

Board of Directors Establishment of Procedures for Covenant & Rule Enforcement

The Declarations of Covenants, Conditions, Restrictions & Easements for River Reach Pointe empower the Board of Directors to govern the affairs of the association and to exercise for it all powers, duties, and authority vested therein; and further it charges the Board of Directors with enforcing the provisions of the declarations by appropriate means in their discretion; and it is the intent of the board to adopt a uniform procedure for the enforcement of the covenants.

COVENANT ENFORCEMENT POLICY

1. Owner Responsibility. Any non-compliance with the covenants and rules by any owner, tenant, or guest will be the responsibility of the owner.
2. Reporting Violations. Complaints regarding alleged violations may be reported to the Board of Directors by an owner or resident within the community, a group of owners or residents, board member(s), committee member(s) by submission of a written complaint with name/address/email. A written complaint shall state the alleged violation, violator, and violator's address, if known, and when the violation was observed. The complaint will be investigated as soon as possible.
 - (a) Written complaints failing to include any information required by this provision may not be investigated at the discretion of the Board.
 - (b) Complaints by a member of the Board of Directors, a committee member, will be made in writing if the board observed such violation.
3. Routine inspections will be performed in the subdivision for violations of the covenants. Upon the discovery of a first offense, the property address and date, will be noted for subsequent follow up. If the violation is still present upon the following inspection, an initial courtesy letter will be sent to the violator. If the offense is still present upon a third inspection, then a Warning Notice will be sent to the violator explaining (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed for failure to comply, (iii) a period of not less than ten (10) calendar days within which the owner may present a written request for a hearing to the Board of Directors, and (iv) a statement that the proposed sanction shall be imposed unless the violation is corrected within ten (10) calendar days of the notice or a challenge is begun within ten (10) calendar days of the notice. This procedure will be modified accordingly with regard to identical offenses within the previous 90 days, as set forth in Section X of the declarations
4. Initial Courtesy Letter. If a violation is found to exist following receipt of a complaint, or, if a violation is observed as a result of a routine community inspection the board shall send an initial courtesy letter to the owner stating the nature of the violation.
5. Warning Notice. If the alleged violation continues unabated following an initial courtesy letter and a time period of not less than twenty (20) calendar days from the postmark date of the initial courtesy letter, the board shall then serve the owner with a Warning Notice describing the nature of the alleged violation, the proposed sanction to be imposed for failure to comply, a period of not less than ten (10) calendar days within which. The owner may present a written request for a hearing to the Board of Directors. A statement that the proposed sanction shall be imposed unless the violation is corrected within twenty (20) calendar days of the notice or a challenge is begun within ten (10) calendar days of the notice. Prior to imposition of any sanction hereunder or under the Declaration, the Board shall be required to provide the owner a reasonable opportunity to correct the violation or to request a hearing before the Board.

The only exceptions to this requirement are instances of repeat violations. If a timely challenge is not made, the sanction stated in the notice shall be imposed. The Board may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the twenty (20)-day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any person.

6. Failure to Comply. If, following receipt of a Warning Notice, an alleged violator should fail *to* either (a) take reasonable steps to correct the violation after twenty (20) calendar days following the postmark date of the Warning Notice, or (b) timely request a hearing before the Board; then the proposed sanction shall be imposed.

7. Repeat Violations~ if a violation recurs after a fine or other sanction has been imposed, or if a violation is repeated a second time within ninety (90) calendar days, no Courtesy Letter or Warning Notice will be made, and a fine will be levied against the owner in accordance with the schedule of fines until the violation is corrected.

8. Architectural Violations. In the case of a violation of architectural restrictions (for example, a structure built on a lot without prior review and approval by the ACC), the Board shall serve the alleged violator with a Warning Notice describing the nature of the alleged violation, the proposed sanction to be imposed for failure to comply, a period of thirty (30) calendar days within which the alleged violator may avoid sanction by either submitting a written application for ACC approval and complying with ACC direction or removing the unapproved addition .or modification and returning the property to substantially the same condition~ as existed prior to placement; and (iv) a period of not less than ten (10) calendar days following the postmark date of the Warning Notice within which the alleged violator may present a written request for a hearing to the Board of Directors. If a written request for a hearing is not made within ten (10) calendar days, and, if the architectural violation is not remedied by either submittal of an application for ACC approval or removal thereof within thirty (30) calendar days following notice, the sanction stated in the notice shall be imposed. Any fine(s) levied shall be in addition to any other enforcement means available to the Association (see Section 12 below).

9. Hearings. If a hearing is requested by the alleged violator, the Board shall send a written notice to that owner and any other parties involved, at its discretion, stating the scheduled place, date, and time, at least ten (10) calendar days prior to the hearing date. At the hearing, the alleged violator shall be afforded a reasonable opportunity to appeal the matter, although his or her attendance is not required. In general, hearing(s) shall be held at the start of the next regularly scheduled board of directors meeting. A decision made by a majority of Board members present at a hearing shall be in writing and provided to the violator via United States mail, first class postage prepaid within ten (10) calendar days of the hearing and shall become effective ten (10) calendar days after it is served upon the violator.

10. Fine Schedule. The following fine schedule has been adopted for any violation of the Declaration and ACC Guidelines: First violation Second violation Third violation subsequent violations initial courtesy letter Warning Notice \$25.00 fine per violation \$10.00 per day. The second and subsequent covenant violations may be turned over to the association's attorney to take appropriate legal action. This schedule does not limit the board's authority to set aside the normal steps in order to address egregious rules violations, or to not apply a fine if the Board deems the circumstances warrant a lesser response. Any fine(s) which remains unpaid after thirty (30) days shall be considered a delinquent assessment subject to the terms of the collection Policy.

11. Waiver of Fines: The Board reserves the right to waive all fines levied or any portion thereof if, in its sole discretion, such waiver is appropriate under the circumstance.

12. This enforcement policy and fine schedule is in addition to all other enforcement means which are available to the Association through its Declaration, Bylaws, Articles of Incorporation and South Carolina law. The use of this enforcement procedure does not preclude the association from using any other enforcement means available to it, including, but not limited to, self-help, suspension of services provided by the Association, suit at law or in equity to, any violator or to recover monetary damages or both, without the necessity of compliance with the procedure set forth above. In any such action, the owner responsible for the violation shall pay all costs, including reasonable attorney's fees actually incurred.

13. Violations of Law: The Board acknowledges that some activities and behaviors which are inconsistent with the Association's covenants and rules are clearly regulated by municipal, county, or state law, such as excessive noise or proper pet restraint. In these circumstances, the Board shall defer to the civic authorities for enforcement. The Association is not a substitute police force or municipal court.

14. Notice: Except as otherwise provided herein, all notices shall be in writing and shall be deemed to have been duly given if delivered personally or if sent via United States mail, first class postage prepaid. In the case of non-owner occupied properties, all residents of said properties and owners will be provided copies of all correspondence relating to enforcement.

15. Waiver, Failure: To notify or enforce any of the covenants and rules will not be deemed a waiver thereof.

16. Supplement to law: The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and South Carolina Law.

17. Severability: The provisions of this policy are severable, and if one or more are found to be invalid, all others shall remain in full force and effect.

18. Deviations: The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

19. Amendment: This policy may be amended from time to time by the Board of Directors.