

## **BOARD OF DIRECTORS RESOLUTION**

### **ENFORCEMENT POLICY**

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Upon motion duly made, seconded and carried, the Board of Directors for The Shadows at Manchac Homeowners Association adopted the following Resolution on January 15, 2019.

**WHEREAS**, the Covenants, Conditions and Restrictions of The Shadows at Manchac Homeowners Association require all homeowners of real property within said community to abide and adhere to all rules and regulations as outlined, and

**WHEREAS**, said Covenants, Conditions and Restrictions provide the Association's Board of Directors with the power and authority to take necessary action to enforce the rules and regulations as outlined, and

**WHEREAS**, the Board of Directors deems it to be in the best interest of the Association and all the Association's Members to establish policies and practices relative to the Association's rights, and

**WHEREAS**, the Board of Directors intends to protect community harmony by enforcing the Governing Documents by establishing procedures that ensures due process and consistency, and

**WHEREAS**, the Board of Directors has fully discussed and considered this matter, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED the Board of Directors does hereby adopt the rules relating to violations of the governing documents.**

As Board Members in a covenant-protected Community, we recognize the real and perceived value of our Community centers around reasonable and consistent property standards. We further recognize a very important part of the consideration prospective property Owners make when selecting a Community in which to live and invest in, is the condition, quality, and curb appeal of the Community they are considering.

To standardize the quality and level of maintenance and care afforded Community, the original Community Developer established Restrictive Covenants. As a Community, we supplement those Covenants with more specific standards of care and behavior with Resolutions and architectural control guidelines.

In a perfect world, Owners would fully and timely comply with all of the requirements and responsibilities necessary in our Community. We understand, realistically, Covenants and other standards of behavior are necessary for those few individuals who choose not to conform to and comply with the governing documents.

Enforcement action and monetary penalties are sometimes necessary to garner cooperation and follow through from Owners who choose to violate the rules of our Community. Inaction regarding violations of our governing documents can lead to conditions that costs all Owners far more than the reasonable fines and penalties the Association may consider.

Based upon these very important circumstances, we agree to approve the following Enforcement Policy for any and all violations of our Covenants, Articles of Incorporations, Bylaws, and Resolutions.

**VIOLATION ENFORCEMENT POLICY** as outlined below.

**DETERMINE THAT RESTRICTION HAS BEEN VIOLATED PER ASSOCIATION GOVERNING DOCUMENTS.**

Failure to notify or enforce any of the Rules and Regulations will not be deemed a waiver of any of the Rules and Regulations.

All of the Rules and Regulations will be servable, and if one or more are found to be invalid, all others will remain in full force and effect.

Any non-compliance with the Rules and Regulations by any Owner, renter, or guest will be the responsibility of the Owner.

The terms used in this policy, but not defined, shall have the meaning subscribed to such term in the Restriction.

“Association” – refers to The Shadows at Manchac Homeowners Association, Inc.



“ACC” – refers to the Association’s Architectural Control Committee.

“Amount” – the Association may set fine amounts on a case-by-case basis, provided the fine is reasonable considering the nature, frequency, and effects of the violation. The Association may establish a schedule of fines for certain types of violation. The amount and cumulative totals of a fine must be reasonable in comparison to the violation and should be uniform for similar violations of the same provision of the Restrictions. If the Association allows fines to accumulate, the Association may establish a maximum amount for a particular fine, at which point the total fine will be capped.

“Appeal” – If the Owner is entitled to an opportunity to cure the violation, then the Owner has a right to submit a written request (“Request”) to appeal the cited violation. The Owner must submit the Request to the management service company within ten (10) days after receiving the Violation Notice. The management service company will provide the submitted information to the Board to review at the following Board Meeting, at which time, the Board will either make a decision or request additional information.

“Complaints” – If the Board of Directors or management service company receives a complaint/notification regarding a violation of the Governing Documents, the Board’s liaison to the ACC or other person designated by the Board, or management service company will record the date, time, and method by which the complaint/notification was received (i.e. telephone, electronic, mail, in person), the name of the complainant/notifier, or how and when the Board became aware of the violation.

“Deviations” – The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

“Due Date” – Fine and/or damage charges are due immediately if the violation is incurable or poses a threat to public health or safety. If the violation is curable, the fine and/or damage charges are due immediately after the later of: (1) the date the cure period set out in the Violation Notice ends and the Owner does not attempt to cure the violation or attempt to cure the unacceptable to Association, or (2) if an Appeal is requested by the Owner, such fines or damage charges will be due

immediately after the Board's final decision on the matter, assuming that a fine or damage charge of some amount is confirmed by the Board.

“Governing Documents” – refers to the Declaration of Restrictive Covenants, Articles of Incorporations, Bylaws, and Resolutions (including Architectural Control Standards and Policies, as may be adopted and/or amended from time to time by the Board).

“Investigation” – Upon receipt of a complaint by the Association, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by a Board designated individual or committee. The Board shall have the sole discretion in appointing an individual or committee to investigate the matter.

“Owner's Liability” – An Owner is liable for fines levied by the Association for violations of the Governing Documents by the Owner and the relatives, guests, employees, and agents of the Owners residence.

“Recovery of Costs” – If any court action or other proceedings to enforce or defend the Governing Documents, or otherwise to address a violation by an alleged violator, the Board shall be entitled to assess and recover its expenses, including that of reimbursement for expenses as well as attorney fees and costs against the Owner, alleged violator and/or other party in addition to all other rights and remedies.

“Violation Notice” The Association will give a written notice to the Owner (at the Owner's last known mailing address as shown in the Association records) and an opportunity to appeal, if requested. The Association's Violation Notice will contain the following items:

1. The date the Violation Notice was prepared or mailed
2. The date the violation was observed
3. A description of the violation or property damage that is the basis for the specific assessment, suspension action, or other charges
4. A reference to the rule or provision that is being violated
5. A description of the action required to cure the violation



6. A ten (10) day timeframe in which the violation is required to be cured to avoid a fine or further fine, and/or legal action and costs

The Violation Notice sent out pursuant to this paragraph is further subject to the following:

- First Notice/Warning. When a violation of the Association's Governing Documents is noted and recorded, a "Violation Notice" shall be sent to the resident and Owner in question, if the Owner has not been given notice and a reasonable opportunity to cure the same or similar violation with the preceding six (6) months.
- Second Notice. If after ten (10) days from the date of notice of the violation, and any and all subsequent notices/actions regarding the same violation, the violation has not been remedied, the Association shall have the option to escalate the enforcement process, which may include a second "Violation Notice", monetary penalties in the amount of \$50.00, and/or injunctive action/self-remedy. The monetary penalty shall be applied to the Member's account. Injunctive action/self-remedy will be at the cost of the Owner.
- Third Notice. If the violation has not been remedied/corrected ten (10) days after the second notice is sent, a third "Violation Notice" and a monetary penalty of \$100.00 will be applied to the Member's account, and/or injunctive action/self-remedy.
- Continual Notice. If violation has not been remedied/corrected after ten (10) days given third notice of violation, other means of enforcement, which may include legal action, may be taken, as well as continual notifications and monetary penalties, until violation has been remedied/corrected, and/or injunctive action/self-remedy. The Board reserves the right to continue assessing a fine without written notice if the violation persists until it is addressed.

Enforcement measures are subject to immediate escalation, including, but not limited to, injunctive action/self-remedy by the Association, depending on the

severity of said violation. Board Members' discretion shall be used on a case-by-case basis.

If the Owner has been given a Violation Notice and a reasonable opportunity to cure the same or similar violation with the preceding six (6) month, but commits the violation again, then the Association shall have the right to exercise any enforcement remedy afforded under its Restrictions, including but not limited to the right to levy the fine.

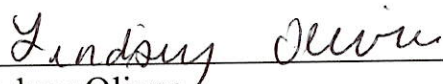
If the Owner is serving on active military duty, the Owner may have special rights or relief related to the enforcement action under Federal Law, including Servicemembers Civil Relief Act (SCRA).


BE IT FURTHER RESOLVED THAT the Board shall retain the right to amend or repeal this resolution.

Executed this 15<sup>th</sup> day of January, 2019.


Approved by the Board of Directors at its Board Meeting.

  
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Director Chris White

  
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Director Lindsey Oliver

  
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Director Anna Tripp

  
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Director Megan Coco

  
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Director Brandon Boswell