

# Silver Creek Homeowner's Association

## ENFORCEMENT PROCEDURES

### A. GENERAL

1. These procedures provide for the enforcement of the Declaration, the Bylaws and the rules and Regulations of the Silver Creek Homeowners Association (SCHA).
2. These procedures apply in all cases unless specifically exempted by another Article.
3. All Silver Creek members have equal rights under these rules, except as may be provided by:
  - a. Statute;
  - b. the Declaration; or
  - c. the Bylaws.
4. All members and residents are legally required to comply with the Declaration, and the Bylaws of the SCHA, as provided by the Declaration,
5. The Board of Directors urges all members and residents to make every attempt to solve problems themselves before using these procedures.
6. Any member or resident has the right to a hearing before the Board of Directors with regard to violations being pursued solely by SCHA and provided that they request a hearing in writing within thirty (30) days after receiving a violation. The purpose of the hearing is to further clarify the nature of the offense and further specify the action necessary to remedy the problem.

### B. COMPLAINT PROCEDURES

1. Any member or resident may send a letter or email to the SCHA c/o JC Higgins and Associates, giving a full and detailed account of the problem, including who, what, when, and where.
  - a. Any member or resident filing a complaint must identify himself or herself
  - b. Any member or resident filing a complaint retains the right to file a complaint with the police or other civil authorities, and is encouraged to do so if appropriate.
2. If the original problem persists, the member or resident may file additional written complaints with the Managing agent and/or Board of Directors.

### C. ENFORCEMENT PROCEDURES ON VIOLATIONS OF RULES

1. The Board, within ten (10) working days of receipt of a complaint, will investigate its validity and take the appropriate action, which may include mailing to the member in violation, a letter stating the nature of the complaint and the penalty, if any.
  - a. The name and the Lot number of the person filing the complaint will not be released except to the Board of Directors.
  - b. Copies of the letter will be kept on file for The Board of Directors
  - c. The letter shall include a statement providing the resident in violation with an **opportunity** to respond to the alleged violation. This statement shall be worded in a manner that allows for and encourages this response.
  - d. The violation must cease or be corrected immediately unless otherwise specified in the letter.

2. On the **FIRST COMPLAINT**, a warning letter will be sent without a fine. This will be a courtesy notice — a friendly reminder about the Covenants, Conditions and Restrictions (CC&R's) policy, and warning of an impending fine.
3. On the **SECOND COMPLAINT** of the same Rule, another letter will be sent if compliance is not met with a fine of **\$125.00**, plus the cost of mailing. This letter will also warn of doubling the fine.
4. On the **THIRD COMPLAINT** of the same Rule, another letter will be sent if compliance is not met with a fine of **\$250.00**, plus the cost of mailing. This letter will also warn of doubling the fine.
5. On the **FOURTH COMPLAINT** of the same Rule, another letter will be sent if compliance is not met with a fine of **\$500.00**, plus the cost of mailing. This letter will also warn of an impending lien, which will be placed upon the property.
6. On **all continued complaints** of the same rule, another letter will be sent if compliance has not been met within the specified period of time, with a fine determined by the Board of Directors not to exceed \$500.00 per notice. Fines will be added to previously liened amounts.

**D. ENFORCEMENT BY THE BOARD**

1. The Board of Directors shall use the enforcement policies and procedures as set forth in the Declaration.

**E. ENFORCEMENT EXPENSES**

1. All expenses incurred by Silver Creek Board of Directors, including all legal and collection cost will be assessed to the Lot whose member is in violation.
- 2.

**F. REJECTION OF COMPLAINTS**

1. The Board of Directors reserves the right to reject any complaint if:
  - a. It is of a frivolous nature
  - b. It's intent appears to be harassment
  - c. It is vague and lacking in necessary concrete details.

**G. ENFORCEMENT PROCEDURES ON COLLECTION OF ASSESSMENTS (and other charges)**

1. Late Payment Fees
  - a. A Late Fee of 5% will be charged on any balance owed to the association once payment is past due more than 30 days. This includes any assessments, fines, or other charges.
  - b. Example: The Annual Assessment charge is made to the owner's account and becomes due on January 1 of each year. It is considered delinquent after January 31 (more than 30 days past the January 1 due date). If the assessment is \$600.00, a 5% late fee of \$30.00 would be charged January 31. And the collection procedure would begin.
    - i. Silver Creek allows the annual assessment to be paid in two equal payments - first half by January 31, and the second half by July 31. Provided that payments are made in at least this format (or the entire balance paid by January 31) no late fee will apply.
  - c. Interest on the balance due as required by the declaration (CC&R's) will also be charged at the rate specified in section 4.9 of the master declaration