

# **The Reserve at Battle Creek Homeowners' Association, Inc.**

## **Covenants Enforcement Process**

Adopted January 18, 2018

Amended June 17, 2021

**Purpose:** The Reserve at Battle Creek Homeowners' Association is charged under the Association's governing documents with the enforcement of the architectural guidelines and the "Deed of Dedication and Restrictive Covenants". The Reserve at Battle Creek HOA is committed to applying all those requirements uniformly, consistently and fairly, with the goal of maintaining the great atmosphere of our neighborhood and protecting our property values.

Consequently, the Board of Directors has approved the following procedures to ensure proper and fair enforcement of the covenants.

**It is the responsibility of every homeowner or tenant to be familiar with and observe the covenants.**

The current policy of the Board of Directors is not to police the neighborhood, but to determine if a violation has occurred when notified of a possible violation by a homeowner (this includes board members). If a homeowner observes a possible covenant violation, they may notify the board in writing via mail, by e-mail, or phone call to the homeowners' management company, **HOA Management, Inc.**, at the contact information found at the bottom of this document. Any homeowner in The Reserve at Battle Creek may submit a possible violation (this includes board members). In addition, an association manager, or other entities hired by the board, may initiate the covenant enforcement process.

When the Board of Directors receive notification of a possible covenant violation, the Covenants Liaison (or a delegated board member) will make an initial determination as to whether a violation exists. If the Covenants Liaison (or a delegated board member) believes that a violation exists, they will present it to the board for review.

The Board of Directors will review the violation and confirm that there is a violation. If the board agrees that a violation **HAS NOT** occurred, the Covenants

Liaison (or a delegated board member) will contact the initiating party, via e-mail or letter, and advise them of the board's decision.

**Violation Process:** If the board agrees that a violation **HAS** occurred, the following process will be initiated:

**Step 1:** A letter will be sent to the homeowner<sup>1</sup> whose property contains the violation. The first letter will advise the homeowner of the following:

- That a violation has occurred pertaining to the referenced section of the "Deed of Dedication and Restrictive Covenants"
- A description of the violation
- That they have 14 days to correct the violation
- Failure to correct the violation within 14 days will result in a fine of \$100

The Covenants Liaison (or a delegated board member) will confirm whether the violation has been addressed within the allotted time. If so, the process ends.

**Step 2:** If the violation is not corrected within 14 days, the Covenants Liaison (or a delegated board member) will advise the Board of Directors that the violation has not been corrected. The board will then send a second letter to the homeowner.

The second letter will advise the homeowner<sup>1</sup> of the following:

- A description of the violation
- That the violation has gone uncorrected for 14 days
- They have been fined \$100
- Failure to correct the violation within an additional 14 days will result in a second, additional fine of \$200.

Again, the Covenants Liaison (or a delegated board member) will confirm whether the violation has been addressed within the allotted time. If so, the process ends.

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<sup>1</sup> If the home is rental property, both the owner of the property and the renter are notified of the covenant violation.

**Step 3:** If the violation is not corrected within 14 days, the Covenants Liaison (or a delegated board member) will advise the Board of Directors that the violation has not been corrected. The board will then send a third letter to the homeowner.

The third letter will advise the homeowner<sup>1</sup> of the following:

- A description of the violation
- That the violation has gone uncorrected for at least 28 days
- They have been fined an additional \$200 (\$300 total)
- Failure to correct the violation within an additional 14 days will result in an additional fine of \$200, and a lien may be filed by The Reserve at Battle Creek HOA against the property. The lien will include any lien fees, filing fees, postage, and/or attorney fees, payable by the homeowner.

Again, the Covenants Liaison (or a delegated board member) will confirm whether the violation has been addressed within the allotted time. If so, the process ends.

**Step 4:** If the violation has not been corrected, the Board of Directors will review the violation and determine if a final notice will be sent to the homeowner.

The board will send a final certified letter advising the homeowner<sup>1</sup> of the following:

- A description of the violation
- That the violation has gone uncorrected for at least 42 days
- They have been fined an additional \$200, for a total of \$500 in fines (\$100 + \$200 + \$200).
- The intent to file a lien against the property and/or a complaint in small claims court. Administrative fees and/or attorney fees, filing fees, notary fees, postage and any other fees associated with collecting the outstanding fines and costs will be charged to the homeowner.

Once filed, a copy of the lien will be sent to the homeowner.

**Extensions:** After receiving a violation letter, a homeowner may request an extension of the specified deadline for correcting the violation. Extension requests should be made in writing, via e-mail or mail, to the HOA Board of Directors. If the homeowner requests an extension during this process, the board

will review the request and vote. If an extension is granted, the homeowner will be notified and expected to remedy the violation by the approved extension deadline. If not, the violation process continues where it left off.

**Appeals:** A homeowner, not the renter, has the right to request a meeting with the HOA Board of Directors to review the violation, and request a hearing on the fine. The result of such hearing may be to either waive the fine, grant an extension of time to resolve the violation, or take any action the board determines appropriate.

Multiple (repeat) violations, after step 4 has been applied, will be treated as new violations.

**If the violation is not corrected:** The Reserve at Battle Creek HOA Board of Directors may exercise its rights under Section V. of the "Deed of Dedication and Restrictive Covenants".

To report an issue, ask a question, or request a board response, please contact:

The Reserve at Battle Creek HOA  
c/o HOA Management, Inc.  
Tulsa, OK 74170-1565  
Phone: (918) 493-1765  
Fax: (918) 499-1993  
Email: [info@hoa-management-inc.com](mailto:info@hoa-management-inc.com)

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