Brownhurst Manor
Homeowners' Association
Fine Schedule and Enforcement Policy

Homeowners purchased their homes in Brownhurst Manor to enjoy the attractive residential environment that the subdivision provides. However, the purchase of a home in this community also imposes a legal obligation on all homeowners to adhere to the Deed of Restrictions. And a home's purchase here comes with an expectation that the Deed of Restrictions will be followed by all homeowners to maintain an attractive and well-kept neighborhood with common amenities and, as far as possible, to maintain and/or increase property values.

The Board of Directors of the Homeowners' Association (HOA) has a legal obligation to exercise reasonable business judgment and to act in the best interests of the entire community. Thus, HOA Board members have an aIirmative duty to enforce the Deed of Restrictions, and to implement the Board's By-Laws and policies, but occasionally, the only
practical tool for enforcement of the Deed of Restrictions is a fine or the warning of fines.

POLICY STATEMENT

The attached Schedule of Fines has been prepared by Brownhurst Manor HOA Board of Directors. It outlines specific violations of the Deed of Restrictions and lists the penalties for those violations. This policy also specifies that a fine may only be imposed after the owner has been sent written notice that a fine is being considered and is provided a reasonable opportunity to be heard regarding the alleged violation by the Board of Directors. No fine or enforcement fee will be imposed until after the requested hearing has taken place. Additionally, a homeowner has the right to appeal any fine imposed by the HOA Board to the Members of the Association.

The purpose of fines is to encourage compliance with our Deed of Restrictions. This schedule of fines serves to provide each homeowner with a clear understanding of the penalties involved for violations of our Deed of Restrictions, and for failure to respond to notice of alleged violations.

The following items are not considered disciplinary actions and therefore do not require a hearing before imposition:

1. Warning letters
2. Institution of legal proceedings
3. Emergency entry of a lot to remedy a health or safety problem
4. Initiation of alternative dispute resolution proceedings
5. Collection of overdue assessments
6. Towing vehicles improperly parked on the common areas

PROCESS OF VIOLATIONS

1. Identification of Violation
2. Notice is sent to the owner with a timeline to correct the violation
3. Owner is required to notify the Property Management Company or Board once resolved, to get an inspection
4. If Violation is not corrected by the stated timeline, fines will be imposed as follows but not limited to the schedule below:

SCHEDULE OF FINES

Lawn Care/Landscaping, Parking, Work Vehicle, Trash Cans and General Violations (Deed of Restrictions-Section 6; Section 9, Section 10 (Paragraph 3), Section 13, Section 14, Section 16)

- Fine: $75 per month until violation is resolved

Construction / Architectural Control Violations (Deed of Restrictions-Section 1; Section 2; Section 3; Section 4; Section 5; Section 8
Section 10; Section 12; Section 15, Section 17, Section 18)

- Fine: $250 per month

Violations of Other Deed Restrictions (Deed of Restrictions -Section 7, Section 11)

- Fine: $50 per month for late HOA dues or any other violations not listed

The above list is not complete or comprehensive. All other violations not listed or specified above will result in reasonable fines up to $500 per violation. Additional fines may be imposed for repeated violations.

The payment of all legal fees and costs incurred by the Association to enforce violations or collect fines shall be the responsibility of the homeowner.

Homeowners are responsible for damage caused to the common areas by themselves, their guests or renters. It is the homeowner's responsibility to inform their guests and or renters of the rules and regulations and homeowners are responsible for any fines assessed. This includes respecting the city speed limits in the neighborhood of 25MPH along with stopping fully at all stop signs, especially in the cul de sacs.

The Board may, at any time it deems appropriate, file a civil action to obtain compliance with the governing documents; the Board need not fine the owner first. In a court action, the Board may seek either, or both, injunctive relief (that is, a court order requiring an owner
to obey the governing documents) and/or recovery of fines, if any.

Violations of Lease/Rental Restrictions (Deed of Restrictions- Section 8)

- Weekly fines of $1,000

Occasionally violations are committed by tenants or guests of the owner. The owner is responsible for those violations. The notice of hearing will be sent to the owner, although the Board may, should it desire, send a copy of the notice to the tenant as well. Notices will be mailed to the owner at the property address as well as any other address which the owner has supplied to the Association for the purpose of receipt of notices.

Created October 2024