

Old Sweetbriar Farm Homeowners Association

Board Determination

BD# 2003-0001

Short Title:	CC&R or By-Laws Reference:	Date Approved:
Continuation of the Architectural Control Committee (ACC)	<u>CC&R:</u> Article V, Section 7 <u>By-Laws:</u> Article IX	February 11, 2004

Detailed determination:

CC&R Article V, Section 7, calls for the powers and duties of the ACC to cease one year after completion of the construction of a single family dwelling and the sale of said dwelling to the initial owner/occupant on all of the building sites within the property.

By-laws Article IX states the board of directors may create any committee deemed necessary.

Reference: Meeting minutes dated: April 12, 1978, The Board of Directors deemed the ACC necessary and elected to continue the ACC in its capacity through their actions thereafter.

The Board of Directors continues that decision.

- o All ACC duties and powers noted in the CC&R and By-Laws are in force.
- o All board members are ACC members.
- o ACC has the authority to make final decisions on the issue as noted in the CC&Rs and By-Laws.
- o However ACC decisions may be deferred to the Board of Directors for consideration for approval or disapproval.
 - o Such submittals to the board can be done by :
 - ACC Committee Chairman,
 - ACC board member or,
 - A homeowner.
 - o The Board decision will then stand as the final decision, on the submitted issue.
 - If additional information is received, ACC may review the additional information or submit it to the board for review.

Old Sweetbriar Farm Homeowners Association

Board Determination

BD# 2003-0002

Short Title:	CC&R or By-Laws Reference:	Date Approved:
Notification of CC&R Violations	CC&R: Article VI; Section 1. By-Laws: Article VII Section 1(e) and 2(a)	February 11, 2004

Detailed determination:

The board of directors or their designated representative will perform periodic observances of Old Sweetbriar Farm Homeowners Association (OSFHA) properties and record violations noted. A homeowner may also report violations however; a board member or the Administrative Assistant (AA) will need to verify the violation before any notification is sent on behalf of OSFHA.

The primary violation notification will be through a series of letter.

- The purpose of the letters is to notify a homeowner of a violation that needs their attention to resolve.
- Whenever possible the letters will include a photograph of the violation.
- The letters will encourage the homeowner to let the board know of any extenuating circumstances that would prevent them from correcting the noted violation.
- A periodic review of the letter templates will be conducted to ensure the content and focus are still applicable.

Personal contact or phone calls are not to be made to notify a homeowner of a violation unless determined by the board or AA to be the best method for that specific circumstance.

The board delegates the authority to the AA to send courtesy letters and the notification letters to homeowners with unresolved violations under the "Board of Directors" signature block. *The board must approve requests to the attorney to send homeowners a demand letter for unresolved violations.*

The board also delegates the authority to AA to grant extensions up to 30 days to correct an unresolved violation. *The board must approve extensions greater than 30 days.*

9003-002 Cont.

The series of letters to notify a homeowner of a violation:

- **Courtesy letter**
 - Gives a courtesy notice to the homeowner that a violation was observed on their property.
- **First notification letter**
 - Starts the legal process to have a homeowner correct a violation on their property.
 - Sent approximately ten days after the courtesy letter if the violation is not resolved.
- **Second notification letter**
 - Second notice to the homeowner that they need to correct a violation on their property.
 - Sent approximately ten days after the first notification letter if the violation is not resolved.
- **Third notification letter**
 - This is the final warning to the homeowner to correct a violation on their property before OSFHA request assistance from the attorney.
 - Explains that the costs incurred by OSFHA to have them resolve the violation will be the homeowner responsibility.
 - Sent approximately ten days after the second notification letter if the violation is not resolved.
- **Demand letter**
 - Sent by OSFHA attorney to the homeowner.
 - The homeowner is invoiced for the attorney fees.

Reoccurring violations are violations for the same issue that was resolved and now is reoccurring. The homeowner must have received at least one notification letter dealing with the same issue within the past 15 months.

- The 15 month time period starts with the date of the last letter sent for the same issue (the courtesy letter is excluded).
- Special templates for repeat violation notification letters will be used.
- The notification letters will start with the level of the letter sent last for the same issue. (e.g., A first notification letter was sent last, then the notification letter to be sent on the repeat violation will be a first notification letter.)
- If the last letter was a demand letter from the attorney, then the special third notification letter will be sent.

Same occurrence for recreational vehicles:

- All CC&R violations for recreational vehicles are consider to be the same issue. (e.g., a boat, ski mobile, tent trailer, motor home, etc.)
 - A trailer which is designed is to haul a recreational vehicle (e.g., a boat trailer) is considered a recreational vehicle and will be considered as the same issue for this board determination.
 - Note: Utility trailers are not considered a recreational vehicle. CC&R violations for utility trailers will be dealt with separate from recreational vehicles.