

# Woodlake Property Owners Association

## Procedure for Rectifying Covenant Violations

The following procedures were authored by Jack Walters and Tom Kirwan and adopted by the Woodlake Property Owners' Association Board of Directors at their regular meeting May 14, 2007 and modified at their regular meeting March 25th, 2012.

Step 1- **Verbal request** (personal visit or phone call by Board member) to property owner asking for compliance. A suspense date of at least 3 but, no more than 30 days will be given, depending on the difficulty of rectifying the violation. (For example; 10 days to remove a sign; two weeks to mow a lawn; three weeks to remove a boat/trailer; four weeks to remove weeds, brush and trim trees; 30 days to repair a fence or a deck). A record of this contact must be made (with suspense date) in the minutes of the next Board meeting. Approval of majority of Board of Directors is required for this action. That approval must be based on whether, or not, there is a violation of Restrictive Covenants and whether an Association member has submitted a written complaint about it. If violation is rectified before suspense date, close the case as "resolved" and notify complainant. If property owner is not in the local area, begin with Step 2 (below).

If no compliance by suspense date;

Step 2- **Written Request** (certified; return receipt) from the Board requesting compliance (same suspense, again). (This will be the initial action if the property owner is not local) Approval of majority of Board of Directors is required for this action. That approval must be based on whether, or not, there is a violation of Restrictive Covenants and whether an Association member has submitted a written complaint about it. If violation is rectified before suspense date, close the case as "resolved" and notify complainant.

If no compliance by suspense date;

Step 3- **Letter announcing date fine will begin** (certified; return receipt). Explain that the first monthly payment is due the first day of the second following month. (i.e. If the letter announcing the fine is sent on the 15<sup>th</sup> of January, the first payment will be due the 1st of March) Include instructions for paying. Offer violator opportunity to appear before the Board to contest this fine action before the first monthly payment is due (due process). Approval of majority of Board of Directors is required for this action. If violation is rectified before fine payment is due, close the case as "resolved" and notify complainant.

If no compliance and no payment  
by 10 calendar days after second payment is due;

Step 4- **File suit in small claims court** ten business days after the second payment is due. This court action will attempt to obtain a judgment to recover first and second missed payments (2<sup>nd</sup> missed payment indicates no intention to pay). Approval of majority of Board of Directors is required for this action. If violator pays before court date, drop the law suit. If violator rectifies the violation, Board may vote to drop the law suit and/or dismiss the fine.

If court judgment is won and it is not paid within 30 days;

Step 5- **Place lien on property** for the amount of court judgment. Approval of majority of Board of Directors is required for this action.

If illegal behavior continues after lien is filed;

Step 6- **Foreclosure**, if necessary, to stop the illegal behavior and collect the lien. Foreclosure action must be approved by majority vote of Association members at the next Annual meeting. If foreclosure is voted down, an additional lien is placed on the property, annually, for the amount of additional accumulated fines, until the property is sold or re-financed.

This entire enforcement action may take up to one year, even if diligently pursued. So, follow-up actions must be accomplished promptly. Delay between steps will make follow-up actions more difficult, legally. Steps can't wait for the next "regular" meeting of the Board. If Board approval is required, a special meeting must be called. Every action must be recorded in meeting minutes and each written action must be sent Certified, Return Receipt. Certified letters should contain the note: "Return to sender after 10 days" on the outside of the envelope.