

# Board Resolution Of Beacon Pointe 3 & 4 Homeowners Association, Inc.

The undersigned, being the Directors of the Beacon Pointe 3 & 4 Homeowners Association, a North Carolina non-profit corporation (the "Association"), hereby Consent by vote in favor of, and adopt the following resolution:

**WHEREAS**, on Monday, February the 26th, 2018, at the Board Meeting of the Beacon Pointe 3 & 4 Homeowner's Association Board of Directors, held at 6:30 pm: and

**WHEREAS**, the Board of Directors of the Beacon Pointe 3 & 4 Homeowners Association, Inc., is empowered to govern the affairs of the Association pursuant to Article 5, Section 1 of the Association Bylaws.

**WHEREAS**, per Article 7, Section 1 (i) of the Association Bylaws. The Board of Directors **Shall** have the power to: Do anything necessary or desirable, including, but not limited to, establishing any rule or regulation which the Association deems necessary to carry out the purposes of the Association as set forth herein or as permitted by law, as limited by the Articles of Incorporation, the Declaration and the Act.

**WHEREAS**, per Article 7, Section 1 (J) of the Association Bylaws. The Board of Directors **Shall** have the power to: Enforce the provisions of the Declaration and any Amendment or Supplementary Declaration and any Rule and Regulations made hereunder or thereunder and to enjoin and/or at its discretion, seek damages or other relief for violation of such provisions or Rules or Regulations pursuant to the Declaration.

**NOW, THEREFORE, BE IT RESOLVED**, that the following "Enforcement Policy" was approved and adopted by a vote of the majority of the Board of Directors:

## I. Introduction:

The Board of Directors of Beacon Pointe 3 & 4 has adopted this policy for the purpose of enforcing the Declaration of Covenants, Conditions and Restrictions, and the Association Rules and Regulations, whose purpose is protecting the integrity, value and desirability of the community.

This policy is designed to encourage voluntary compliance and community involvement, offer assistance and guidance when owners encounter difficulty with compliance, provide an avenue for appeal and lastly, provide a transparent procedure of notification and fine structure to encourage compliance and clearly communicate consequences of non-compliance.

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## II. Adoption

This policy has been adopted by the Beacon Pointe 3 & 4 Homeowners Board of Directors and may be changed from time to time at the discretion of the Beacon Pointe 3 & 4 Board of Directors. In accordance with the Beacon Pointe 3& 4 Homeowners Association's By Laws Article 7 Section 1

## II. Repeated Violations

Non-compliance of the same section within a declaration, or rule within 12 months will continue with the next step in the enforcement process.

## III. Architectural Guideline Violations

Due to the potential negative effect on the community property values of an unapproved alteration, all architectural guideline violations will begin with **STEP 3**.

## IV. Enforcement Steps

**STEP 1:** If a new (one that the owner has not been reminded of within the last 12 months) violation is noted, the management company will send a courtesy reminder or initiate a courtesy telephone call informing the owner of the violation with a request to voluntarily resolution within 10 days. Should the owner have extenuating circumstances preventing compliance, the owner shall have the responsibility to call and discuss the matter with the management company within 5 days of the receipt of notification. If the violation is not resolved within 10 days or the separately agreed timeframe, the enforcement will proceed to Step 2.

**STEP 2:** The homeowner will receive a written notice of the violation with a notice to comply within 10 days and a warning of the fees that will be enforced should non-compliance continue/ Should the owner have extenuating circumstances preventing compliance, the owner shall have the responsibility to call and discuss the matter with the management company within 10 days of the receipt of notification. If the violation is not resolved within 10 days or the separately agreed timeframe, the enforcement will proceed to Step 3.

**STEP 3:** The homeowner will receive final warning letter, notifying of the intent to implement a fine and the right to be heard to avoid the fine and loss of community privileges. If desired, a hearing must be requested in writing within 10 days of receipt of the notice with the reasons for continued non-compliance and a proposal for timely resolution. Details of the fine and fine duration will be included in this letter in accordance with the schedule below. If the violation remains and no hearing is scheduled, the fines will be charged to the owners account and subject to the collection policies of the Association.

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## Step 3 A: Hearing of Adjudicatory Panel (If panel is not by board, proceed to step 3B)

The hearing must be held within 30 days of the written hearing request. The owner must provide multiple availability options both during business hours and options between 5pm and 8pm. Hearings will be held via teleconference based on the availability of the owner and panel members. At the hearing, the homeowner will be given the opportunity to be heard and present evidence.

Written notice of the final decision of the panel will be mailed to the homeowner. A grace period of 10 days from the mailing date of the letter will be given before the actual imposition of the fine and or suspension to give the homeowner the opportunity to cure the violation.

## Step 3 B: Appeal to Board

The owner may appeal the decision of the adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision.

## STEP 4: Imposing Fines

If it is decided that a fine should be imposed, a reasonable fine, may be imposed as defined below for the violation, per violation, without further hearing. If it is decided a suspension from planned community privileges or services should be imposed, it may take place without further hearing until the violation or delinquency is cured. Such fines shall be assessments secured by the liens **under G.S. 47E-3-116 and the Homeowners Association Delinquency Policy.**

## STEP 5: Collection of Fines: Lien and Foreclosure

If the homeowner is still in violation after Steps 1 through 4 and no resolutions have been made between the homeowner and the Board of Directors/ Management Company, of the Homeowners Association, and the fines have gone unpaid, the case will be turned over to an attorney to resolve or begin lien, foreclosure proceedings and possible further legal action. The association will notify the homeowner by certified letter 10 days prior to engaging an attorney to give a final opportunity for resolution before the owner becomes responsible for additional attorney fees, costs, fine, and interest.

While Step 5 takes place, the homeowner will continue to be charged the daily fines imposed from Step 4. Once the matter has been turned over to the attorney the homeowner in violation will be responsible for all reasonable attorney's fees as is allowed in **G.S. 47E-3-120 and the Beacon Pointe 3 & 4 Homeowners Association Declaration of Covenants, Conditions and Restrictions** in addition to all previous assessments, interest, fees, costs or fines incurred.

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**V. Fines**

**Architectural Guideline Violations:** \$100.00 per day per violation until violation is resolved.

**Rules & Regulation Violations:** Fines assessed per violation per day (of same rule) within 12-month period.

First Violation	\$10.00 per day until compliance
Second Violation	\$25.00 per day until compliance
Third Violation	\$50.00 per day until compliance
Fourth Violation	\$75.00 per day until compliance
Fifth Violation and more	\$100.00 per day until compliance

**IT IS FURTHER RESOLVED** that Beacon Pointe 3 & 4 Homeowner Associations undersigned "Enforcement Policy", shall remain in effect until amended or terminated by a majority vote of the Board of Directors.

Policy Effective Date \_\_\_\_\_

\_\_\_\_\_  
Joanne Doyle-President of  
Beacon Pointe 3 & 4 Homeowners Association, Inc

Date: \_\_\_\_\_

\_\_\_\_\_  
Casey Ingram, Vice President of  
Beacon Pointe 3 & 4 Homeowners Association, Inc

Date: \_\_\_\_\_