

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF  
PRAIRIE BROOK HOMEOWNERS ASSOCIATION, INC.**

**Covenant Enforcement**

WHEREAS, Section 2.4(j) of the Declaration of Prairie Brook Homeowners Association ("Declaration"), as amended, grants the Board of Directors of Prairie Brook Homeowners Association ("Association") power to enforce all covenants and restrictions in the Declaration.

This authority includes the right to impose and collect fines for violation of covenants, restrictions, rules and regulations.

Directors desire to promote the health, safety and general welfare of all residents within the Association and to enhance and protect the value, desirability and attractiveness of all property within Prairie Brook by adopting these procedures to enforce its covenants, restrictions, rules and regulations ("Restrictions").

The following enforcement procedures will be followed when Directors are advised about violations.

1. **Violations.** Directors will investigate all violations that are reported to them (or the Association's property manager) in writing and signed by the complainant within 10 days after those complaints are sent to Directors. Inquiries or complaints that, in the opinion of Directors, lack sufficient detail, may be returned without further investigation. Directors may investigate inquiries about violations from Board members or the Association's property manager.

2. **Courtesy Notice.** If the investigation shows the report of violation is substantiated, Directors (through the Association's property manager) shall give written notice by first class mail to the property owner setting forth in reasonable detail the nature of such violation or breach and the specific action or actions which shall be taken by the property owner to remedy such violation or breach. The notice shall give the property owner three options which shall be completed within 14 calendar days: cure the violation; submit a plan to remedy the violation that includes a reasonable date for completion; or request a hearing to appeal the violation.

3. **Appeals Process.** The property owner may request a hearing with the Board of Directors to appeal the notice of violation.

Appeals must be in writing and postmarked within 14 calendar days of the postmarked date of the courtesy notice. Requests for appeal not received within the time allotted above will be automatically denied.

Appeals will be heard directly by the Board of Directors at their next regularly scheduled meeting following the date of the appeal. Property owners will be provided notice that their appeal is scheduled, advising the date, time and location of such meeting. Failure of the property owner to appear at the scheduled appeal meeting will result in denial of the appeal.

Property owners must demonstrate extenuating circumstances which require deviation from the Association's Restrictions and include all pertinent information to support the existence of such extenuating circumstances.

Appeals not meeting the above requirements will be denied.

Decisions of the Directors will be reached in open session by a simple majority vote of those hearing the appeal, consistent with the quorum requirements established under the Association's Bylaws.

Decisions of Directors are final and may not be further appealed. Directors reserve the right to suspend, extend, or otherwise deviate from the timelines identified here if extenuating circumstances exist and they are satisfied that reasonable efforts are being made to resolve or remedy the subject violation.

Decisions of Directors will be provided to the property owner in writing within 14 calendar days after the hearing.

If an appeal is denied, the violation must be satisfactorily remedied within 14 calendar days unless just cause is established for an alternative date agreed to by Directors.

Violations which remain without satisfactory resolution within the time limits noted above or alternatively agreed upon will be treated as continuing violations.

4. **Second Notice.** If the property owner does not cure the violation, submit a plan to remedy the violation, request an appeals hearing, or if Directors determine that a violation or breach exists after a hearing, the Board may levy an initial fine of \$100 against the property owner who has violated or breached such Restriction. If the violation or breach is not corrected within 30 days after the initial fine is assessed, Directors may levy a secondary fine of \$250 against the property owner who has violated or breached such Restriction. If the violation or breach is not corrected within 30 days after the secondary fine is assessed, the Board may levy continuing monthly fines, not to exceed \$500, determined by the Board.

5. **Collection Provisions.** All fines, costs and expenses necessary to enforce this policy shall be an assessment against the owner's property and subject to all lien and collection powers within the Association.

6. **Unresolved Violations.** After the expiration of 30 days following notice of a violation for which no hearing is requested, or alternatively, after an appeals hearing, the Board may:

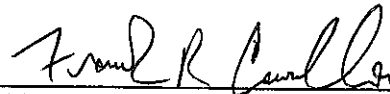
- a. Pursue all rights of action available at law or in equity, including, but not limited to, the remedy of injunctive relief and obtaining a monetary judgment of all costs and expenses, including reasonable attorney fees, and damages;
- b. Reserve the right to waive or increase fines based on the severity of the violation and circumstances;
- c. Suspend all services and privileges of membership in the Association;
- d. File with the county Register of Deeds a certificate setting forth public notice of the nature of the violation.

All costs and expenses, including reasonable attorney fees incurred by the Association or on its behalf to enforce such Restrictions, shall be a binding personal obligation of such property owner enforceable by law, as well as a lien on such owner's lot enforceable pursuant to the provisions of the Declaration.

7. **Legal Action.** Notwithstanding this Resolution, Directors, in their discretion, may determine to commence an action for violation of the Restrictions without levying a fine if Directors determine the violation requires immediate action or a fine would not compel compliance.

8. **Effective Date.** These rules and procedures shall become effective 30 days after notice of their enactment is mailed to all owners.

Adopted by the Board of Directors on the 14<sup>th</sup> day of March, 2018.



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President – Board of Directors

Printed Name: Frank R. Carella