

Overland Cove (OC)
Homeowners Association (HOA)
Covenants & Restrictions Enforcement
Policy and Operating Procedures (POP)

March 29, 2021

1. **Purpose:** To establish the POP for the enforcement of rules and restrictions outlined in the HOA Covenants and Restrictions (C&R's).
2. **Scope:** This POP applies to all homeowners and covers all Covenants and Restrictions with the exception of parking violations which are covered in a separate POP.

3. Policy:

1. The HOA Board of Directors have legal obligation to enforce the C&R's to maintain all properties in the community.
 1. Properties in the community will be routinely inspected for violations.
 2. Reasonable fines which constitute a lien on the homeowner's lot will be imposed for violations
 3. Written notice of a violation before the imposition of a fine will be provided to the homeowner.
 4. The Homeowner will be given a standard allotted time for a violation in order to make the correction.
 5. Any homeowner served with a notice of violation will be given an opportunity to challenge the violation by providing a written request for a hearing to the Board.
 6. In the event a Homeowner does not make the necessary corrections in the allotted time, the HOA Board can give the Homeowner ten (10) day notice of the HOA Board's intent to correct the violation.
 1. After the ten (10) days the HOA can correct the violation.
 2. All expenses associated with implementing the correction will be assessed against the Homeowner's account.
2. The Association Members or Homeowners have a legal obligation to maintain their property in accordance with the C&R's.

4.Procedures:

3. Inspect Community
 1. Record Violations
4. Send out Notifications of Violations to Homeowners.
 1. Details of Violation
 2. Allotted Time to Correct Violation
 3. Three-week reminder notice before fine is imposed.
 4. Fines to be imposed if not corrected.
5. Homeowner Challenge of Violation

1. Homeowner provides written request for a hearing on the violation to HOA Board.
2. Hearing Before Board
 1. Outcomes:
 1. Violation stands
 2. Violation is canceled
6. Correction of Violation
 1. Homeowner corrects violation in allotted time.
 1. Fine is suspended.
 2. Homeowner does not correct violation in allotted time.
 1. Fine is imposed.
 2. HOA gives ten (10) day notice of intent to correct the violation.
 1. Homeowner corrects the violation.
 2. HOA corrects the violation.
 1. HOA assesses all costs of associated with the correction to Homeowner account.

5.Responsibilities

7. HOA Board
 1. Establish and maintain the HOA schedule of fines and an allotted time for correction for C&R violations. **See Enclosure 1 Overland Cove HOA Schedule of Fines.**
 2. Conducts hearing of challenges to violations.
 1. Notify Apex to cancel the fine or proceed with enforcement proceedings.
8. Executive Real Estate Management
 1. Inspect Community
 1. Conduct bi-weekly site inspections of the community and identify violations.
 2. Record photographs of violations and other pertinent details.
 3. Maintain a database of all open and closed violations
 4. Provide the HOA Board with access to the database.
 2. Send out notices to homeowners of violations and fines to be imposed within twenty-four hours of identifying a violation. **See Enclosure 1 Overland Cove HOA Schedule of Fines. See Enclosure 2: Standard Form of Notification of Violation.**
 3. In the event the Board notifies Executive Real Estate Management of a cancellation of a violation at a hearing:
 1. The cancellation will be marked 'canceled by HOA Board 'in the data base.
 2. A notice of cancellation will be sent to the Homeowner.
 4. In the event the Homeowner corrects the violation in the allotted time:
 1. The violation will be marked 'corrected by homeowner' in the database.
 5. In the event the Homeowner does not correct the violation in the allotted time:
 1. Within five (5) days after the Homeowner fails to make the correction in the allotted time:
 1. Add the fine to the Homeowner's account.
 2. Send the Homeowner a balance due for the fine.
 3. Send the Homeowner a ten (10) day notice of intent for the

- HOA Board to correct the violation at Homeowner's expense.
2. Correct the violation.
 1. After receipt of invoices for all expenses:
 1. Expense the homeowner's account.
 2. The violation will be marked 'HOA corrected-balance due' in the database.
 2. Send the Homeowner a balance due within thirty 30 days statement.
 1. If account is paid within thirty (30) days, the violation will be marked 'corrected by HOA-Expenses Paid by Homeowner'.
 2. If account is not paid within thirty (30) days:
 1. Late fees will be assessed at \$5 per day.
 2. The account will be turned over to the HOA Attorney for remedy.
 3. The violation will be marked 'HOA corrected-payment delinquent'.

9. Homeowner

1. Read and understand homeowner legal obligations as declared in the HOA By-Laws and HOA C&R's.
2. Maintain your property in compliance with the HOA C&R's.
3. In the event of a violation:
 1. Provide the HOA Board written request for a hearing on a violation within ten (10) days of receipt of notification of violation.
 2. Correct the violation in the allotted time frame.
 3. Pay all fines and expenses incurred by the Homeowner or the HOA for the correction of the violation.

Enclosure 1

Overland Cove HOA Schedule of Fines

Offense	Time to Correct	Fine if not Corrected
Landscape Maintenance (dead plants, trees, and shrubs on owner's property)	60 days	\$100/violation
Fence Maintenance	90 days	\$500/violation
Exterior Building Maintenance	90 days	\$500/violation
Exterior Decorations	10 days	\$100/violation
Bulk/Unsightly Items	10 days	\$100/violation
Unauthorized Signs	3 days	\$100/violation
Pet Violations	10 days	\$100/violation
Architectural Design Violations	90 days	\$500/violation

Note: *Less common and/or unique violationn remedy periods and fine amounts, not specifically stated above, will be determined by the Board of Directors on a case-by-case basis.*

Current parking policy: HOA Board will notify EREM of violation with photo and address.

- 1. One courtesy notice*
- 2. Second notice impose fine and each subsequent notice \$100*
3. Article VI § 4 of the Covenants states that all vehicles are to be parked in garages or driveways. If it is brought to the Board's attention that an owner or tenant has parked a vehicle on the street, the owner will receive a written notice of violation, informing them that any subsequent violations will be subject to a \$100 fine per violation, without further notice. In addition, the Board may suspend the owner's right to utilize the common areas, pursuant to Article ill § 3.23 of the Bylaws. However, it is not the Board's intention to prohibit visitor and/or guest street parking between the hours of 7:00 a.m. and 10:00 p.m.

Enclosure 2-Standard Notice Form

1/24/2022

Homeowner Name

Address 1

Address 2

Dear XXX,

As you are probably aware, being part of a covenant community comes with rules and regulations which are in place to protect all homeowners' property values by providing standards for upkeep and maintenance. One of our contractual obligations as your management company is to ensure these standards are being met, providing uniformity, and upholding the integrity of the community.

On a recent tour of the Community, a violation of the HOA Covenants and Restrictions was noted regarding your property:

Insert Description: XXX

(Note) not sure where we pull the description, but industry standards say to focus on the work and not the person. As in "the condition of your shutters is in violation" rather than YOU are in violation.

If you have taken care of the issue shown above, the Board and homeowners appreciate your work to maintain your property. However, if you have not done so already, please take the necessary steps for resolution. It has been determined that, in this type of case, homeowners should have XXX (days or weeks) to resolve the issue before being assessed a fine of XXX.

You can find more detailed information regarding the Covenants and Restrictions by visiting the Overland Cove HOA website at <https://www.overlandcovehoa.com/>. Click on Governance Docs at the top of the page and the first item is Covenants and Restrictions which has a PDF that you can reference. Of particular use is Article V: Section 2 regarding owner's maintenance responsibility and Article VI regarding specific restrictions. Article IV Sections 7 and 11 discuss the assessment of fines.

Association members are entitled to adequate notice and an opportunity to be heard. If you need clarification, additional time for resolution, or if you feel this is in error, you may contact Executive Real Estate Management at 256-880-1000 or email manager@ereminc.com. You may also challenge this violation by requesting a hearing in writing within 10 days. Please send that written request to

Overland Cove HOA

C/O EREM Inc

3313 Memorial Parkway SW, Suite 127

Huntsville, AL 35801

Please be reminded that you are a valued member of this community and corrective feedback is not a referendum on any homeowner—it is just a normal, ongoing, and expected part of the process of owning and maintaining property within a covenant community.

Thank you for your attention to this matter.