

## Carriage Hills Homeowners Association

PO Box 9565, Rapid City, SD 57709

Email: [CarriageHillsHOA@midco.net](mailto:CarriageHillsHOA@midco.net)

Web: [www.goacepropertymanagement.com/carriage-hills-hoa](http://www.goacepropertymanagement.com/carriage-hills-hoa)

Date: January 6, 2021

To: Carriage Hills Homeowners Association Members

From: Carriage Hills HOA Board of Directors

Re: **Covenant Enforcement Policy for 2021**

The Carriage Hills Homeowners Association ("Association") through its Board of Directors ("Board"), has established this policy for the enforcement of the restrictive covenants set forth in the Restated Declaration of Reservations and Restrictive Covenants and Conditions for Carriage Hills Subdivision, as amended from time to time, ("Covenants") and as binding upon the property located within the Carriage Hills Subdivision ("Community").

It shall be the general policy of the Association to issue charges only after giving the homeowner an opportunity to correct a violation and providing due process for a hearing with the Board prior to issuing the charge. The Board may impose a charge in addition to taking any other legal action it deems necessary to enforce the Covenants and/or rules and regulations of the Association. Notwithstanding this procedure, the Board may take legal action to enforce the Covenants and/or rules and regulations at any time.

1. **Establishment of a Violation:** Any condition, use, activity, or improvement which does not comply with the provisions of the Covenants shall constitute a "Violation" under this policy for all purposes. Failure to notify or enforce any part of this policy or any rules or regulations will not be deemed a waiver of any of part of this policy or other rules and regulations. All rules and regulations will be severable, and if one or more are found to be invalid, all others will remain in full force and effect.
2. **Complaint:** Complaints by homeowners should be documented and submitted by one of the following 3 method:
  - a. Email listed information below to the Board of Directors [CarriageHillsHOA@midco.net](mailto:CarriageHillsHOA@midco.net),
  - b. Complete a Complain Form and mail it to Carriage Hills HOA, PO Box 9565, Rapid City, SD 57709, or
  - c. Leave a website message on the Property Management Company contact page [www.goacepropertymanagement.com/contact](http://www.goacepropertymanagement.com/contact).

The complaining party shall have personally observed the alleged violation and shall provide the following:

- d. Contact information of the complainant,
- e. Property address of the alleged violator, and a
- f. Brief description of the alleged violation including supporting information such as pictures if available.

Non-written complaints or written complaints failing to include supporting information may be investigated or prosecuted at the discretion of the Board. Complaints will be handled confidentially within reason or unless disclosure is legally required.

3. **Investigation:** Upon receipt of a complaint, if additional information is needed, the complaint may be returned to the Complainant or may be investigated further by the Board and/or agent as it may designate. The Board shall have sole discretion in appointing an agent, individual or representatives to investigate the matter.

4. **Courtesy Violation Notice:** If a violation is found to exist, a Courtesy Violation Notice will be sent to the homeowner with:
  - a. A description of the violation; and
  - b. A request for the homeowner to reply in writing or by email within 7 days whether he or she will comply with a request to come into compliance within 14 days of receipt of the Violation Notice.
5. **Continuing Violation:** If the Courtesy Violation Notice process does not resolve the violation, the homeowner will be requested to appear before the Board to address the violation. If the violation is not resolved within 14 days of the Violation Notice or within 7 days of meeting with the Board, whichever is later, the Board may impose a monetary charge against the homeowner of \$10 per day until the violation is resolved. If the homeowner fails to appear or provide written evidence on his or her behalf, the Board may immediately apply the daily monetary charge against the homeowner until the violation is resolved.
6. **Repeat Violation:** A repeat violation occurs when a homeowner violates the same Covenant provision which was resolved previously. A repeat violation within a 24-month period may result in a Violation Notice and a charge of \$20 per day being assessed beginning on the date the violation notice is sent to the homeowner and continuing until the until the violation is resolved.
7. **Irreversible Violations:** When a violation has occurred, which cannot be mended, the Board will seek to notify the owner of a hearing that may determine the amount of a possible charge, or other action, for the violation.
8. **Charges:** A Charge of \$10 per day will applied to homeowners with unresolved violations beginning on the later of the 15<sup>th</sup> day following the homeowner's receipt of the Violation Notice, the 8<sup>th</sup> day following a meeting with the Board, or on the 15<sup>th</sup> day following a compliance date agreed to by the Board. Repeat Violations will be charged \$20 per day beginning on the day the violation is sent to the homeowner.
9. **Non-Payment of Charges:** The Board may file a lien against the property for collection of unpaid charges, expenses associated with the violation, interest at the rate of 12 percent per annum, and collection costs including but not limited to property management fees, attorney fees, and other collection charges.
10. **Serious/Immediate Risk Violations.** When a violation concerns a serious immediate situation for person or property the Board will seek to obtain prompt action by the alleged violator to correct and avoid any recurrence; examples include nuisances, fireworks, barking or menacing dogs, et cetera. The board will seek to contact the owner or other violator, and a hearing will be scheduled as soon as possible.

Tim Haggerty @ 605-381-7760, President

James Litz @ 605-484-1631, Vice President

Pam Fritz @ 605-390-6864, Secretary

Warren Braun @ 605-415-2158

Stu Snyder @ 314-494-7983

Steve Wagner @ 605-209-4192, Treasurer