



Wendell Falls Community Association ENFORCEMENT POLICY

WHEREAS, Article III, **Board of Directors: Selection, Meetings, Powers**, Section A. **Composition and Selection**; of the By-Laws of the Wendell Falls Community Association (the "Association") assigns the Board of Directors all of the powers and duties necessary and appropriate for the administration of the Association's affairs and for performing all responsibilities and exercising all rights of the Association as set forth in the Declaration of Covenants, Conditions and Restrictions, By-Laws, Articles of Incorporation, and as provided by law; and

WHEREAS, there is a need to bring the Community Enforcement Policy to view by the community in one document for ease of reference, and

WHEREAS, it is the intent of the Board of Directors to implement procedures for compliance to its Governing Documents, recognizing that sub-Associations may have compliance policies which are stricter than that prevailing in the master Association, and

NOW, THEREFORE BE IT RESOLVED that the Board of Directors has implemented the following Community Enforcement Policy for handling violations of the Governing Documents by residents and Homeowners.

PROCESS & NOTIFICATION

1. Property Inspections will be conducted regularly, as determined by the Board of Directors, on behalf of Wendell Falls Community Association (the "Association") by a representative of the Community Management team ("Management") to ensure compliance with the Governing Documents as well as the statutes set forth in the Planned Community Act, 47F, by the State of North Carolina Community Association governance. In accordance with Article 7.5 of the Declaration of Covenants, Conditions, and Restrictions for Wendell Falls (CC&R's), sanctions may be imposed for violations of the Governing Documents.
2. Violations may be identified by Management during their normally scheduled inspections of the community property, by members of the Board of Directors, or Committee Chairpersons. If noted by either of the latter, the information regarding the violation shall be forwarded to Management.
3. If a violation is reported by a homeowner, confirmation as to whether a violation does in fact exist shall be a part of the next regularly scheduled inspection. Owners are asked to submit reports in writing to Management and provide a picture when reasonably possible.
4. Additional Inspections may be conducted in between regularly scheduled inspections in cases of "serious" violations, including but not limited to, architectural modifications, storage of boats, commercial vehicles, travel or utility trailers, disabled motor vehicles, or similar vehicles on the property, or "nuisance" violations, such as livestock, etc.

If a violation is observed, the following process will be followed:

1. Management will send the alleged violator (a Member, occupant, tenant, employee, guest, or invitee of Member) a **Courtesy Notice** describing the violation and the applicable provision of the Governing Document and requesting that the violation be corrected. Alleged violators will have 7 days from the date of the Courtesy Notice to resolve a violation.
2. If after 7 days from the Courtesy Notice, as outlined in the Bylaws, Section 8.1 and the First Amendment to Bylaws for Wendell Falls. **Notice and Response**. The Board or its delegate shall serve the alleged violator with written notice, by certified mail, return receipt requested,



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- a. Describing the alleged violation or property damage which is the basis of the proposed sanction or amount due to the Association, as applicable; and
 - b. Describing the proposed sanction to be imposed; and
 - c. Informing the alleged violator that they have 14 days after receipt of the notice to present a written request for a hearing to the Board or the Covenants Committee, if one has been appointed pursuant to Article 5; and
- (1) If the alleged violator fails to respond to the notice within the 14-day period, the Board may impose the proposed sanction pursuant to North Carolina General Statute 47F-3-107. If the hearing is to be held before a Covenants Committee, the notice shall also state that the alleged violator has the right to appeal the decision of the Covenants Committee to the Board.
 - (2) If the alleged violator cures the alleged violation and notifies the Board in writing within such 14-day period the Board may, but shall not be obligated to, waive the sanction. Such a waiver shall not constitute a waiver of the right to sanction future violations of the same or other provision and rules by any person.
 - (3) Pertaining to repeated violations, the 3rd Amendment to the CCR's states that once the Board has complied with all enforcement procedures set forth in Article VIII of the Bylaws, such compliance shall not be required for any repeat violation of the same provision in connection with the same unit occurring within 12 months of the prior violations.
3. Prior to the effectiveness of sanctions imposed pursuant to this article, proof of proper notice shall be placed in the minutes of the Board or Covenants Committee, as applicable. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator or its representative requests and appears at the hearing.

HEARINGS

1. As outlined in the Bylaws, Section 8.2 **Hearing**; if a hearing is requested within the allotted 14-day period, the hearing shall be held before the Covenants Committee, or if one has not been appointed, then before the Board in Executive Session within 30 days after receipt of the alleged violator's request. Either the Board or the alleged violator may request a postponement of up to 10 days and such postponement shall be granted. The Board shall notify the alleged violator at least 10 days prior to the hearing of the time, date, and place of the hearing. At the hearing, the alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meetings of the Board or Covenants Committee, as applicable, shall contain a written statement of the results of the hearing (*i.e.*, the Board's or Committee's decision) and the sanction, if any, to be imposed. Written notice of the decision shall be mailed to the violator within three days after the hearing. Written correspondence may be submitted by any alleged violator unable to attend the Hearing Meeting.
2. Hearings are held in executive session. Proof that notice of a hearing was sent to the Member is required. Proof of notice shall be satisfied by a written statement from the officer, director, management or other agent who delivered the notice stating the date and manner of delivery. A copy of the notice shall be attached to the proof of notice.
3. If the alleged violator has not requested a hearing of the Board or if the violation is not corrected within 14 days of the Notice, a fine of up to \$100 per day, as determined by the Board of Directors, will be



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assessed starting 5 days after the hearing date, along with a deadline for payment set by the Board may be issued.

As described in the Declaration and Bylaws, fines are treated as an Assessment and are subject to the provisions of the collections process.

FINE SCHEDULE

- Initial Fine (amount determined by the Board, up to \$100) assessed 5 days after the Hearing
- Continuing fine (amount determined by the Board, up to \$100) per day if not cured within 5 days of Hearing
- Recurrence Fine (amount determined by the Board, up to \$100) per day per occurrence if same violation is identified within 12 months of Hearing
- Pursuant to Section 7.5, **Compliance and Enforcement** of the Declaration, sanctions include late fees and fines; suspending the right to vote; suspending the violator's and any guest or invitee of the violator's right to use any recreational facility within the Common Area; suspending any services which the association provides to an Owner or the Owner's Lot if the Owner is more than 30 days delinquent in paying any assessment; precluding any contractor, subcontractor, agent, employee or other invitee of an Owner who fails to comply with Section 4 of the Declaration or the Design Guidelines from continuing or performing any further activities in the Community; and levying Benefited Assessments pursuant to Section 8.4 of the Declaration to cover costs incurred by the Association to bring a Lot into compliance.
- Additionally, and notwithstanding the process set forth above, pursuant to Section 7.5(c) of the Bylaws, the Association also may elect to enforce any provision of the Governing Documents by "self-help" which allows the Board to correct the violation for the Owner (e.g., towing vehicles in violation of parking rules, removing trash receptacles, etc.) and charge all costs back to the Owner, including any and all administrative costs and the costs to correct the violation.

4. As outlined in the Declaration of Covenants, Conditions, and Restrictions for Wendell Falls, Section 8.3 **Appeal**, if a hearing is held before the Covenants Committee, the violator shall have the right to appeal the decision to the Board. To exercise this right, a written notice of appeal must be received by the Association's Manager, Board President, or Board Secretary within 10 days after the date of the Covenants Committee's decision.

GENERAL ENFORCEMENT PROCEDURES

Community Inspection:

A representative for the Association will conduct monthly full property inspections at least once per month.

Reporting Violations:

Violations are to be reported in writing to the Association. The names of persons reporting a violation will not be released except upon request to members of the Board of Directors.

Homeowner Correspondence:

Violation related correspondence shall be directed to the Homeowner. Homeowners are responsible for the actions of their lessee, tenant, guest, or invitee. As outlined in Section 3.6 of the CC&Rs, the homeowner of a



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leased unit is responsible for any violations by the lessee or other occupants, notwithstanding that the lessee and occupants are fully liable and may be sanctioned for their violations. Notice shall be sent to the owner and lessee and the homeowner is responsible for payment if the lessee fails to pay the fine. Ultimately, the homeowner is responsible for correcting the violation and payment of fines.

Records:

The management company shall maintain a record of each violation, its resolution, and any sanctions related thereto until the offending Homeowner is no longer a member of the Association; however, if it is a violation of the Association's Design Guidelines, the violation will continue in place until remedied by New Homeowner. Failure to correct subjects the New Homeowner to the Enforcement Policy in effect at the time.

Repeating Violations:

Repeat violations within a one-year period from the date of the First Notice will cause the violation process to continue from where it previously was closed.

Enforcement:

The Board or its duly appointed designee, conducts Hearings and uniformly enforces the correction of a violation through the imposition of fines and/or sanctions to include the suspension of common area and community facility privileges.

CONFLICT AND SEVERABILITY

In the event this Community Enforcement Policy may, at any time, be inconsistent with any provision of the Governing Documents, Wake County, or North Carolina law, the state of North Carolina law shall control. If any of these procedures should be ruled invalid or improper, the validity and enforceability of the remaining procedures shall be unaffected, and the procedure held invalid will be reformed so as to give it the manifest intent for which it was drafted. Should a violation occur which imposes a financial obligation to the Association; the party responsible for the violation shall reimburse, by way of a special, non-lien assessment, the Association for the financial obligation.

OFFICER'S CERTIFICATION,

We, the Board of Directors, do hereby certify that this Policy Statement was properly adopted at a Board of Directors meeting held on April 4, 2024.

DocuSigned by:

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President

Signed by:

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Secretary