

Hampton South Homeowner's Association, Inc.  
Guidelines for Enforcement  
Procedures for Inspection & Enforcement of Violations of Restrictive Covenants

**Policy:** It is the policy of the Board of Directors to diligently and consistently enforce the covenants of the Homeowner's Association as provided for in the By-Laws and Deed of Dedication and Restrictive Covenants (the Covenants) of the Hampton South Homeowner's Association, Inc. (the Association).

**Purpose:** To provide uniformity and timeliness in the receipt, verification, and resolution of reported violations of any restrictive covenant(s) applicable to the Association and its members.

Members of the Association are defined in the Covenants as each person or entity who is a record owner of the fee interest in a lot in Hampton South.

**Procedures:** 1. The Board of Directors will ensure or verify that each association member has access to a current copy of the By-Laws and the Covenants. These documents will be available on the www.HamptonSouth.com webpage and from any current board member. New residents of whom the Board becomes aware will be given a copy of the Covenants with a Neighborhood Welcome letter. (Time frame: On-going)

2. Any report of a potential covenant violation will be forwarded immediately to the President and the Architectural Committee Chairperson. Upon receipt of any report of a violation of any covenant, the President or his designee will confirm the violation through visual inspection at the first practical time, generally within 3 days. "President's designee" generally means any member of the Architectural Committee.

3. Upon verification of the violation, the President or his designee will contact the involved member(s) or resident, advise them of the specific violation in writing, and request corrective action for compliance with the particular covenant, setting a date certain for compliance. Where it is determined that the current resident of a Hampton South property is a renter or lessee, the Association will attempt to contact both the current resident and the owner/member. Contact with the member/resident will generally occur within 2 days of confirming the presence of a violation. Where practical, the time allowed for compliance will be limited to 10 days or less. Depending on the nature of the violation, a longer time may be appropriate but will only be allowed where the member/resident has provided a written commitment to the Association to rectify the matter by a specific and reasonable date as an alternative time frame.

**Note:** If the violation involves activity that required approval by the Architectural Committee, the actual completion date of that activity may require that the Board proceed immediately with a request for injunctive relief. Time to cure should not be allowed where such time will extend thirty days beyond the date of completion.

4. After the date set by the President or his designee for compliance, the President or his designee will re-inspect the involved property for compliance, and report the results to the Board of Directors. This re-inspection will generally occur within 2 days of the date of compliance or sooner if the member/resident indicates they are ready for compliance inspection.

5. In the event of non-compliance, the President or his designee will contact the involved member(s) a second time, via registered mail, advising them of the continued violation, again requesting compliance, and setting a date certain by which time an action at law will be commenced for failure to correct the violation. This second chance for compliance will generally allow 7 days for compliance. An action at law for injunctive relief will generally be commenced within 25 days of the first report of violation in the event of continued non-compliance.

6. The President or his designee will periodically update the officers of the Association and the members of the Architectural Committee, as appropriate, by telephone, memo, or email.

7. The time frames set in this document are general markers to provide a timely and efficient process to communicate and resolve covenant violations. The Board of Directors is responsible for enforcing the provisions of the restrictive covenants. Failure or inability on the part of the Association, the Board, the Architectural Committee, or any members thereof to take action within times stated above will not be a basis for defense or cause for inaction on the part of the any member found in violation of the Covenants. Likewise, any failure or inability to enforce any covenant or restrictions will in no event be deemed a waiver of the right to do so. In addition, the failure or denial by the Board of Directors to allow time for cure or compliance prior to instituting legal action shall not constitute a defense, or give rise to any claims, against the Association, its Board of Directors or its Architectural Committee.

8. These procedures are intended as general guidelines to promote the policies and purposes set forth. They shall not enlarge or diminish the rights or discretion vested in the Association, its Board of Directors, or Architectural Committee by the Plat, Deed of Dedication, or Restrictive Covenants of Hampton South or Hampton South II, or by the Articles of Merger or By Laws of the Association. Nothing herein shall defeat the discretion of the Association, its Board of Directors, or Architectural Committee to grant or deny any waiver authorized by Plat, Deed of Dedication, or Restrictive Covenants of Hampton South or Hampton South II. Nothing herein shall create a cause of action or claim for relief against the Association, its Board of Directors, Architectural Committee, or any individual Director or member of the Architectural Committee in the event of any deviation from these procedures.

ADOPTED BY THE BOARD: November 29, 2004