

# Greenville Overlook (GVOL) Maintenance Corporation Rules Enforcement and Fine Schedule

(execution of Article 4, Section 6 of Greenville Overlook Declaration of Restrictions made January 6, 2010)

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The Board of the GVOL Maintenance Corporation (the “Board”) hereby adopts the following revised *Rules Enforcement and Fine Schedule Policy*, effective immediately. This policy details the execution of *Enforcement...Article 4, Section 6...*of the Greenville Overlook Declaration of Restrictions signed and agreed to by all Owners within the Greenville Overlook community.

This document sets forth GVOL Maintenance Corporation (“HOA”) procedure for imposing rules enforcement (including Schedule of Fines) for violations of the HOA’s governing documents, in accordance with Declaration of Restrictions (“CC&Rs”), Bylaws (“Bylaws”), Design Guidelines, Rules and Resolutions of the HOA (collectively, the “governing documents”)---as captured across the articles of the GVOL Declaration of Restrictions.

In the unfortunate instance when a resident may violate the by-laws and place their personal desires above the community, more rigorous action must be taken by the Board on behalf of all community residents. The Board has a legal obligation to exercise reasonable business judgment and to act in the best interests of the entire community, as well as an affirmative duty to enforce the CC&Rs and policies. In these instances, while it may appear the Board is not acting, it is in fact actively pursuing the matter in accordance with the HOA’s adopted Rule Enforcement and Fine Schedule.

## Rule Enforcement and Fine Schedule

1. **Authority of the HOA Board of Directors.** The Board of Directors (Board), pursuant to governing documents, has the authority to establish and promulgate reasonable rules, regulations and remedies (collectively, “Rules”) governing the use of common areas and enhancements, addition and changes in front and back lawn within GVOL , the personal conduct of Owners, agents, contractors, visitors, licensees, and invitees, and to take steps as it deems necessary for the enforcement of such rules and the HOA’s governing documents.
2. **Egregious Violations.** Violations posing a threat to the health, safety, and/or welfare of the community as a whole or any one or more other Owners, may require immediate action and thus create exceptions to the subsequent notice provisions. Examples of health, safety, and welfare violations include, but are not limited to, the following: accumulation of trash and/or other materials that may attract pests; threat of flood or fire damage to neighboring properties; an escaped pet; or a collapsed structure or tree blocking the road or drivers’ lines of vision.

3. **Complaint.** Any Owner (the “Complainant”) within the community may send the HOA a formal, written complaint (the “Complaint”) via either electronic mail or regular mail of a covenant or Rule violation, with as much information as is known. Complaints may also be initiated by the property manager or any Board member. Complaints that cannot be independently verified by a Board member or the HOA's management agent must be in writing. The Board shall have no obligation to consider oral complaints or anonymous complaints. The Board shall have the authority to determine whether a complaint is justified before continuing with the process.
  
4. **Warning Notice / First Notice.** Upon verification of the violation, the property manager shall give a written warning notice (the “Warning Notice”) to the Owner requesting voluntary compliance. All Warning Notices shall be delivered by email or sent by regular or certified U.S. mail to the last address shown on the HOA’s records. The Warning Notice shall:
  - a. Contain a description of the violation and identify the governing document provision that has been violated;
  - b. If applicable, describe the corrective action(s) that must be taken to “cure” the violation with a deadline for doing such;
  - c. Describe the intended or possible fee(s) which shall be reasonably determined in the sole discretion of the Board, provided there is no conflict with the Enforcement Procedures outlined in the Design Guidelines or Article \_\_ of the Declaration.
    - i. Violation to be corrected within 10 days from the date of this letter
    - ii. Continued violation of the Greenville Overlook Restrictions will result in fee assessment.
  - d. If applicable, list the reimbursement costs the HOA has incurred to correct the violation and deadline for repayment; and
  
5. **Request for Hearing after Warning Notice.** If an Owner desires a hearing to challenge or contest any alleged violation and possible fine, or to discuss any mitigating circumstances, the Owner must request such hearing, in writing, within ten (10) days of the initial Warning Notice. The request for hearing shall describe the grounds and basis for challenging the alleged violation or the mitigating circumstances. The preferred way to make a hearing request is by using the Hearing Request Form attached to this document (see Attachment B).
  
6. **Board Member Conflict of Interest.** Any Board member who is incapable of objective and disinterested consideration on any hearing before the HOA shall disclose such to the President of the HOA prior to the hearing on the case, if possible, or, if advance notice is not possible, then such disclosure shall be made at the hearing, and the Board member shall be disqualified from all proceedings with regard to the hearing. If disqualification of any Board member(s) results in an even number of remaining Board members eligible to hear a case, the Presiding Officer may appoint an Owner, in good standing, to serve as a voting member of the hearing board.

7. **Notice of Board's Decision / Effective Date of Sanction.** After all testimony and other evidence have been presented to the Board at a hearing, the Board shall render its written findings and decision. The decision could include the imposition of a fine, in accordance with the current Schedule of Fines, or an agreed upon resolution process with the Owner. If a fine is imposed or reimbursement charge levied, it shall be effective no sooner than 10 days after the Board's decision.
8. **Notice of Disciplinary Action / Second Notice.** After the Warning Notice deadline, or Hearing decision deadline...
- if the violation is not corrected and continues OR
  - if the violation is remedied but then repeated OR
  - if costs incurred by the HOA to remedy the violation have not been reimbursed THEN
- ...the property manager shall give a written notice of disciplinary action as the second notice ("Disciplinary Action Notice") to the Owner. The Notice of Disciplinary Action will be given by personal delivery, email or sent by regular or certified U.S. mail to the last address shown on the HOA's records.
- Disciplinary action may include the following:
- a. **Imposition of Fines.** Imposition of fines in accordance with the HOA's current schedule of fines (see Attachment A).
  - b. **Legal Remedy.** Beyond fines, and depending on the circumstances of a violation, this matter may be referred to an attorney.
9. **Schedule of Fines.** The Schedule of Fines adopted by the Board is attached to this procedure document (see Attachment A).
10. **Payment of Fines.** Fines are due when imposed and are deemed delinquent if not paid within 10 days after delivery of the Disciplinary Action Notice. Unpaid fines are collectable in the same manner as unpaid HOA dues and may result ultimately in collections, a lien on an owner's house, and in the most egregious instances, possibly foreclosure. Owners will be responsible for late fees and interest on fines not paid when due, following the same manner as unpaid quarterly assessments.
11. **Legal Actions and Costs.** The Board may initiate legal proceedings to enjoin any further violation, to collect any unpaid fines, to collect attorney's fees and costs, and to seek any other relief that may be appropriate. Fines may continue to be assessed and levied during the process of any such legal proceedings. All associated costs shall be billed to the Owner and collected in the same manner as fines and dues assessments.

12. **Failure to Enforce.** Failure of the HOA to enforce the governing documents or Rules will not be deemed a waiver of the right to do so for any subsequent violations or of the right to enforce any of the above referenced governing documents for the HOA.
  
13. **Federal, State or Local Laws.** The Board of Directors shall not enforce violations of Federal, State, and Local laws. Residents may (and should!) contact the appropriate authorities to report a violation of law. The HOA may also contact the appropriate authorities to report a violation of law at its discretion.
  
14. **Amendment Procedure.** This policy is subject to amendment or modification at any time by majority vote of the Board. Changes will be subsequently communicated to all Owners.

## Attachment A - Schedule of Fines

To ensure compliance with the governing documents of the Greenville Overlook community, Owners may be fined for violations. Any violation of the governing documents by the Owner, Owner's tenant, invitee, guest, or lot occupant, or tenant's guest shall be subject to fines per the following schedule:

| Violation   | Fine  |
|---|-------|
| Any violation of the governing documents <sup>1</sup>       | \$150 |
| Serious personal endangerment or health hazard <sup>2</sup> | \$200 |
| Vandalism & common area misuse <sup>3</sup>                 | \$200 |

**Owners may be subject to the above fines only AFTER the Notice of Disciplinary Action / Second Notice deadline has passed—as described in items four (4.) through eight (8.) of this document. Fine amounts are the maximum per violation, and are in addition to any actual costs, damages, or reimbursement costs to cure the violation, including attorney fees, incurred by the HOA.**

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1. The most common violation is making architectural improvements without expressed permission from the Architectural Review Committee (ARC) via an ARC application. Per our community Declaration of Restrictions, an ARC application must be submitted and approved *before* any architectural improvements can be made, even if the application filing fee is waived. If the application is not submitted and approved, *prior to commencement* of the work, the violation process is activated and a first notice of violation is issued. Per the violations process, this may result in daily fines imposed from the day unauthorized work began. Please consult the Declaration of Restrictions or ARC Review Process documents for detailed instructions.
  2. An example of a rule violation that could result in serious personal endangerment is building a bonfire in any area.
  3. Examples of vandalism include breaking streetlights. Examples of common area misuse include illegal dumping of yard waste or trash, leaving pet waste on the common grounds, leaving items outside or on top of dumpsters, and planting or removing vegetation on common property.

# Attachment B: Request for Violation Hearing

Request Date: \_\_\_\_\_

**Requestor Information:**

|               |  |
|---------------|--|
| Full Name     |  |
| Address       |  |
| Phone         |  |
| Email Address |  |

**Violation**

**Reason for Appeal**

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DO NOT WRITE BELOW LINE- HOA USE ONLY

Date Referred to Board of Directors: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Outcome of Hearing:

- Violation overturned       Violation upheld       Violation Modified       Fine modified

**RESOLUTION ACTION RECORDED**

**Resolution Type:**

Rule Enforcement and Fine Schedule 2021

(Enforcement - Article 4 Section 6 of GVOL Declaration of Restrictions)

Duly adopted at a meeting of the Board of Directors held on \_\_\_\_\_, 2021

Motion By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

|                   | <b>Vote:</b> | Yes   | No    | Abstain | Absent |
|-------------------|--------------|-------|-------|---------|--------|
| _____<br>Director |              | _____ | _____ | _____   | _____  |
| _____<br>Director |              | _____ | _____ | _____   | _____  |
| _____<br>Director |              | _____ | _____ | _____   | _____  |
| _____<br>Director |              | _____ | _____ | _____   | _____  |
| _____<br>Director |              | _____ | _____ | _____   | _____  |

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Secretary

File:  
Book of Minutes: \_\_\_\_\_, 2021

Resolution Effective: \_\_\_\_\_