

# **Marbrisa Ranch Homeowners Association**

## **Policy for Violation and Enforcement of the Organizations Covenants, Conditions and Restrictions.**

**1<sup>st</sup> Adopted:**       **10/22/1996**  
**Revised:**           **7/18/2005**

### ***Objective:***

To protect the members of the Association, in aggregate, more effectively from excessive costs, direct or otherwise, involved in enforcing the Covenants, Conditions and Restrictions of the Community.

To delineate a progressive, yet fair and reasonable means for dealing with members of the Community who fail to heed the rules and regulations to which they have agreed as described by the Covenants, Conditions and Restrictions of the Community.

### ***Scope:***

To provide a fine schedule for infractions related to the Covenants, Conditions and Restrictions of the Community.

To provide a timeline for the aforementioned fine schedule as it relates to single as well as repeat infractions.

To provide a timeline for cleaning the slate for prior infractions repeated or otherwise.

### ***Policy:***

The authority vested in this policy is by virtue of Covenants, Conditions and Restrictions (hereafter referred to as the Declaration) agreed to by the Community members upon obtaining the rights, privileges and benefits of ownership of property within the Marbrisa Ranch Project. The authority is specified in Article IV, Section 4.4 as well as Article X, Section 10.3 of the Declaration.

### ***1<sup>st</sup> Notice of Violation:***

This formal Notice of Violation will be sent to the homeowner of record stating the article and section of the Declaration with which the infraction contends. The homeowner shall be granted seventeen calendar days from the postmarked date of the Notice to take corrective action regarding the infraction.

*2<sup>nd</sup> Notice of Violation:*

This formal Notice of Violation will be sent to the homeowner of record no less than eighteen days from the mailing of the 1<sup>st</sup> Notice of Violation provided the infraction has not been addressed either materially or by a *plan of action* provided to the Management Company. This Notice shall re-state the article and section of the Declaration with which the infraction contends and shall have the effect of imposing a fine of \$25.00. This Notice will state that if action is not taken within fifteen calendar days from its postmarked date, additional fines may be incurred.

*3<sup>rd</sup> Notice of Violation:*

This formal Notice of Violation will be sent to the homeowner of record no less than sixteen days from the mailing of the 2<sup>nd</sup> Notice of Violation provided the infraction has not been addressed either materially or by a *plan of action* provided to the Management Company. This Notice shall again re-state the article and section of the Declaration with which the infraction contends and shall have the effect of imposing an additional fine of \$50.00 over and above the fine imposed by the 2<sup>nd</sup> Notice of Violation. This Notice will state that if action is not taken within fifteen calendar days from its postmarked date, additional fines may be incurred. This Notice will also state that corrective action could be taken at the discretion of the Board of Directors at the expense of the homeowner.

*4<sup>th</sup> Notice of Violation:*

This formal Notice of Violation will be sent to the homeowner of record no less than sixteen days from the mailing of the 3<sup>rd</sup> Notice of Violation provided the infraction has not been addressed either materially or by a *plan of action* provided to the Management Company. This Notice shall once again re-state the article and section of the Declaration with which the infraction contends and shall have the effect of imposing an additional fine of \$100.00 over and above the fines previously imposed through preceding notices. This Notice will state that if action is not taken within fifteen calendar days from its postmarked date, that corrective action may be taken at the discretion of the Board of Directors via legal means including enforcement through injunctive relief.

*Cleaning the Slate:*

Subsequent to reconciling fines incurred, any repeat infractions contending in the same regard shall be deemed as a continuance of the same infraction until such time as a 12 month period has elapsed from the postmarked date of the last Notice of Violation in the same regard. After such period, the infraction will be considered as to having never occurred as it relates, and only as it relates, to future fines which could incur. Past infractions, regardless of when they ever occurred, may still be considered in an appeals process or any other process with regards to characterization, etc..

All care will be taken to ensure that the violation under scrutiny is verified and defined in the Declaration or any other of the Associations Governing Documents with which the infraction contends.

Timeframes for executing a plan of action must be approved by the Board of Directors.