



Covenant Enforcement Procedure Revised 8.19.2015

All members of the Association have acknowledged and, by acceptance of a deed to their homes, have agreed to abide by the CC&Rs. However, deviations do occur and should be handled according to the following process:

Background. Covenant enforcement is an essential part of association management and an implied, if not directly stated, requirement of covenants. However, unlike city and county ordinances or state law, covenants do not provide any direct enforcement authority. Ultimately, covenants can be enforced by action at law, but lawsuits and other legal actions are expensive, time consuming, and the judicial process inherently unpredictable. The following procedure is designed to move the covenant enforcement effort along swiftly while giving a homeowner ample time to respond and react. The essential objective of the process is to engage a homeowner. Ignoring the association when it initiates this procedure quickly becomes a financial and legal burden for an unresponsive homeowner. The costs associated will be added to the homeowner's assessment account, creating the opportunity to file a claim of lien and take other collection actions against the homeowner. These costs are paid by the association to the collecting party, and while not refundable, may be waived by the association as part of a negotiation. These fees are outside of the 10% management fee paid by homeowners.

Step One. An Infraction Notice is mailed to the Member in question. Management enters the Notice in the Covenant Enforcement Log and retains a copy of the Notice in the file of the property in question.

Step Two. If the infraction is not corrected and the Member has not contacted Management within ten (10) days, Management will make an attempt to contact the Member again by phone or email. If no contact information is available or the Member remains unresponsive, a second infraction notice will be mailed to the homeowner with Management's contact information. Access cards are now subject to deactivation until such time that the infraction is cured.

Step Three. If the Member does not respond within ten (10) days to the Infraction Notice from Management, the matter is turned over to legal counsel and all costs incurred are added to the Member's account.