTB HOMEOWNERS COVENANTS, RULES AND RESTRICTIONS

EFFECTIVE DATE OF ENFORCEMENT GUIDELINES

Guidelines shall become effective ten upon passage by the board of directors and published at the Bent Tree Bluffs Website.

ENFORCEMENT OF RESTRICTION VIOLATIONS

- (a) Enforcement of the covenants, rules and restrictions regarding improvements, alterations and construction shall be the responsibility of the Architectural Committee and the Board of Directors.
- (b) Violations should be reported to a member of the Architectural Committee, **Architectural Compliance committee** or the Board of Directors. A written citation will be sent to the violating member specifying the date, time and nature of the violation.
- (c) Citations issued shall designate the specific violation, every violation of the covenant, rule or restriction resulting in the fine and a copy of the General Guidelines for Enforcement of BTB Homeowners Covenants, Rules and Restrictions.
- (d) **Homeowner will be given a right to appeal the citation within ten days after the second citation letter is sent to explain in writing to the Board why the repairs cannot be made within the prescribed time period or otherwise appeal.**

FINES, SUSPENSIONS AND OTHER SANCTIONS

Members violating duly enacted covenants, rules and restrictions shall be subject to sanctions in accordance with the terms and provisions of such covenants, rules and restrictions. Such sanctions may include, but shall not necessarily be limited to:

- (a) The assessment of reasonable fines, not to exceed five hundred dollars (\$500.00) for the first violation. Such fines, as well as costs and attorney's fees expended in collecting fines or enforcing suspensions pursuant to Section (a) above, may become a lien against any lot, unit or other land

owned or occupied by any violator. Correction of the violation must be made within thirty (30) days of notice of the violation. If homeowner remains non-compliant (30) days after the first letter is sent, a second letter will be sent requesting fines which will become due within thirty days of the second letter.

(b) Reasonable directives of a mandatory or prohibiting nature concerning materials, equipment, structures, property or courses of conduct may include but are not limited to:

- (1) Prohibitions on the use of specified equipment and vehicles;
- (2) The removal of structures failing to conform to the architectural control guidelines, or vehicles parked or stored on lots or land within the properties in violation of restrictive covenants, rules and restrictions;
- (3) The imposition of reimbursement charges to pay the costs of removing, and, if necessary, storing unauthorized vehicles, boats or structures from lots or land;
- (4) Prohibitions on certain members for engaging in specified activities, authorizing the use of the Common Area by specified guests, or otherwise exercising privilege within the Properties which may have previously jeopardized the health, safety or welfare of the members; and
- (5) Failure to comply with duly adopted bylaws, rules and restrictions, including roofs.

(c) Other reasonable action by the Board of Directors which are specified in the covenants, rules and restrictions enacted by the Board and which bear a reasonable relationship to the violation for which the sanction is imposed.

PROCEDURE FOR IMPOSING SANCTIONS

Whenever violations of rules enacted by the Architectural Committee and the Board of Directors justify the imposition of sanctions, such sanctions shall be imposed in accordance with the following procedure.

(a) When a member has committed an offense justifying the imposition of sanctions, he/she shall be given written notice of the alleged offense(s) and the sanction to be imposed by a Designee of the Architectural Committee. The notice shall be posted on the door of the property and mailed to the last known address of the member by certified mail, return receipt requested, and/or by first class mail.

The member shall have ten (10) DAYS FOLLOWING DATE OF The Second Letter to request a hearing before the Board of Directors of the HOA. Such request shall be made in writing with an explanation of why the homeowner cannot comply with the restriction to any member of the HOA Board. IF SUCH A HEARING IS NOT REQUESTED, ALL SANCTIONS SPECIFIED IN THE NOTICE SHALL BE EFFECTIVE UPON THE EXPIRATION OF THIRTY (30) DAYS FROM THE DATE OF THE SECOND LETTER.

(b) If a hearing before the **Board of Directors** is requested, it shall be held at the next scheduled meeting of the Board following receipt of the request by the Board. At the hearing, the member shall be allowed to be present and represented by counsel. **Board of Directors** will be advised at a minimum of three days in advance of the names of all witnesses and counsel who will be present at the meeting.

(c) After the appellate hearing, the **Board of Directors** shall make a decision to uphold or dismiss the alleged violation(s) and the appropriate sanctions to be imposed. This decision shall be in writing and forwarded to the member, by certified mail, return receipt requested, and first class mail, within five (5) days of the hearing. The decision shall specify the covenants, rules and/or restrictions which were alleged to have been violated, the acts constituting such violations and the sanction(s) imposed or dismissed.

ENFORCEMENT OF SANCTIONS

Failure to abide by sanctions may result in:

- (a) A civil action **or lien on the offending property** in any Court of competent jurisdiction, and the recovery of costs and reasonable attorney's fees from the non-complying member(s).
- (b) Criminal prosecution for trespass or other appropriate offenses.

PENALTY FOR DISREGARDING SANCTIONS

In addition to the methods enumerated above for enforcing sanctions, for each thirty **(30) day** period from the date the sanction (**thirty days from the date of letter or from the date of the decision of the Board of Directors**) is initially imposed, the sanction or fine will be doubled up to a maximum of one thousand dollar (\$1000.00). This fine must be paid within **the aforementioned period of time** or a lien may be imposed upon the property for the amount of the sanction(s) and costs and reasonable attorney fees.

Adopted by the BTB Board on _3/23/2022_____