

Reserve at Battle Creek Homeowners Association

Covenants Enforcement Process

Adopted June 25, 2015

Purpose: The Reserve at Battle Creek Masters Homeowners Association (RBC-HOA) is charged under the Association's governing documents with the enforcement of the architectural guidelines and the declaration of covenants, conditions and restrictions. The RBC-HOA is committed to applying all of those requirements uniformly, consistently, and fairly, with the goal of maintaining the great atmosphere of our neighborhood and protecting our property values.

Consequently, the Board of Directors has approved the following procedures to ensure proper and fair enforcement of the Covenants.

It is the responsibility of every homeowner or tenant to be familiar with and observe the Covenants.

The current policy of the Board is not to police the neighborhood, but to determine if a violation has occurred when notified of a possible violation by a homeowner (this includes Board members). If a homeowner observes a possible covenant violation, they may notify the Board in writing via mail, by email, or phone call to the homeowners' management company, **HOA Management, Inc.**, at the contact information found at the bottom of this Process. Any Reserve at Battle Creek homeowner may submit a possible violation (this includes Board members). In addition, an association manager, or other entities hired by the Board, may initiate the covenant enforcement process.

When the Board receives notification of a possible covenant violation, the Covenants Liaison (or a delegated Board member) will make an initial determination as to whether or not a violation exists. If the Covenants Liaison (or a delegated Board member) believes that a violation exists, they will present it to the Board for review.

The Board will review the violation and confirm that there is a violation. If the Board agrees that a violation HAS NOT occurred, the Covenant Liaison (or a delegated Board member) will contact the initiating party, via email or letter, and advise them of the Board's decision.

Violation Process: If the Board agrees that a violation HAS occurred, the following process will be initiated:

Step 1: A letter will be sent to the homeowner¹ whose property contains the violation. The first letter will advise the homeowner of the following:

¹If the home is rental property, both the owner of the property and the renter are notified of the covenant violation.

- That a violation has occurred pertaining to the referenced Section of the Deed of Dedication
- A description of the violation
- That they have a specified time period to correct the violation
- Failure to correct the violation within the specified time period will result in a Fine of \$100

The Covenant Liaison (or a delegated Board member) will confirm whether or not the violation has been addressed within the allotted time. If so, the process ends.

Step 2: If the violation is not corrected within the specified time period, the Covenant Liaison (or a delegated Board member) will advise the Board that the violation has not been corrected. The Board will then send a second letter to the homeowner¹.

The second letter will advise the homeowner¹ of the following:

- A description of the violation
- That the violation has gone uncorrected beyond the specified time period
- They have been fined \$100
- Failure to correct the violation within an additional 30 days will result in a second, additional Fine of \$200, and a Lien may be filed by the RBC-HOA against the property – the Lien will include any lien fees, filing fees, postage, and/or attorney fees, payable by the homeowner

Again, the Covenant Liaison (or a delegated Board member) will confirm whether the violation has been addressed within the allotted time. If so, the process ends.

Step 3: If the violation has not been corrected, the Board will review the violation and determine if a final notice will be sent to the homeowner¹.

The Board will send a final certified letter advising the homeowner¹ of the following:

- A description of the violation
- That the violation has gone uncorrected
- They have been fined a third, additional \$200, for a total of \$500 in fines.
- That a Lien has been / will be filed against the property for \$601, which consists of \$500 in unpaid fines plus \$101 for administrative costs including the initial lien fee, postage, filing fees, and/or attorney fees, and will continue to accrue any similar costs until the outstanding dues and costs are paid in full, all of which are payable by the homeowner.

Once filed, a copy of the Lien will be sent to the homeowner.

Extensions: After receiving a violation letter, a homeowner may request an extension of the specified deadline for correcting the violation. Extension requests should be made

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in writing, via email or mail, to the Board. If the homeowner requests an extension during this process, the Board will review the request and vote. If an extension is granted, the homeowner will be notified and expected to remedy the violation by the approved extension deadline. If not, the violation process continues where it left off.

Appeals: A homeowner, not the renter, has the right to request a meeting with the Board to review the violation, and request a hearing on the Fine. The result of such hearing may be to either waive the Fine, grant an extension of time to resolve the violation, or take any action the Board determines appropriate.

If the violation is not corrected: The RBC-HOA Board may exercise its rights under Section V of the Deed of Dedication.

To report an issue, ask a question, or request a Board response, please contact:

The Reserve at Battle Creek HOA, Inc.
c/o HOA Management, Inc.
PO BOX 701565
TULSA, OK 74170

Phone: (918) 493-1765

Email: info@hoa-management-inc.com

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