

Enforcement Policy and Procedures

Mission: The Architectural Review Committee (ARC) is dedicated to a fair and equal process of enforcing the covenants, rules, and regulations. The ARC is also responsible for conducting Architectural Reviews for owners who wish to make improvements or changes that are not listed in the Restrictive Covenants as *exempt*. The ARC is dedicated to helping homeowners make good choices that do not conflict with the CC&Rs. The ARC works with homeowners to ensure a safe, healthy and aesthetically pleasant community that in turn will ensure the stability of our property values.

1. The ARC shall determine that a violation has in fact taken place. When a violation has been confirmed, the ARC shall:
 - a. Address the violation in a first letter of warning sent to the member at the member's address of record. Discuss expectations and length of grace period given to correct the violation before further action is taken by the POA.
 - b. For first offenders: The grace period begins after reasonable receipt of notification by USPS (three days by postal mail), email (the next day after transmitting), or phone (the day of phone notification).
 - c. For repeat offenders: The Board or ARC may at its discretions and depending on the nature of the violation or nuisance not award a grace period and fines or other actions may be assessed immediately and without notice.
2. The member shall have the right to address any violation citation, or to request consideration of a hardship specifying unusual circumstances that prevents the member from correcting the violation by the end of the grace period. The request must be submitted in writing: email to: henselstonewoods@comcast.net. The ARC, through agreement of the Board of Directors, may extend the period allowed to correct violation before further action is taken.
3. If the grace period awarded for correcting a violation has expired, the ARC shall:
 - a. Inspect the lot.
 - b. If the violation has been corrected, no further action will be taken.
 - c. If the violation remains and no request for a hearing or extension of the grace period has been received, The ARC will issue another letter restating the violation, and notifying the owner of the action to be taken. Fines may be assessed at that time.

4. Daily Fines

The owner is responsible for notifying the Association in writing if and when the violation has been corrected. Any daily fine shall continue at the stated rate until the earlier of (a) the date on which the owner gives written notice of correction, regardless of when the violation was corrected, or (b) 90 days after commencement of the daily fine.

If the violation has not been corrected within 90 days after commencement of a daily fine, the Association may commence the necessary legal proceedings under the Association documents or under law to compel correction of the violation as well as to recover any unpaid fines, court costs, attorney fees, and other Association expenses arising from the violation. Nothing in this paragraph precludes the Association from commencing legal proceedings to correct the violations prior to the expiration of the 90-day period.

5. Habitual Offenders and Continuing Violations. A Member who accumulates more than three violations will be deemed a habitual offender. For habitual offenders, continuing violations, or violations which have an indefinite commencement or termination date, the Board of Directors may impose such additional fines without regard to the schedule set forth above. The Board of Directors shall set forth the interval for any fines for continuing or habitual violations.

For any violation that is a single occurrence (such as parking violation, overgrown lawn, junk and debris, etc.), the homeowner will receive a warning that a repeat of the action will be a continuation of the previous violation and fines will be assessed immediately and without warning.

6. Willful and Wanton Violations. In the event of a determination by the ARC of a willful, wanton or flagrant disregard for the provisions of the Documents, or based on the severity of the violation, the Board of Directors may impose such additional fines as are deemed reasonable by the Board of Directors without regard to the schedule set forth above.
7. Violations or Offenses that Constitute a Present Danger. If, in its sole discretion, the Board deems that any alleged violation is or may be an immediate or substantial threat to the health, safety or welfare of the community or an individual, the Board may take the appropriate action necessary to abate the threat to health, safety or welfare of the community or individual.

Note: Failure of the Architectural Review 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 nor does it give permission to the owner to continue the violation or nuisance.

The Board of Directors may amend this policy from time to time without notice.