

MOCKINGBIRD GARDENS HOMEOWNERS ASSOCIATION, INC.
RESOLUTION NO. 2

RULES ENFORCEMENT PROCEDURE

WHEREAS, Article III, Section 2. of the Declaration of Restrictions of Mockingbird Gardens states, "The Board of Directors of the Homeowners Association is hereby authorized to adopt rules and regulations concerning the use of the Common area, facilities and structures located thereon... Such rules and regulations shall be binding upon the Owners, their families, tenants, guests, invitees, and agents until and unless such regulation, rule or requirement shall be specifically overruled, cancelled or modified by the Board or the Homeowners Association in a regular or special meeting by a majority of the total votes entitled to be cast at that meeting. The Board shall have the authority to impose reasonable monetary fines and other sanctions, and monetary fines may be collected by lien and foreclosure, as provided in Article V.", and,

WHEREAS, Article VI, Section 1 of the Bylaws of Mockingbird Gardens states that "The Board shall have the power to impose reasonable fines, which shall constitute a lien upon the property of the violating Owner,

WHEREAS, the Board of Directors desires to define an Enforcement Procedure that includes a due process provision for the enforcement of Deed Restrictions and Rules and Regulations,

NOW THEREFORE, BE IT RESOLVED, that the following Rules Enforcement Procedure is hereby adopted by the Board of Directors;

1. Failure by an owner, or their tenant, or occupant of the property, to maintain the property, make or build unauthorized modifications, or violate any of the Covenants, Codes and Restrictions recorded or any Rules adopted by the Board of Directors will result in the Association proceeding with the following Enforcement Process:
2. Violations of the CC&Rs and Rules may be identified and reported by Directors, the Association Manager, or Homeowners. Homeowners, and/or groups of homeowners, who wish to lodge a complaint about another homeowner must conform to the following process for Rules Enforcement:
 - a. Submit a letter or email to the Association Manager who will receive the complaint on behalf of the Board of Directors.
 - i. The communication must state specific details including the date and approximate time of the alleged violation, as well as any additional information necessary to assist in the investigation (Pictures with date/time stamp are suggested).
3. Upon receipt of the communication, the Association Manager will attempt to verify the complaint and if the violation is confirmed begin the following enforcement process:
 - a. Prepare a Violation Notice and distribute the notice via email to the Board of Directors for their review and approval. Upon receiving an approval of the majority of the Directors, the Association Manager shall send the Violation Notice to the homeowner, and the violator in the case of a non-owner occupant violator, via regular mail allowing thirty (30) days to correct the issue.
4. During the next regular neighborhood inspection, the Association Manager will attempt to verify that the violation has been corrected.
 - a. Should the violation persist, a second (2nd) Violation Notice will be sent via regular mail to the homeowner, and the violator in the case of a non-owner occupant violator, allowing ten (10) days to correct the issue.
 - b. Should the violation persist past the deadline stated in the 2nd Violation Notice, the Board of Directors shall review the violation and if warranted, direct the Association Manager to send a third (3rd) letter via certified mail and regular mail to the homeowner, and the violator in the case of a non-owner occupant violator, and to impose a penalty of \$50.00 per day until corrected.

- i. IT IS THE SOLE RESPONSIBILITY OF THE HOMEOWNER TO NOTIFY THE ASSOCIATION MANAGER WITH THE DATE THAT THE VIOLATION HAS BEEN CORRECTED TO STOP ACCRUING THE ACCRUING OF THE PENALTY.
5. The homeowner may appeal any violation received by notifying the Association Manager in writing within ten (10) days of receiving the Violation Notice. The Board of Directors may accept/reject the appeal based on the information provided and the decision will be binding on the homeowner.
6. The homeowner may also request a hearing with the Board of Directors by notifying the Association Manager within ten (10) days of receiving a Violation Notice. The Association Manager will schedule the hearing to take place at the next regularly scheduled Board of Directors meeting. Should the homeowner fail to appear at the hearing, the Board of Directors shall render their decision based upon the information previously received by the Board. The decision of the Board will be final and binding on the homeowner. It is the responsibility of the homeowner to attend with the violator in the event the owner is not the occupant of the property.
7. Homeowners accruing more than two (2) Violation Notices for the same restriction or rules infraction in a rolling twelve (12) month period are subject to a penalty of \$150 for each additional violation of the same rule. Prior to assessing the penalty, it shall be approved by a majority vote of the Directors.
8. Depending on the situation and severity of the rules infraction, the Board of Directors may at any time deviate from this Rules Enforcement Procedure and take immediate alternative action.

IN WITNESS WHEREOF, the undersigned Board of Directors has hereunto set its signature on the day and year first written above.

Duly adopted at a meeting of the Board of Directors held on this 27th day of October, 2014.

Signed: Patrick Payne Date: Oct 27, 2014
Patrick Payne, President

Signed: Craig DeWeese Date: 10/27/2014
Craig DeWeese, Secretary