



# *SUGARLAND ESTATES HOME OWNERS ASSOCIATION*

## TITLE: SEHOA POLICY NO. 4 - COVENANTS & BY-LAWS ENFORCEMENT

### PURPOSE:

To establish the policy and procedures for the enforcement of violations to the Declaration of Covenants, Conditions and Restrictions and By- Laws of the Sugarland Estates Home Owners Association.

### GENERAL POLICY:

Anyone in violation to the Declaration of Covenants, Conditions and Restrictions and/or the By-Laws will be subject to the penalties in this policy.

### DEFINITIONS

1. "Board" shall mean and refer to the elected Board of Directors for the Sugarland Estates Homeowners Association
2. "Covenants" shall mean and refer to the Declarations of Covenants, Conditions and Restrictions, recorded in the Office of the Director of Records for Cass County, Missouri as Document No. 1931, recorded on March 1, 1990, in Book 1114, at Page 115, and as may from time to time be amended
3. "Bylaws" shall mean the Bylaws for the Sugarland Estates Homeowners Association, Inc., and may from time to time be adopted, amended or restated
4. "SEHOA" shall mean and refer to the Sugarland Estates Homeowners Association, Inc., its successors and assigns
4. "Complainant" shall mean and refer to the individual registering or making a complaint that a violation of the Covenants and/or the Bylaws
6. "Violator" shall mean and refer to the individual against whose property a complaint has been filed for a violation of the Covenants and/or Bylaws
7. "Violation" shall mean any violation of the Covenants and/or Bylaws as determined by the Board



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8. "Complaint" shall mean and refer to any completed complaint for violation of the Covenants and/or Bylaws as may be defined and described on the approved Complaint Form

9. "Prohibited Vehicles" shall be a clarification of the vehicles listed in Article IX, Section 19 of the Covenants, and shall mean and refer to trucks in excess of 1 ton, commercial vehicles, boats or other similar water-borne vehicles, house trailers, boat trailers, trailers of every other description, campers or camping units, and lawnmowers, in addition to school buses, tractors, unmounted campers, trailers, unlicensed or inoperable or partially disassembled automobiles or other motor vehicles or trailers

### **PROCEDURES AND PENALTIES**

#### **VIOLATION/COMPLAINT FORM**

1. The Complainant must submit a Violation/Complaint Form (exhibit 1) to a SEHOA Board.
2. The Complainant must complete all sections of the form. However, the personal information will be kept confidential (subject to court proceedings).

#### **WARNING LETTER**

1. The SEHOA Board will investigate the factual background and veracity of the Complaint within 48 hours of receiving the completed Complaint form.
2. If the SEHOA Board, in its sole discretion determines that the complaint has merit, a Warning Letter will be sent to the Violator requesting that the Violation be corrected or cured within 2 weeks (14 days).
3. If the information in the Complaint Form is not correct and a Violation of the Covenants and/or Bylaws does not exist, a letter confirming the same will be sent to the original Complainant.
4. Any Violator found shall be provided with 2 weeks (14 Days) to either remedy the situation or contact the Board by written notification advising the board as to when the violation will be cured or removed.
5. Two weeks after the warning letter is sent, a SEHOA Board member will confirm that the Violation has been corrected, or the SEHOA Board will provide a determination regarding the granting of additional time, penalties or procedures for the cure of the Violation.

#### **VIOLATION LETTER - \$25.00 FINE**

1. If the Violator fails to respond to the Board's warning letter within 2 weeks (14 Days) from the date thereon, a \$25.00 fine will be imposed and violation notification (Exhibit 3) will be sent to the Violator.
2. An additional \$10.00 fine will be imposed every 7 days thereafter, until the Violation is cured or removed. If the amount reaches \$50.00, the Violator's account will be turned over to the SEHOA attorney for placement of a lien on the Violator's property.



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3. The Violator will be charged for the drafting of the lien, the drafting of the release of the lien, recording fees for the lien, recording fees for the release of the lien, and any other costs accrued in correcting or removing the Violation.
4. Fines will continue to accrue at the amount of \$10.00 per 7 days.
5. Suit will be initiated against the Violator when the outstanding balance on the Violator's account exceeds \$750.00, with resulting reasonable attorney fees and court costs being added to the assessment due and owing, should judgment be awarded.

### **PROHIBITED VEHICLE PROCEDURES**

1. Article IX, Section 19 of the Covenants, allows the parking of the Prohibited Vehicles for a period not exceeding 12 hours at any one time. The SEHOA Board will allow Prohibited Vehicles to be parked or stored in an enclosed garage or in such other enclosure (not in the open) approved by the Board in writing. During approved construction on any property, the SEHOA board may at its discretion allow prohibited vehicles to be parked or stored on any lot.
2. The Board will allow Prohibited Vehicles to be parked for up to 48 hours for loading and unloading per calendar week. A temporary permit for parking of recreational vehicles by visitors for a period exceeding 48 hours in any one-calendar week may be applied. Any temporary permit for the parking of recreational vehicles by visitors for a period exceeding 48 hours in any one-calendar week shall be issued in the sole discretion of the SEHOA Board.
3. This prohibition of parking shall not apply to the temporary parking of trucks and commercial vehicles for such activities as, pick-up, delivery and the provision of commercial services. Violations for the Parking and Storage of Prohibited Vehicles shall be processed in accordance with, and pursuant to the procedures outlined hereinabove for other Violations.

### **ADMINISTRATION**

#### **EXHIBIT 1: - Violation/Complaint Form**

1. Submitted by complainant

#### **EXHIBIT 2: - Warning Letter**

1. Sent by SEHOA Board

#### **EXHIBIT 3: - Violation Letter**

1. Sent by SEHOA Board.

#### **EXHIBIT 4: - Appeal Letter**

1. Submitted by appellant.



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## ***Violation/Complaint Form***

Date:

1. Homeowner making complaint:

Name:

email:

Address:

Home phone:

Mobile phone:

2. Nature of problem / complaint. Be specific:

a.

b. Note the Sugarland Estates Declaration of Covenants, Conditions and Restrictions, by-law or policy being violated.

c. Location of Problem / Violation:

d. Duration of Violation:

**\*\*Please attach any photographs of the proposed Violation.**

3. Have you done anything to try to remedy the Violation with your neighbor? If so, what?

Signature

Date

To be completed by SEHOA Board Member

Board Member

Date received

Approved this

day of



# *SUGARLAND ESTATES HOME OWNERS ASSOCIATION*

## ***Warning Letter***

Date:

Dear Family of

address:

The Sugarland Estates Home Owners Association Board received a complaint in regards to your property.

The complaint states:

1.

2.

Based upon an independent review of your property by representatives of the SEHOA board, it appears you are in violation of the Sugarland Estates Declarations of Covenants, Conditions and Restrictions.

Article , Section states:

Article , Section states:

We have just reminded everyone of this via our newsletter of these issues and will be strictly enforcing them going forward. The next letter to come will carry fines for your violations.

These fines can and will be carried as a lien on your house if failure to pay occurs.



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Please note you have 2 weeks (14 days) to either remedy, remove, or cure the Violation, or contact the Board, in writing, letting them know when the Violation will be resolved, or that you dispute the factual validity of the Violation. Failure to contact the Board, or to otherwise remedy, remove or cure the Violation will result in fines being imposed, and or the initiation of further legal actions, all as allowed by law and by the Declarations of Covenants, Conditions and Restrictions.

If you feel that there is no Violation, or that a mistake has been made the determination of the Violation, please contact the SEHOA Board at the address provided.

Thank you in advance for your cooperation.

Sugarland Estates Homeowners Association Board  
P.O. Box 276  
Pleasant Hill, MO 64080

*SUGARLAND ESTATES  
HOME OWNERS ASSOCIATION*

# Violation Letter

Date:

Dear Family of

address:

On \_\_\_\_\_ A Warning Letter was sent to you informing you of a Complaint filed against your property for a Violation of the Declarations and/ or Bylaws.

Under the Violations Section of Article                      section                      and                      for the Sugarland Estates Homeowners Association, a \$25.00 fine has been imposed on your account and may be assessed against your property as a lien. Failure to respond to this letter will result in an additional \$10.00 fine being imposed **every 7 days** until the Violation is corrected.

If the fine reaches \$50.00, your account will be turned over to our attorney for placement of a lien on your property.

You will be charged for the drafting of the lien, the drafting of the release of the lien, recording fees for the lien, recording fees for the release of the lien, and any other costs accrued in correcting or removing the Violation.

Fines will continue to accrue at the amount of \$10.00 per 7 days. The Sugarland Estates Homeowners Association Board may proceed to initiate a lawsuit against you if, and when, your outstanding account balance exceeds \$750.00

Reasonable attorney fees and court costs will be added to the assessments due and owing, should judgment be awarded.

Please contact one of the SEHOA Board members as soon as possible to avoid any further action.

If you wish to correct the violation immediately and pay the current fine, you can mail your check to the below address made out to the SEHOA Board:

## Sugarland Estates Homeowners Association Board

P.O. Box 276

Pleasant Hill, MO 64080



*SUGARLAND ESTATES  
HOME OWNERS ASSOCIATION*

***Violation/Complaint Appeals Form***

Date:

1. Homeowner making appeal:

Name:

email:

Address:

Home phone:

Cell phone:

2. Nature of appeal:

a. Be specific:

b. Basis for appeal:

Signature

Date:

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To be completed by SEHOA Board Member

Board Member

Date received

Approved this

day of