

Wildflower Ridge Homeowners Association
Policy Resolution P08-001
Effective May 7, 2008

Property Violation Enforcement Guidelines and Procedures

WHEREAS, Article XX, Section 3 of the Declaration of Covenants provides for and requires enforcement of the Covenants.

NOW THEREFORE LET IT BE RESOLVED, that the following policy and resolution be adopted for all violations of the governing documents:

A. CATEGORIES OF VIOLATIONS

Property violations shall be categorized as follows:

1. **Architectural** - Modifications accomplished without approval or not in compliance with the conditions of approval.
2. **Maintenance** - Covers the exterior of all structures, including decks, fences, etc. that require maintenance and/or repair.
3. **Vehicle** - Includes any type of vehicle violation described in the Association documents.
4. **Miscellaneous** - Other violations not covered in above categories, e.g. trash cans, maintenance of owners' property or common area, storage, pets, noise complaints, etc.

B. REVIEW/REPORTING VIOLATIONS

The Managing Agent shall conduct routine periodic inspections throughout the property and record violations and/or confirm reports of violations from other residents. For complaints that cannot be verified by the Managing Agent (certain pet violations, noise complaints, etc.), the reporting resident must provide in writing their name and address. Names of complaining residents are not routinely revealed, but shall be part of the official records that may be examined in accordance with the Uniform Common Interest Ownership Act.

C. NOTIFICATION OF VIOLATIONS

In any instance where the violation presents a health or safety hazard, the Managing Agent may take immediate action or abbreviated notification to correct the violation at the Member's expense.

Upon a reasonable and timely request from a member, the Managing Agent is granted the authority to extend deadlines identified in any notification.

All notification of violations as described below will be mailed via first class mail to the Member at the address of record with the Association. If the Member is a non-resident, a copy of the violation notice shall also be mailed to the tenant at the unit address.

1. **Architectural** - Upon confirmation of a violation, the Managing Agent will initiate the notification process, which will consist of two (2) notices to be issued at intervals of ten (10) days, and ten (10) days.
2. **Maintenance** - Upon confirmation of a violation, the Managing Agent will initiate the notification process, which will consist of two (2) notices to be issued at intervals of ten (10) days, and ten (10) days.

Vehicle - Upon confirmation of a violation, the Managing Agent will issue a Cease and Desist letter to the address the vehicle is parked in front of. If the vehicle is parked in a manner that makes this unclear a ticket will be placed on the windshield. The notification will state that unless the vehicle is removed and/or the violation corrected, the vehicle will be towed upon the next sighting and at any time within 12 months of the date of the first notice with no further notice and regardless of whether it is the same vehicle.

4. **Miscellaneous** – Upon receipt of a complaint and/or confirmation of a violation, the Managing Agent will initiate the notification process, which will consist of two (2) notices to be issued at intervals of ten (10) days, and ten (10) days.

D. HEARING

If there has been no resolution to the issue ten (10) days after the first notice is sent, the second notice shall include the notice of hearing that will be held by the Board with or without the attendance of the member. The Board will follow the process set forth in paragraph 4 of this section and may assess fines accordingly at a rate of \$10.00 per day until notification that the violation has been corrected by the member is received by the managing agent. Or if there is a repeat of a violation within twelve (12) months, and a hearing is not requested by the member, the Member shall be notified of fines that may accrue at a rate of ten dollars (\$10) per day until notification of correction is received by the managing agent.

If a hearing is requested by the member, notice of said hearing, including the charges or other sanctions that may be imposed, shall be mailed by certified mail, return receipt requested, to the member at the address of record with the Association at least ten (10) days prior to the scheduled hearing.

At the hearing, the Member or his counsel shall be permitted five (5) minutes to address the Board. Thereafter, the Board may ask questions and then the Member be given one (1) minute to summarize.

The Board will meet in Executive Session to reach a decision and said decision will be mailed to the Member, certified mail, return receipt requested, within seven (7) days of the hearing by certified letter. The decision of the Board is final. The only party empowered to change or modify any Board decision is the Board themselves.

E. ENFORCEMENT

In accordance with Association Covenants Article XX, Section 3 and applicable West Virginia law; enforcement actions that the Board may take if there is no satisfactory resolution, include one or more of the following:

- (a) by any proceeding at law or in equity, against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants;
- (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.
- (c) Fine for violation. By resolution, following the opportunity for a hearing, the Executive Board may levy a fine of up to \$10 per day for each day that a violation of the Documents or Rules persists after such Notice and Hearing, but such amount shall not exceed that amount necessary to insure compliance with the rule or order of the Executive Board.

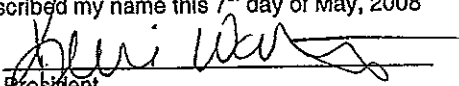
CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of the Wildflower Ridge Homeowners Association, a West Virginia non-profit corporation, and,

THAT the foregoing Policy Resolution, P08-001 constitutes the original Policy Resolution as duly adopted at a meeting of the Board of Directors hereof, held on the 7th day of May, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of May, 2008


President
Wildflower Ridge Homeowners Association