

# Resolution

## Violation Enforcement and Fine Policy

The Board of Directors (BOD) of the Old Cahaba Residential Association, Inc. approve the following Covenant Enforcement and Fine Policy:

**FIRST NOTICE:** Upon determining that a violation of the Covenants has occurred or is occurring, the Association, or their agent, shall send notice of violation to the offending Owner. The first notice shall describe the violation(s) and allow a certain number of days (see schedule) to satisfactorily resolve and/or submit a reasonable plan to resolve said violation(s) to the Architectural Review Committee for the Association (ARC).

**SECOND NOTICE:** If the violation(s) has not been satisfactorily rectified and/or the Owner has not submitted a reasonable plan to resolve said as stated on the FIRST NOTICE, a SECOND NOTICE will be mailed to the Owner. The SECOND NOTICE will allow for an additional number of days (See Schedule) to satisfactorily resolve and/or submit a reasonable plan to resolve said violation(s) to the Architectural Review Committee (ARC) for said Association. The SECOND NOTICE will assess a fine to the violating Owner's account—an updated statement of account reflecting said fine may be, but is not required to be, mailed to the Owner with the second violation notice. At this point, the Association reserved the right to rectify said violation(s) per Section 3.15 of the Covenants. All fees, fines, and associated costs will be first paid by the Association and charged back to the Owner's account.

**THIRD/ FINAL NOTICE:** If the violation(s) has not been satisfactorily rectified within the time period stated on the SECOND NOTICE, in addition to the **Compliance Fine** assessed to the Owner's account, a THIRD NOTICE will include an updated statement of the Owner's account reflecting said fine(s). The THIRD NOTICE will inform the Owner that if further action is required or the Association turns the matter over to an attorney, all fees, fines, and associated costs will be first paid by the Association and charged back to the Owner's account. Further, the Owner's account will continue to accrue fines in the amount of **\$100.00 per month** after the FINAL NOTICE is issued while the non-compliant matter remains unsatisfactorily resolved. These fines will not be waived.

**ATTORNEY ACTION:** If after the time period given in the THIRD NOTICE, the Owner has not made a suitable attempt to correct the item and/or has failed to submit a reasonable plan to resolve said violation(s), the Association may choose to refer the matter to an attorney. The attorney will send a letter informing the Owner that if the violation(s) is not satisfactorily resolved within ten (10) days, a lawsuit may be filed in circuit court to which all fees, fines, and associated costs will be first paid by the Association and charged back to the Owner's account, as indicated in the final notice.

**FINE(S):** If it is necessary to levy a Compliance Fine against the Owner, as specified, for the second and/or final notice, or in cases where the violation is considered an exception that results in an expedited procedure, the Owner will have thirty (30) days from the date of the notice for payment of said fine to be received by the Association or Agent thereof. It is the Owner's responsibility to pay the Compliance Fine and the Owner's account may be subject to fees associated with delinquency if the fine(s) is not paid as specified. An Owner's account with unpaid Compliance Fines is subject to the actions outlined in the Collection Policy and Covenants of the Association and may result in said account and/or property having liens filed against it and being referred to an attorney.

Approved at a duly called meeting of the Board of Directors

On the 5 day of Nov, 2019.



President  
Board of Directors

# SCHEDULE FOR SATISFACTORILY

## RESOLVING COMPLIANCE VIOLATIONS

- **MOWING:** During the growing season (March- October), all portions, including utility easements, right-of-way's, curbs, and sidewalk areas, of an Owner's property must be mowed, edged, and weeded on a bi-weekly schedule. If an Owner should receive a non-compliant violation pertaining to mowing, he or she must have the violation rectified or have a written plan of action with the Management company within **TEN (10)** days of the date of the first notice to avoid fines.
- **LANDSCAPE BED(S):** During the growing season (March- October), all landscape, foundation, and tree beds shall be free of weeds, dead and/or dying plant material, and shall be adequately mulched in the Spring and Fall, or as needed. Shrubs shall be trimmed, as needed, to maintain a neat and clean look. If an Owner should receive a non-compliant violation pertaining to landscape beds, he or she must have the violation rectified or have a written plan of action with the Management company within **FIFTEEN (15)** days of the date of the first notice to avoid fines.
- **DISABLED/ INOPERABLE VEHICLE(S):** If at any point in time, a vehicle appears to be disabled—meaning on blocks, flat tire(s), does not appear to have moved since the last compliance inspection, etc.—the Association will send a **FIRST NOTICE** and proceed as the Towing Policy states—allowing thirty (30) days from the date of the first notice to satisfactorily resolve the issue. If after thirty (30) days the violation has not been satisfactorily resolved, a **SECOND NOTICE** will be sent with a fine and a tow sticker will be placed on the driver side window with information pertaining to the towing.
- **ARC VIOLATION(S):** If any change to the exterior of the home and/or property occurs without the written approval from the Old Cahaba ARC, said property Owner will have **TEN (10)** days from the date of the first notice to submit a complete, detailed, plan of action to the ARC for review. Should the ARC Request be denied for any reason, the ARC must specify an amount of time for the unapproved change to be corrected. If no time is specified, it is to be assumed the unapproved change must be corrected within **THIRTY (30)** days from the request denial receipt date.
- **PARKING:** Vehicles are to be parked in designated parking areas such as garage(s) and driveways. Vehicles are prohibited from being parked in the grass, on the street, or in any other "No Parking" zone. If an Owner should receive a non-compliant violation for parking, he or she must have the violation rectified within **SEVENTY-TWO (72) HOURS** of the date of the first notice to avoid fines. Should the notice not be received within the allotted time frame due to post office delays, the vehicle(s) must be removed within **TWENTY-FOUR (24) HOURS** of receipt of the notice.
- **MAILBOX REPAIR/ REPAINT:** The approved style for Old Cahaba is: Gibraltar Mailboxes Elite Standard Galvanized Steel Post-Mount Mailbox. Color is: Black Medium. This can be purchased at Home Dept or Lowe's. Mailboxes must always be in good condition. To Repaint a mailbox, a rust-inhibiting black spray paint is to be used. If an Owner should receive a non-compliant violation, he or she must have the violation rectified or have a written plan of action with the Management company within **THIRTY (30)** days of the date of the first notice to avoid fines.
- **ALL OTHER VIOLATION(S):** If an Owner should receive a non-compliant violation other than specified above, he or she must have the violation rectified or have a written plan of action with the Management company within **THIRTY (30)** days of the date of the first notice to avoid fines.