

Brittany Lakes Homeowner's Association

Declarations of Covenants, Conditions, and Restrictions Violation Policy

This policy authorizes the Board of Directors, effective May 24th, 2012, to assess fines against homeowners for violations of the applicable Deed Restrictions or Association Guidelines, after proper notification to the owner and homeowner's failure to resolve the issue(s) in a timely manner.

Notification Process

The Association Management company will, following a normal inspection or after investigating a homeowner complaint, provide a written courtesy notice to the homeowner of the violation, giving that homeowner 10 days to cure the violation. If a subsequent inspection (at least 10 days after the notice was given) reveals that the violation is still present the Management Company will give official written notice that the violation must be cured in no more than 30 days from the date of the notice. Each subsequent monthly inspection will be considered a violation of a similar kind and the appropriate fine applied according to the Fine Schedule.

Requesting an Extension

If a homeowner contacts the Association with the intent to correct a violation and asks for an extension, the Board of Directors will review the request and grant such extension if it deems such extension reasonable. If the homeowner does not cure the violation by the end of the granted extension, the Board may immediately refer the homeowner to the Association's attorney for further enforcement action.

Request for Hearing

A resident who receives a violation letter has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue. Residents questioning the validity of a violation notice have 30 days to request a hearing before the Board of Directors. A request for a hearing must be in writing, submitted to the Board through the Association Management Company. Any mailed notice to the board must be postmarked within thirty (30) calendar days from the date of the official written notice.

The association shall hold a hearing at the next available Board meeting at least 30 days after the date the Board receives the owner's request for a hearing, and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The board or the owner may request a postponement.

Yard Maintenance

When there is a violation for yard maintenance (mowing, edging or weeding of planter beds) a 10-day letter requesting appropriate maintenance be performed within 10 days will be sent. If the situation is not corrected, the Association (or its designee), according to its governing documents, will enter the property and perform the required maintenance. Any charges incurred by the Association in the correction of said violation shall be billed to the homeowner's account and immediately become due. The amount due shall become subject to the collection policy of the Association.

Improvements

Based on the Declarations of Covenants, Conditions, and Restrictions, requests for improvements must be approved by the Architectural Review Committee (“ARC”) **prior** to the commencement of work. Any improvements that are commenced prior to receiving ARC approval are in violation of the Association policies, and violation letters and fines will be enforced. If an improvement requires a building permit from Galveston County or the City of League City, the permit must be obtained prior to the commencement of work. Any non-permitted building will be reported to the appropriate regulatory authority.

Attorney Procedure

When an account is turned over to the Association’s attorney, the attorney will send the homeowner a letter of representation. If the homeowner does not respond, the attorney shall pursue all available action to cure the violation through the court/legal system. All attorneys’ fees and court costs shall be the homeowner’s responsibility and shall be charged to the homeowners account and be subject to the Association’s collection policy.

Fine Schedule

Fines will be assessed as follows:

- 2nd violation of a similar kind will result in a \$25 fine.
- 3rd violation of a similar kind will result in a \$50 fine.
- 4th violation of a similar kind will result in a \$75 fine.
- Each subsequent similar violation will result in \$100 fine.

If the condition is cured and remains cured for 180 days, the process will begin again as a 1st violation.

Definition & Example: The 2nd notice for a violation, or the 2nd violation of a *similar kind*, will result in a \$20 fine and **each** subsequent similar violation will incur an additional fine.

When a fine is assessed, the owner will receive the notice of violation along with an invoice showing the fine has been added to their assessment account. An owner will have the opportunity to contest any fine that is assessed against their assessment account. These fines are guidelines for standard fines only, and the Board may reach any settlement with a homeowner the Board deems to be appropriate.