Beau Chene

Property Owners Association

March 27, 2023

Dear Beau Chene POA Member:

As a Beau Chene property owner you have a vested interest in the overall beauty and function of our neighborhood as supported in the Revised Declaration of Covenants, Conditions and Restrictions (CCR). Toward that end, the Board of Directors has approved a new procedure for dealing with violations of the CCR which is attached for your review.

As our community has become more developed it is imperative that we take steps to deal with Covenant violations from this point forward. Please note that this procedure applies to all non-structural violations of the Covenants. Structural violations will be enforced in accordance with the process identified in the CCR.

If you have any questions, please contact Susan Anderson or any member of the Board of Directors.

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**BEAU CHENE PROPERTY OWNERS ASSOCIATION**
**Covenants Violations Enforcement Procedure**

Pursuant to Article 7.01 (e) and (f) of the Bylaws of the Beau Chene Property Owners Association Inc., the Beau Chene Property Owners Association Board of Directors ("Board") establishes this Enforcement Procedure for an Association Member's ("Member") violations of the Declaration of Covenants, Conditions and Restrictions ("CCR"). This enforcement procedure does not apply to structural violations noted in Sections 3.21 through 3.23 of the CCR. Structural violations will be enforced in accordance with the process identified in the CCR.

**ENFORCEMENT PROCESS:** Once a Member has notified the Board, or its agent, of a potential non-structural violation of the CCR, and the whole Board has considered it, and a majority of the Board of Directors has agreed that such a violation exists, the Board, in its sole discretion, may initiate the following process:

Step One: INITIAL NOTIFICATION LETTER – The Board or its agent will send the Member an Initial Notification Letter notifying the Member of the suspected violation and requesting that the violation be corrected within 14 days of the letter's postmarked date

Step Two: FOLLOW-UP LETTER – If the Member fails to correct the violation within 14 days after the Initial Notification Letter is postmarked, the Board will send a Follow-Up letter to the Member requiring that the violation must be corrected within ten (10) days of the Follow-Up Letter's postmarked date. The Follow-Up Letter will also notify the Member that the Board may impose a fine of $250 if the violation is not corrected within this ten (10) day period; ;

Step Three: MONETARY PENALTY LETTER – If the violation is not corrected after sending the Follow-Up Letter, the Board will then send the Monetary Penalty Letter notifying the owner that the violation must be corrected within five (5) days and that a fine of $250 has been imposed. The Monetary Penalty Letter will also notify the Member that a continuing violation may result in additional fines;

Step Four: NOTICE OF ADDITIONAL FINE – If the violation is not corrected after expiration of the five (5) day period listed in Step Three, the Board may send the Member a Notice of Additional Fine, stating that the Board will assess the homeowner an additional $250 fine for each continuing seven (7) day period that the violation continues.

**RECURRING VIOLATIONS:** If a Member corrects a violation following the initiation of the process described herein, but then the Member allows the same violation to recur within twelve (12) months of receiving the Initial Notification Letter, the Board may immediately send the Member a Monetary Penalty letter and reinstate the Enforcement Procedure beginning at Step Three described herein.

**PAYMENT OF FINES:** All fines shall be paid in the same manner that annual dues and assessments are paid. Payment of a fine shall not be construed as permission to continue the violation. Should a violation continue despite payment of the fine, the Board may initiate a lawsuit against the Member to remedy the violation.

**NON-PAYMENT OF FINES INCURRED:** If the Board assesses a fine against the homeowner and the homeowner fails to pay the fine within thirty (30) days becoming obligated to pay the fine, the Board, in its sole discretion, may initiate a small claims suit or other lawsuit, brought in accordance with the Bylaws and CCR, to collect such payment.

**SUSPENSION IN EXIGENT CIRCUMSTANCES**: The Board, in its sole discretion, may choose to suspend this Enforcement Procedure in the event of exigent circumstances, including but not limited to natural disasters or a Member's incapacity. In the event of such exigent circumstances, the Board may, in its sole discretion, determine when to reinstate this Enforcement Procedure.

**APPEAL RIGHT:** Should a Member believe that the complained-of condition is not a violation of the CCR or otherwise believes they have a valid reason for the Board to halt this enforcement process, the owner shall communicate their position in writing to the Board. The Board will consider any such appeal and communicate its decision in writing to the homeowner within 21 days of receiving the Member's appeal request. Once the Board communicates its appeal decision in writing to the Member, the Board will not be required to consider any subsequent appeal on that specific violation. An appeal will not suspend the enforcement procedure's timeline, but should the Board determine that no violation exists, the Board will promptly cancel and/or refund any fine paid by the homeowner.

**EFFECTIVE DATE:** This Enforcement Procedure shall become effective as of the 17 day of March 2023, and is intended to remain in effect until amended, cancelled, or superseded by the Board or a vote of the Association Members held in accordance with the Bylaws and/or CCR.

Name:
Title: President, Beau Chene Property Owners Association,

Name:
Vice President, Beau Chene Property Owners Association

Name:
Secretary/Treasurer, Beau Chene Property Owners Association