



Wolf Hollow Homeowners Association

C/O Elite Property Management
3415 N 127th Street Suite 300
Brookfield, WI 53005
(262) 373-1777 x229

Violation Policy and Fine Schedule

Background

The purchase of a parcel within the Wolf Hollow development imposes a legal obligation on all homeowners to adhere to the protective covenants, local regulations, and related policies (referred to as CCRs from here onward). The purchase of a home in this development comes with a clear expectation that all covenant and associated regulations will be enforced on all homeowners in order to maintain an attractive and well-kept neighborhood with common amenities and, as far as possible, to maintain and/or increase property values.

The Board of Directors (Board) of the Wolf Hollow Homeowners Association (WHHOA) has a legal obligation to exercise reasonable business judgement and act in the best interest of the entire community. Therefore, the WHHOA Board members have an affirmative duty to enforce the covenants and policies. However, occasionally the only practical enforcement tool is monetary penalties or the threat of monetary penalties. The guidelines established in this policy serve to form a framework to ensure that the Board is not capricious, elective, or arbitrary in enforcing the covenants and related policies.

Policy Statement

The WHHOA Board has established the following Enforcement Policy for governing CCRs. This policy will be deemed part of the WHHOA regulations and is subject to amendment or modification at any time by majority vote of the Board.

The included *Schedule of Fines* has been adopted by the WHHOA Board and will go into effect on March 1st, 2017. The below sections outline specific violations of CCRs and lists the penalties resulting from such violations. It should be stated that the purpose of monetary penalties is to encourage compliance with governing CCRs. The Board understands that circumstances occasionally occur that places a Homeowner outside of compliance with CCRs, which is okay. The purpose of this policy is to correct the ongoing, continual, and habitual violations of the CCRs, informing homeowners of the expectation of compliance. The schedule of fines serves to provide each homeowner with a clear understanding of consequences involved in actions not in compliance with CCRs, and for failure to respond to notice of alleged violations.

Notice of Right of Self-Help

The WHHOA has the right (but not the obligation) to enter the Owner's property and to provide all maintenance and repairs that are necessary to achieve compliance with CCRs. Entry by the WHHOA and any of its agents is not an actionable trespass. The WHHOA may assess the Owner for the costs of all maintenance and repairs performed by the WHHOA, and may seek to recover reasonable attorney fees and court costs associated with penalties or damages assessed.

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Enforcement Procedures

The WHHOA Board is comprised of residents, elected representatives that are not responsible for policing the development. To this end, the Board has decided that enforcement proceedings will be complaint based. If a homeowner would like to report a violation, the *Complaint Form* (located on the WHHOA website) should be filled out and submitted to a Board member. This form will serve as a record of complaint and will be maintained by the Board.

Further, the Board has adopted a 12-month rolling record for violations. This 12-month rolling record applies to each section of the CCRs.

For example, if a Homeowner parks a work vehicle in the driveway for more than 72 hours, they would receive a “first violation” notice. If that instance occurs within the next 12 months, they would receive a “second violation” notice immediately upon the receipt of a complaint. However, if a 12-month period lapses, they are back to a “first violation” notice.

In the event that the same homeowner receives a notice for leaving garbage cans outside after the vehicle related “first notice”, they would then receive a garbage related “first notice.”

The notices and rolling 12-month validation period are applied to individual CCRs, not the document as a whole. This distinction is in place to provide a buffer for Homeowners.

Once a complaint is brought to the attention of the Board, the Board has a duty to investigate and respond. Actions to be taken are identified below:

First Violation:	A courtesy letter is mailed to the homeowners' last mailing address on file citing the specific violation(s) and requesting correction of said violation(s) within 15 days from the date the letter was generated.
Second Violation:	A letter is mailed to the homeowner requesting compliance with a covenant requirement within 5 days from the generation of the letter. A notice of potential fine for non-compliance is included.
Continuing Violation:	The Board may impose a continuing monetary penalty without additional notice until the infraction or violation has been remedied. (A continuing violation is a violation of an ongoing nature which has not been corrected).
Repeat Violation:	Repeat letter mailed to homeowner. (A repeat violation occurs when a person violates the same provision of the Association's governing documents more than twice and has already been given the appropriate warnings. A repeated violation may result in an immediate doubling of fines). In the case of a repeat, continuing violation, fines (which have already been doubled) may be assessed on a weekly basis until the violation is corrected.

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Upon the receipt of a violation letter, a Homeowner can reach out to the Board for clarification if needed. Further, the Homeowner has the right to view the complaint submitted, however, the form will be redacted to preserve the anonymity of the individual reporting the violation.

Schedule of Fines

The below schedule of fines has been adopted by the WHHOA Board to provide a framework to the application of monetary penalties:

Repair and Upkeep of Property Parking Violations (Over 72 hours) All other significant ¹ violations	2 nd Notice Penalty - \$25.00 per instance Continuing Violation Penalty - \$25.00 weekly
Garbage Cans Improperly Stored Unauthorized Signage All other minor ² violations	2 nd Notice Penalty - \$10.00 per instance Continuing Violation Penalty - \$10.00 weekly
Architectural Design Violation	2 nd Notice Penalty - \$50.00 per instance Continual Violation Penalty - \$200.00 monthly
Failure to obtain Architectural Approval prior to beginning work	2 nd Notice Penalty - \$100.00 per instance
Mailbox Design Violation	2 nd Notice Penalty - \$50.00 one time Continual Violation Penalty – see below section

- 1) A significant violation is categorized as those affecting the safety or aesthetics of the community. The definition will be applied at the discretion of the Board.
- 2) A minor violation is categorized as those involving only the homeowner. The definition will be applied at the discretion of the Board.

The one aspect of the fine schedule that requires further clarification is mailbox design violations. Section 3.25F of the CCRs state the following:

F) At the expense of the owner, the owner of each lot shall install a mailbox, newspaper tube, and pole for the mailbox which conforms to the specifications of the Developer, or the Committee, whichever is then applicable, including purchasing such items from the source designated by the Developer of the Committee. Any replacement of said mailbox, tube or post shall conform to the original specifications.

The Board has decided that the “original specifications” are equivalent to the mailboxes installed by Tim Obrien Homes. An example of such a mailbox is shown to the right. The Board understands that occasionally, something may happen that forces a Homeowner to



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replace their mailbox. Further, it can be difficult and expensive to obtain the exact mailbox as a replacement. Therefore, the requirements are that the mailbox be similar to the original. The critical components are that it is made of wood, has architectural appeal, is on a 4" x 4" post, and has the mailbox supported by aesthetically pleasing wood crossbeams. Given the variety of mailbox designs, the Board has adopted the use of a *Decision Matrix* which will be applied as the discretion of the Board to determine if a design is out of compliance. If a mailbox has been determined to be out of compliance, per the procedures above, a notice letter will be sent. If after the 2nd notice letter and assessed fine, it is still out of compliance, the WHHOA Board will contract the construction of a new mailbox meeting the original design specifications. This will be installed in the Owners lot at their expense. All mailboxes are to be in compliance with this requirement by August 31st of 2017.

Lastly, the decision on whether to assess a monetary penalties lie strictly with the Board. Mitigating circumstances regarding the violation in question may include but are not limited too new resident settling periods, work/life changes, extended leaves, and significant construction. If a homeowner elects to dispute or provide additional information, they should contact the Board.

Document Revision Log

No.	Date	Initials	Notes
1.0	1/30/2017	MPG	Initial creation and release