

## ACC ENFORCEMENT PROCEDURES

*Procedures outlined below were developed in cooperation between the Board of Directors and the ACC Committee over the course of 2008 and have been adopted for use in the future by the North Range @ Springs Ranch ACC.*

Any Member may report a Covenant Violation Complaint and the ACC will investigate.

- Areas are divided among ACC committee members to be regularly patrolled.
- All areas are patrolled by a member of the ACC committee.
- Any violation(s) noted, is/are reported by the ACC committee member to the ACC Chairperson.
- The ACC Chair enters the details of the report into a spreadsheet titled "Master Report".
- Follow up is later performed by an ACC committee member to update the Master Report.
- If the violation still exists, further action is deemed necessary and a dated photo is taken to document the violation.
- A RED CARD naming a general violation(s) together with a "Correct By" date is delivered by hand or mailed, first class, to the HOA Member/Owner of record at the address shown in the public tax records, or, if they have notified the HOA manager of a new address, then at the new address. This red post card is a courtesy card: if complied with, there will be no future fines imposed for the documented violations and there is no charge for the mail. The 'Red Card sent' action is then added to the Master Report.
- Follow up is performed on the "Correct By" date by an ACC member, as time permits, and results reported to the ACC chairperson for addition to the Master Report. Degree of Compliance is noted.
- If compliance is not yet reached, the continued degree of violation is so noted in the Master Report, a photo is taken, and a "Violation Notice", specifying the applicable Section(s) of the CC&Rs in violation and giving a new "Correct By" date, is written and sent, via the HOA manager, by Certified Mail. Postage costs will be charged to the Member, per CC&R enforcement directives.
- Follow up is again performed on the "Correct By" date by an ACC member, as time permits, results reported to the ACC chairperson for addition to the Master Report. Degree of Compliance is noted.
- If a property is still not in satisfactory compliance, it is so noted in the Master Report, additional photo(s) taken as documentation and a formal recommendation is made to the Board of Directors that a "Hearing Notice" be sent.
- The Board of Directors sends the Hearing Notice, via the HOA manager, by Certified Mail. The cost postage is charged to the Member, per CC&R enforcement directives.
- The Member may respond in writing, by mail or e-mail, for the Board of Directors to review at the Hearing, or may appear in person, with any pertinent evidence to present to the Board.
- The Board of Directors will, based on a preponderance of the evidence provided by the ACC, HOA manager and/or Member for the Hearing, determine whether a violation has occurred. Those Directors who hear the case must be impartial, so if any Director has involvement with the case, they must recuse themselves (and exit the hearing) out of fairness to the HOA Member, whether or not the Member attends. Any Position Statement the ACC presents will be considered at this time.
- After all cases have been heard, the Board of Directors will determine, in cases where a violation has occurred, whether fines should be imposed, prescribe the fine totals, terms and conditions using the North Range at Springs Ranch Fines Schedule as a guideline, and where applicable, give some opportunity for a fine reduction if certain specific conditions are met within a limited time. Fines will be calculated from the earliest documented violation.
- Within a few days following the Hearing, a "Hearing Results" letter will be sent by Certified Mail, the cost of which is charged to the Member, outlining the decision of the Board and related costs.
- While a Member may appeal the Board's decision, the Board will request a new Position Statement from the ACC and rely heavily on their recommendation. The success of any appeal will likely be enhanced by the Member's communication with the ACC and timely compliance. By the time an appeal is requested, the Board has already invested considerable time in the case, will only amend a decision based upon a majority vote and is not prone to generosity at this stage of the enforcement process. Basically, if there is a documented violation, there will be a fine.
- Fines and Reimbursements are due on the 5th day following the date of the Hearing Result letter.
- Policies and Procedures concerning Hearings and Collections, Fines Schedule, and the CC&Rs can be reviewed at [www.CourtneyandCourtney.com](http://www.CourtneyandCourtney.com)