

Aberdeen Homeowners Association

Pre-fine Violation Policies and Procedures

Contained herein are the policies and procedures that the Aberdeen HOA Board and its management company (hereafter referred to as "Aberdeen HOA") will follow to identify and resolve any and all violations of Aberdeen's deeded covenants or its written and published architectural standards.

These policies and procedures work in conjunction with the June 20, 2011 fining policy adopted by the Aberdeen HOA board, providing specifics concerning how items 3 and 4 of the fining policy will be managed by Aberdeen HOA.

By consistently following these policies and procedures each and every time, the Aberdeen community's appearance and everyone's quiet enjoyment will be optimized for the mutual benefit of all homeowners.

Violation Identification – Violations may be identified in a number of ways, including the following

1. Periodic neighborhood inspections by Aberdeen HOA
2. A resident's information reporting a violation to Aberdeen HOA
3. ELW community patrols reporting a violation to Aberdeen HOA

Guidelines - The following guidelines shall dictate how potential violations are treated.

1. Aberdeen board members (and their friends and neighbors) will be held to the identical standard as any resident (for example, if a resident's mildewed roof would receive a violation notice, a board member with the same amount of mildew on their roof must receive a violation notice).
2. If an Aberdeen board member identifies a potential violation of a neighbor, another board member will independently evaluate the issue and confirm that it rises to the standard of a violation.
3. Many covenants are subjective in nature (e.g. mildew on roofs or concrete surfaces, lawn weeds and health, landscape trimming, etc.). In such subjective issues, it is not possible to set forth in writing the exact description of what constitutes each such violation. The standard to be used for such items is that ***a reasonable person would determine that the situation is clearly below the minimum acceptable standard of Aberdeen.***
4. Regarding mildew, Aberdeen HOA may consider the rainy season and delay notification of what otherwise would be a violation until a reasonable amount of time after rainy season ends.
5. Once a violation has been determined, the violation will be made known to the violating property owners and managed with increasingly stringent warnings and actions until the issue has been resolved.

Notification and Opportunity to Resolve Violations on a Timely Basis

Upon identifying a violation, Aberdeen's property management firm will mail to the property address a written notice of the violation. Such notice will clearly state the violation, cite the covenant it violates, and will indicate how the violation may be corrected. The notice will outline a reasonable time to cure

the violation that takes into account the nature and impact of the violation. The initial notification will be a “courtesy letter”.

The standard amount of time to cure a violation upon notification is 30 days from the mailing of the notification. Depending upon the circumstances of the violation, Aberdeen HOA may shorten or lengthen the amount of time to cure:

1. Shorter time periods may be established when the circumstances warrant – for example, planning to hold a yard sale on a specific date, open burning, tampering with gates, unapproved reroofing materials.
2. Longer time periods may also be established when more time is warranted – for example, tree trimming following a hurricane, situations that may require locating a contractor and obtaining multiple quotes, etc.

Each such time period will be one that is considered to be reasonable by Aberdeen HOA. If a homeowner contacts Aberdeen’s property manager and requests more time, such extension will be granted if a reasonable case is made that more time is needed to cure the violation.

Managing Open Violations

All violations will be recorded in the violation management system of Aberdeen’s property management company, noting the specific violation, any notification letters sent, date of such notifications, next step if uncured, etc. Violations will be kept open in this violation management system until a violation has been resolved, and for consistency of their management, open violation reports will be reviewed at least monthly by Aberdeen’s property manager. Estoppel letter requests are to be forwarded to the property manager, who then provides a list of any open violations or work orders for inclusion in the estoppel. During monthly Aberdeen inspections, the property manager will bring a list of open violations and note which have been addressed (cured) and which are still open. These inspections will be timed to coincide with the lapsing of the time period of previously sent notification letters.

If a violation is not cured within the specified time frame, a second violation notice will be mailed to the homeowners’ address and will include the same information as the courtesy letter, but with more stern language about curing the violation within the time period specified.

Monthly Board Meetings’ Key Role in the Consistent Management of Violations

At Aberdeen’s monthly HOA board meeting, all uncured second notices will be reviewed. In preparation for the meeting, pictures of any uncured second violation will be taken and board members will be encouraged to look at the violation first hand (if applicable). For any second notices that have not been cured within the time period allotted, Aberdeen HOA’s board will authorize steps to either:

- perform the work and bill the homeowners’ account;
- move towards implementing a fine as soon as possible, following the specific, detailed procedures outlined in Aberdeen’s 6/20/2011 fining policy; or
- escalating the matter to the Association’s attorney for legal enforcement, including litigation

The board’s decision (perform and bill vs. fining/litigation) will be based on its judgment of the best way to resolve the specific violation in the optimal manner, considering all factors – urgency, impact to surrounding neighbors, past experiences (with that type of violation or with the homeowner), etc.

In either case (performing the work and billing, or fining/litigation), the Aberdeen Board may, at its sole discretion, consult an attorney for advice and/or to send the violating party a letter outlining its decision and what the violator is to expect next.

Fining is viewed by Aberdeen HOA's board as a tool to be used to achieve compliance with the deeded covenants of the community, and not as a way of raising money. For example, collected fines are not considered as a source of money available to spend during the annual budgeting process.

Urgent and Immediate Violations

Violations that are deemed to create an urgent situation warranting immediate action (thus overriding the normal courtesy letter and time to cure) will be handled by immediately escalating them to the same status as uncured second violation notices. Furthermore, due to the urgency of the threat or potential harm to the community the time frame for board action may be significantly shortened or skipped entirely. Examples: open burning near preserves or neighbors' homes, forcing open entry gates such that the gates or motors are damaged.

In such situations, cure grace periods may be skipped or shortened, and/or an emergency board electronic vote in lieu of meeting may be conducted in order to immediately decide on the next step, such as fining or litigation.


Consistency and Fairness

Aberdeen HOA's board and its management company recognize and acknowledge the overriding importance of maintaining consistency in its treatment of violations. **The policies and procedures** outlined in this document and the 6/20/2011 fining policy **are to be followed consistently, without exceptions made, in order to ensure the fairness of the process for all homeowners** – both violators and those affected directly or indirectly by such violations.

The overriding guiding principle of Aberdeen HOA is that its deeded covenants and related rules have been developed to ensure the optimal enjoyment of everyone's Aberdeen home, and thus it is incumbent upon the Board to oversee that the rules of the community are followed, for everyone's mutual benefit.

IN WITNESS WHEREOF, the Board of Directors has adopted this Resolution on this 13th day of August, 2018.

ABERDEEN HOMEOWNERS ASSOCIATION

By:  10/8/2018
President Date