

# GREEN VALLEY COUNTRY CLUB VISTAS I PROPERTY OWNERS' ASSOCIATION, INC.

## Resolution Re: Enforcement Policy & Procedures

The following resolution has been adopted by the Board of Directors of GREEN VALLEY COUNTRY CLUB VISTAS I PROPERTY OWNERS' ASSOCIATION, INC. (the "Association"), at a duly held meeting 12/3/2022.

### Recitals

A. The Association is bound by the *Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Green Valley Country Club Vistas I Property Owners' Association, Inc.* (the "Declaration"), and is therein charged with the enforcement, in its sole discretion, of the provisions of the Declaration, Articles of Incorporation, Bylaws, and any Rules and Regulations published by the Board of Directors (collectively "Governing Documents").

B. Every person who is an Owner of a Lot in Green Valley Country Club Vistas, Lots 1 through 229, is a mandatory member of the Association, and is bound by the provisions of the Governing Documents.

C. The Board desires to adopt a uniform and systematic procedure for enforcement of the Governing Documents.

### Resolution

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Association does hereby adopt the following procedures for the enforcement of the Governing Documents.

The effective date of this Resolution is 12/3/2022, and, thereafter, the following Enforcement Policy and Procedures shall replace and supersede any and all such procedures and policies previously adopted pertaining in any way to the enforcement of the Governing Documents.

IN WITNESS WHEREOF, the undersigned certifies that this Resolution was approved and adopted by the Board of Directors of *Green Valley Country Club Vistas I Property Owners' Association, Inc.*

GREEN VALLEY COUNTRY CLUB VISTAS I PROPERTY OWNERS'  
ASSOCIATION, INC.

By: *Sherrill A. Ballard*  
[NAME]

Its: President

ATTEST:

By: *Mura Jeanne Hayden*  
[NAME]

Its: Secretary

# GREEN VALLEY COUNTRY CLUB VISTAS I PROPERTY OWNERS' ASSOCIATION, INC.

## Enforcement Policy & Procedures

Effective 12/3/2022

**Friendly Reminders.** A potential violation may be noted in one of two general ways: 1) by submission of written complaint form to the Board of Directors, the Association's management agent, or any Committee created by the Board of Directors tasked with monitoring and reporting potential violations of the Declaration or Rules and Regulations, 2) by report from any Committee created by the Board of Directors tasked with monitoring and reporting potential violations of the Declaration or Rules and Regulations. The appropriate Committee charged with addressing the subject matter of the submitted or reported potential violation will be authorized to contact the Lot Owner via, phone, email, and/or mail to provide notice and a friendly reminder document about the concerning condition on the Lot or the activity or behavior that potentially could be a violation of the Declaration or Rules and Regulations, and to seek resolution of the issue within a time deemed appropriate by the Committee and/or the Board under the circumstances. The Committee or management agent may send as many reminders as determined appropriate under the circumstances. The Committee or management agent will be responsible for updating the Board of Directors in a manner and on a time line deemed appropriate by the Board.

**Notice of Violation.** Once the Committee and/or the Board determines that sufficient opportunity has been given for complete or substantial resolution of the issue, and absent such complete or substantial resolution, the Board may issue a written Notice of Violation to the Lot Owner, in the form attached as Exhibit A. The Owner will be expected to comply immediately unless otherwise stated in the Notice of Violation, or as specifically provided below:

- Violations of Declaration Sections A(6),(7),(8),(10), & (11): 30 calendar days after the date of the Notice of Violation
- Violations of Declaration Sections A(1),(3),(5), & (9); B(1) – (10): Immediate cessation of activity and 30 calendar days after the date of the Notice of Violation to correct or comply as necessary

**Owner Response/Hearing.** The Owner will be given ten (10) business days to respond to the Notice of Violation in writing. The Board will schedule a Hearing either within thirty (30) calendar days of the date of the Notice of Violation or at the next regularly scheduled Board meeting. The Board may cancel the hearing if the violation is resolved. The Owner may attend the Hearing, but is not required to do so. The Hearing will occur in a closed session of a meeting of the Board. Procedure for the Hearing will be set by the Board of Directors. The Owner will be informed of the procedure before the Hearing begins, and will be given an opportunity to present supporting documentation and testimony to dispute the violation and/or to show cause why a penalty should not be levied by the Board, or no other enforcement action taken. The Board will consider the circumstances, and statements made by the Owner at the Hearing, if any, and will attempt to reach an agreement with the Owner as to full and final resolution of the issue, including but not limited to any additional time for compliance before recourse is taken by the Association. If an agreement is reached, the Board will provide confirmation to the Owner in writing within one week of the Hearing date. If an agreement is not reached, the Board will provide confirmation of its decision as to its chosen enforcement recourse to the Owner in writing within one week of the Hearing date, and Notice of Arbitration. If the Board decides to impose any monetary penalties, such penalties shall be held in abeyance until the Arbitration process is complete.

**Arbitration.** In accordance with Section E(1) of the Declaration, if the Board and Owner could not reach an agreement at the hearing as to full and final resolution of the violation, the Board shall provide the Owner with a Notice of Arbitration. The Board shall include in the Notice of Arbitration, its nomination of two members of the Association whom the Board wishes to act as members of the three-person Arbitration Committee. Within ten (10) days of receiving the Notice of Arbitration, the Owner must respond in writing naming the Owner's choice for the third member of the Arbitration Committee, and either accepting the Board's choice for the second member, or offering their own nomination for the second member. If the Owner and Board cannot reach an agreement on the second member, the Owner and Board shall agree that the second member will be selected by the two members already identified by the Owner and the Board. If the Owner fails to timely respond to the Board's Notice of Arbitration, the two members selected by the Board will choose the third member. The Arbitration Hearing, and notice of the decision, will then proceed in accordance with the Section E(1) of the Declaration

**Available Enforcement Options.** When determining the appropriate enforcement recourse, the Board has the following options:

- (1) Self-Help. Where the Declaration allows, the Board may elect to hire an appropriate contractor to perform the necessary maintenance and/or repair on a Lot in accordance with the Declaration or Rules and Regulations. The expense incurred by the Association is the responsibility of, and shall be paid by, the Owner, and if unpaid, may be added to the Owner's assessment account, subject to collection.
- (2) Monetary Penalty. The Board may elect to impose a monetary penalty in accordance with the Monetary Penalty Guidelines attached as Exhibit B. The Board shall have the sole discretion to adopt, repeal, or modify the Monetary Penalty Guidelines at any time, effective upon distribution to the Membership.
- (3) Referral to Attorney. The Board may refer the matter to the Association's attorney for a further legal demand for compliance, and appropriate legal action to obtain necessary court orders for compliance and an award of a judgment for any damages and/or legal expenses incurred by the Association. Referral to attorney may be subject to prior completion of the Arbitration process.

**All rights and remedies of the Association at law or in equity are cumulative, and the exercise of one right or remedy shall not act to waive the Association's right to exercise another right or remedy.**