

Arrivas District Association, Inc.
Administrative Policy

SUBJECT: Covenant Enforcement	POLICY NO. ARV – 2020 - 01
APPROVAL: January 9, 2020	DATE OF ISSUE: January 24, 2020
REVISION DATES:	PAGE: Page 1 of 3

POLICY STATEMENT: The Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for the Arrivas District (the “Declaration”) expressly provides for three (3) primary remedies to enforce the Use Restrictions set forth in the Declaration, They are “self-help” pursuant to Article V, Section 26, the imposition of fines, including the creation of a Due Process Committee, as well as an equitable action to enforce the terms of the Declaration, all as more particularly detailed in Article VIII, Section 4 of the Declaration. Furthermore, Article V11, Section 3 of the Declaration provides for the imposition of a Special Assessment to secure all costs association with enforcement.

POLICY/PROCEDURE: As authorized in the By-Laws of the Arrivas District Association (the “Association”), Inc. and the Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for the Arrivas District Association, Inc, the Association hereby adopts the following policies for the notification and enforcement of violations of the Declaration.

DEFINITIONS: All capitalized terms set forth herein shall have the same meaning as those set forth in the Declaration unless otherwise expressly stated herein.

RECITALS: The foregoing whereas clauses form a material part of this Resolution and are incorporated herein by reference as if fully set forth.

ENFORCEMENT PROCEDURE: The following enforcement procedure shall take effect immediately upon execution and adoption of this Policy by the Board and shall pertain to the typical procedure which shall be employed to enforce violations of the Use Restrictions of the Declaration, appropriately adopted rules and policies, through the issuance of Demand Notices through Licensed Community Association Management contracted by the Association and thereafter referred to legal counsel.

Once the procedures set forth herein have been exhausted, the matter shall be referred back to the Board of Directors for further action, which may include, but not be limited to, self-help, the engagement of a law firm for the purposes of seeking a legal remedy, the collection of fines imposed and the placement of a lien on the subject property. The Board will also consider the institution of formal legal proceedings. The procedure and steps set forth herein shall be applied in an even-handed manner as to all violation matters approved to be placed in the enforcement process by the Board of Directors:

1. The Association’s Licensed Community Association Manager (hereinafter “CAM”) or such other individual designated by the Board shall conduct periodic inspections of the Community for purposes of determining which properties in the Community, if any, are in violation of the Use Restrictions set forth in the Declaration.
2. Individual residents may report perceived violations to the CAM. Upon confirmation of the violation, the CAM will proceed with notification in the following manner:
 - a. The CAM shall issue Demand Notices to all properties which are confirmed to be in violation. The process shall commence with an initial demand notice which shall provide the applicable Owner with fourteen (14) days to correct the cited violations of the Declaration, with the notice specifying the precise nature of the violations and which

Arrivas District Association, Inc.
Administrative Policy

SUBJECT: Covenant Enforcement	POLICY NO. ARV – 2020 - 01
APPROVAL: January 9, 2020	DATE OF ISSUE: January 24, 2020
REVISION DATES:	PAGE: Page 2 of 3

sections of the Declaration are being violated. The CAM shall have authority, without further action of the Board, to consult legal counsel if the CAM requires confirmation with respect to the applicability of a particular section to a violation or whether the property is in violation of the Declaration. The CAM shall refer all matters to the Board of Directors where the CAM is in doubt as to whether the property remains in violation.

- b. The periodic inspections conducted by the CAM shall monitor all properties with open violations and the CAM shall have the authority to render the initial determination as to whether the applicable violation has been corrected or whether further action is needed. Where an Owner has either replied to the demand notices or has taken some action to correct the violation, the CAM shall have the authority to render the initial determination with respect to the continued existence of the violation and further has the authority to consult legal counsel if need be to seek an opinion with respect to whether the process should be continued or referred back to the Board of Directors based upon the reply or action taken by the Owner and whether the response or action taken brings the property into compliance with the Declaration.
- c. Owners whose properties remain in violation, after the initial demand notice issued by the CAM, shall receive a second notice. The second notice shall provide an additional fourteen (14) days to correct the cited violation and shall likewise advise the Owner that failure to correct the violation within the stated timeframe shall result in the imposition of fines and the matter being referred to legal counsel for further action. The Owner will be held responsible for all legal fees and costs incurred pursuant to the terms of the Declaration, including Article VIII, Section 4.
- d. Any and all properties which remain in violation after the foregoing two (2) demand notices from the CAM shall be issued, via Certified, Return Receipt and 1st Class United States mail, stating that a fine of \$100.00 per day has, as of the date of the notice, been imposed and will continue to accrue until either the violation is remedied or the maximum of \$1,000.00 has been reached. Additionally, the Owner will be notified that failure to remedy the violation within fourteen (14) days from the date of the letter will result in the suspension of their Common Area Use Rights. Once these rights have been suspended, their pool access cards will be deactivated. Upon confirmation that the violation has been corrected there will be an administrative fee of \$25.00, charged to the Owner, to reinstate each access card. The Owner will be advised that they have fourteen (14) days to request a hearing of the Due Process Committee to dispute the imposition of said fine and pool card deactivation and that failure to request a hearing will be a waiver of this right.
- e. Owners who request a hearing will be provided with the next available hearing date. If the Owner is unable to attend on that date, the hearing may be rescheduled at the discretion of the committee. A written appeal of the fine may be presented to the committee in lieu of appearing personally. Failure to attend the hearing or to provide a written appeal, constitutes a waiver of this right and will result in the committee upholding the fines by default. The decision of the committee is final.

**Arrivas District Association, Inc.
Administrative Policy**

SUBJECT: Covenant Enforcement	POLICY NO. ARV – 2020 - 01
APPROVAL: January 9, 2020	DATE OF ISSUE: January 24, 2020
REVISION DATES:	PAGE: Page 3 of 3

- f. Those properties which have been assessed fines will be referred to the Board of Directors for the approval of collections and, if necessary, further legal action for the purpose of achieving compliance. Once a matter has been turned over to Legal Counsel, Legal Counsel has the authority and is in the best position to determine whether the condition of the property constitutes a violation of the terms of the Declaration.