

Briar Run Estates Homeowners Association, Inc

Rules Enforcement Procedures

WHEREAS, Article IX.1 of the Bylaws provides that the Board of Directors will manage the property, affairs and business of the Association; and

WHEREAS, Article VII of the Bylaws empower the Board of Directors to do all other acts and things permitted by the statute under which Articles of Incorporation formed this Association that is to provide for maintenance, preservation and architectural control of common areas and roads within Briar Run Estates and any and all properties which may be annexed thereto in accordance with the provisions of the declaration reservations and restrictive covenants.

WHEREAS, it is the intent of the Executive Board to revise the process and procedure to address violations of the governing documents;

NOW, THEREFORE, BE IT RESOLVED, that the following be adopted:

Whenever the Board of Directors determines that a violation of the Association's Declaration, By-Laws or approved Rules and Regulations exists and must be corrected, a letter ("notification letter") will be sent to the owner of record and/or tenant of the unit involved or the owner and/or tenant who is responsible for the violation. The unit owner will have fifteen (15) days from the date of the notification letter to correct the violation before a written demand to cease and desist ("written demand") is sent.

D. CONTESTING NOTICE OF NON-COMPLIANCE

Unit Owner can contest a Notice of Non-Compliance if the Unit Owner formally takes action to request a Board hearing within ten (10) days of receipt of a Notice of Non-Compliance. If a Unit Owner elects **not** to contest a Notice of Non-Compliance within ten (10) days it will be assumed by the Board that the Unit Owner is acknowledging the compliance violation and is taking the necessary steps to correct the violation.

E. BOARD HEARING

The Board has thirty-days (30) after receiving a Unit Owner's request to contest a Notice of Non-Compliance to schedule a closed hearing. The Board must provide in writing to the Unit Owner the charges or other sanctions that may be imposed. The Board's correspondence with the Unit Owner shall be mailed by certified mail, return receipt requested, to the Unit Owner at the address of record with the Association at least ten (10) days prior to the hearing.

Failure of the Board to convene a closed hearing within the allotted time does not relieve the Unit Owner from the necessity of abiding by the tenets of the Guidelines and the Covenants. If the Board has not convened a close hearing in the allowable timeframe, the Board needs to schedule one as soon thereafter as deemed reasonable and to notify all parties.

At the hearing, the Unit Owner or his counsel shall be permitted five (5) minutes to address the Board. Thereafter, the Board may ask questions of the Unit Owner and then be given one (1) minute to summarize.

The Board will meet in Executive Session to reach a decision and said decision will be mailed to the Unit Owner, certified mail, return receipt requested, within seven (7) days of the hearing. The decision of the Board is final.

F. ENFORCEMENT

In accordance with Briar Run Estates Owners Association documents and applicable West Virginia law, enforcement actions that the Board may take if there is no satisfactory resolution during a closed hearing or if a Unit Owner elects not to take exception to the Notice within ten (10) days of said Notification include one or more of the following:

1. Issuance of fines: not to exceed twenty-five (\$25.00) *per day* from the date that the compliance violation was officially recognized by the ARC and/or Board. Fines shall be treated as an assessment against the Unit Owner's Lot and, as such, are subject to the delinquency penalties as determined by the Board and subject to WV laws and statutes and will reflect an annual compounded interest rate of 10%.
2. Placement of property lien: If fines levied and penalties by the Board have not been satisfied after being in place for three (3) months, the Board may at its discretion order a lien to be placed against a Unit Owners Lot. All fees and costs associated with placing the lien are to be deferred to the Unit Owner as an additional assessment against Unit Owner's Lot.
3. Forward the issue to the Briar Run Estates Owners Association counsel for appropriate action.

All payments received from the unit owner by the Association will be applied to the oldest delinquent balance, whether that balance is composed of fines or monthly assessments.

The fines are due for each month within ten (10) days after the end of the month.

A unit owner will have the right to appeal any action taken by the Board to the Circuit Court for Jefferson County.

Homeowner must notify Management in writing once the violation has been corrected to stop fines and to prevent further action. Management will re-inspect the premises to confirm the violation has been corrected within two business days. If it has been corrected the violation will be closed and fines will cease as of the notification date. If it has not been corrected, fines will resume as of the notification date and a letter will be sent notifying owner of same and also the additional corrective action that must be taken to close the violation.

Decisions by the Board will be made on a case-by-case basis, and appropriate action will be taken in accordance with the above-mentioned alternatives.

June 28, 2016
Date

6-28-16
Date

Juan D. DeStefano
President

[Signature]
~~Secretary~~ VICE-PRESIDENT