



Homeowners Association Policy and Procedures

Title: Problem Resolution Procedures

Policy No: Resolution – 001

Effective Date: June 18, 2012

Purpose and Scope

We all agree that a community is much more successful if every owner complies with all of the responsibilities, policies and restrictions without fail. However, reality dictates that an Association will have complaints, violations or disputes to resolve from time to time. Thus, the Covenants, Conditions and Restrictions (CC&R) of The Auberge Homeowners Association convey the enforcement and resolution responsibility to the Board of Directors. It should also be stated that the CC&R of The Auberge Homeowners Association clearly state that an owner of property within the communities known as “The Auberge” and “The Auberge Village” cannot avoid compliance with all covenants, condition and restrictions. The Board of Directors may from time to time convey variances to individual owners without setting any precedent.

Policy Statements

It is the intent of the Board of Directors to encourage the resolution of matters at the lowest level possible. Thus, homeowners should make every effort to resolve an issue before addressing the matter to the Board of Directors. It is also the intent of the Board to resolve issues in a progressive manner, thus allowing a responsible homeowner to act without further contact.

It should be understood that the Board of Directors will not be conducting routine inspections in search for violations. However, the Board will exercise its responsibility to perform macro-inspections and will address issues should violations be noted.

Procedures

The following policy statement gives the membership of the The Auberge Homeowners Association a process by which to resolve issues.

A complaint should be filed in writing within 6 months of occurrence. This complaint should be filed with the President and Secretary of the Board of Directors, who will provide copies of submittals to the rest of the Board. These documents should include all relevant facts regarding the complaint or issue. A complete description of the problem, what covenant or restriction has been violated, dates of violations, actions taken to address the problem and pictures, if available, should be provided. Providing quality information will enhance the resolution process. Once the complaint has been filed, the Board may elect to forward the complaint to the appropriate committee for review and possible resolution or request that the Committee make a recommendation to the Board. Additionally, the Board may elect to conduct an investigation and resolve the matter at the Board level. The Board may also elect to hold a settlement conference wherein all parties would be expected to participate in a dialog to achieve a final resolution. It is the Board's desire and intent that all issues will be resolved within 60 days of the complaint being filed.

Should the Board determine that an act of compliance is needed by a homeowner it is recommended that the Board follow the process cited below. However, it is critical to state that certain circumstances (urgent health, safety and welfare concerns) might arise that would require that the Board forego any process and take immediate definitive action. This discretion lies solely within the purview of Board of Directors.

- Should action be required, the Board should first address the matter with the violating party in an informal manner. This could consist of a casual telephone conversation or an email from the President of the Board of Directors. This contact should encourage compliance. Should a telephone conversation be the method of communication, the President should reduce the facts related to this communication to writing for the official complaint file.
- Should the matter not be resolved within a reasonable timeframe, the Board of Directors should send a more strident demand letter. This letter should clearly state the of the violation and which covenants and/or restrictions have been violated. This letter should state clearly what corrective action must occur and by what timeframe compliance is expected. It should also outline what the consequences could be, should corrective action not occur within the given timeframe. The Board could consider imposing one of the following consequences:

Monetary penalty - The amount and frequency of the penalty and will be determined by the Board of Directors based on the nature of the violation. The amount and frequency of the penalty should be determined by the seriousness of the violation.

Denial of clubhouse or recreational privileges - This denial of access could be temporary or permanent.

Reports filed with authorities - City and County Inspections, Animal Control, Health Department, Law Enforcement or Fire Department,

Legal counsel - Matter referred to legal counsel for resolution that could include legal action being filed against the non-compliant owner (i.e., filing of lien, lawsuit, foreclosure on property, owner bearing all legal and court costs)

- Should the violation not be cured after the aforementioned strident letter, the Board of Directors shall send a certified demand letter to the owner. This demand letter shall clearly state the nature of the violation and what covenants and/or restrictions have been violated within a given timeframe. This letter should state emphatically that compliance must be immediate and sustained. This demand letter shall also state exactly what the penalty is, when it will go into effect and how it will be calculated.

Once continuous compliance is achieved, the Board may consider restoring privileges, refunding penalties or terminating legal action.

It is our desire to live and thrive in a community that all neighbors feel safe, secure and content. Compliance with the few restrictions that are placed upon us will clearly further our collective desire to preserve the values of our homes and our community.