

DUE PROCESS PROCEDURES SEDGLEY ABBEY HOMEOWNERS

Sedgley Abbey Homeowners Association

Rules and Regulations and Declaration of Covenants, Condition and Restrictions

DUE PROCESS PROCEDURES

To quote the experts: "Community Associations use Rules and Regulations and Declarations of Covenants, Conditions and Restrictions to:

- Promote harmonious Living
- Maintain, preserve, enhance and protect property values and community assets

Enforcement of these governing documents is an essential element in the achievement of these goals. Note that enforcement is not meant as an inconvenience or an invasion of the property owner's freedom, but as one of the means of achieving the above goals."

In accordance with the By-Laws of the Sedgley Abbey HOA, the Board of Directors will apply the following enforcement procedures for a violation of the Rules and Regulations, Declaration of Covenants, Condition and Restrictions or By-Laws of the Sedgley Abbey HOA.

How the Process works:

1. Violators will receive a Courtesy Letter that:
 - a. Specifies the violation
 - b. Requests corrective action by a specified date
2. If violation is not cured by specified date stated in Courtesy Letter, the homeowner will receive a letter that:
 - a. Specifies the violation
 - b. Requests corrective action by a specified date and warns of a potential fine, not to exceed \$100 per day
 - c. Sets date and time for a Hearing before the Board within thirty (30) days of issuance of letter
3. The Hearing will:
 - a. Review and explain the violation to assist understanding. (This does not mean justify or negotiate the violation.)
 - b. Enable the homeowner to achieve compliance and remedy the violation
 - c. Allow the homeowner to present evidence as to why a fine should not be imposed
 - d. *NOT* include the Board's decision regarding a fine
4. After the Hearing, the homeowner will receive a letter within seven (7) days that includes:
 - a. The decision to impose a fine – or not to impose to do so
 - b. The fine amount
 - c. Specifics of compliance
 - d. A date by which the violation must be corrected ("cured")
 - e. It is the homeowner's responsibility to notify the Board President and/ or Property Manager (Network Realty) when the violation has been corrected ("cured")
 - f. If the deadline for compliance passes without correction, an additional fine not to exceed \$100.00 per day will be imposed without further notice until the violation is corrected ("cured")
5. Lastly:
 - a. Notification to place a lien sent o homeowner
 - b. File lien on property with New Hanover County Clerk of Court
 - i. Homeowner pays monies owed to Sedgley Abbey HOA
 - ii. Homeowner pays lawyer costs to Sedgley Abbey HOA
 - iii. Homeowner pays filing of lien costs to Sedgley Abbey HOA

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HOW TO AVOID A HEARING, FINE AND LIEN:

1. Understand and adhere to the Declarations of Covenants, Conditions and Restrictions and the Rules and Regulations of Sedgley Abbey HOA
 - a. Documents are posted on www.sedgleyabbeyplantation.com in the Documents/Minutes tab
2. If homeowner receives a letter (refer to #1 or #2), contact the President of the HOA and/or the Sedgley Abbey Management Company (Network Realty) immediately in WRITING (letter or email) explain that the violation has been corrected OR how and when it will be corrected
3. If homeowner receives notification of a Hearing, attend the Hearing and explain any mitigating circumstances.

September, 2009

October, 2019