

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

### EFFECTIVE DATE OF ENFORCEMENT GUIDELINES

Guidelines shall become effective ten (10) days after notification to the membership of the enactment thereof.

### ENFORCEMENT OF RESTRICTION VIOLATIONS

- (a) Enforcement of the covenants, rules and restrictions 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 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.

### 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 ten (10) days of notice of the violation or additional fines may be levied. Fines are due within 30 days of delivery of written notice.
- (b) Reasonable directives of a mandatory or prohibiting nature concerning materials, equipment, structures, property or courses of conduct which 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 engaging in specific activities, authorizing the use of the Common Area by ineligible guests, or otherwise exercising privileges within the properties which may jeopardize 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 by first class mail.
- (b) The member shall have ten (10) DAYS FOLLOWING DATE OF THE DELIVERY OF THE REQUIRED NOTICE to request a hearing before the Appeals Committee. Such request shall be made in writing to the Board Designee. IF SUCH A HEARING IS NOT REQUESTED, ALL SANCTIONS SPECIFIED IN THE NOTICE

SHALL BE EFFECTIVE UPON THE EXPIRATION OF THE TEN (10) DAY PERIOD.

- (c) If a hearing before the Appeals Committee is requested, it shall be held at the next scheduled meeting of the Committee following receipt of the request by the Board Designee. At the hearing, the member shall be allowed to be present and represented by counsel. The Appeals Committee will be advised at a minimum of three (3) days in advance of the names of all witnesses and counsel who will be present at the meeting.
- (d) After the appellate hearing, the Appeals Committee 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.
- (e) The member shall have ten (10) days following the date of the decision of the Appeals Committee in which to request a hearing before the Board of Directors. Such requests shall be made in writing to the Board Designee. If a hearing before the Board of Directors is requested, the Appeals Committee decision shall be stayed. If no hearing is requested, the Appeals Committee decision shall become final and the sanctions recommended therein shall be effective ten (10) days after the date of the notification of the Appeals Committee decision to the member.
- (f) If a hearing is requested before the Board of Directors, it shall be held at the next regular meeting of the Board, or at a special meeting called before the next regular Board meeting. At such hearing, the Board of Directors shall receive and consider the decision of the Appeals Committee and any testimony or other evidence which the member desires to present. The Board will be advised at a minimum of three (3) days in advance of the names of all witnesses and counsel who will be present at the meeting.
- (g) The Board of Directors shall render a written and final decision within five (5) days of the hearing and serve it on the member by certified mail, return receipt requested, and first class mail. The decision shall specify the covenants, rules and/or restrictions, which have been violated, the acts constituting such violations and the sanctions imposed, or dismissal of the case.

## ENFORCEMENT OF SANCTIONS

Failure to abide by sanctions may result in:

- (a) A civil action 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 ten (10) day period from the date the sanction is initially imposed, the sanction or fine may be doubled up to a maximum of one thousand dollar (\$1000.00). This fine must be paid within ten (10) days 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 March 24, 2010

Members notified by mail on March 30, 2010

Effective date of Guidelines April 9, 2010