# *Corbinton at Kildaire Farm Homeowners Association, Inc.*
# *Rules Enforcement Policy & Procedure*
## *Rev 1*

# Restrictions and Rules Enforcement Resolution

This Rules Enforcement Policy and Procedure identify the enforcement procedures, including fines and appeal procedures for the Corbinton at Kildaire Farms Homeowners Association Rules and Restrictions as outlined in the Association's Governing Documents.

**RULES ENFORCEMENT POLICY AND PROCEDURE**

WHEREAS, **Section 47C-3-107.1. Procedures for fines and suspension of condominium privileges or services** of the North Carolina General Statutes Chapter 47C North Carolina Condominium Act, provides for the imposition of fines or suspension of condominium privileges or services as provided for in the declaration.

WHEREAS, Article III, Sections 1(e) and 3.2(a) of the Declaration, and Article V, Section 5.1(b)(vi) of the Bylaws authorizes the Board to adopt Restrictions and Rules concerning the operation and use of the Common Elements and Property consistent with the Declaration, and the Board of Directors is the administrative body of the Association charged with enforcement of its restrictions and

**NOW, THEREFORE, BE IT RESOLVED THAT this Resolution shall be adopted as the Rules Enforcement Policy and Procedure, Revision 1:**

### 1. REPORTING OF ALLEGED VIOLATION

a) Alleged violations of the Declaration and Rules and Regulations of the Association may be noted during periodic inspections by the Association's property management company. Additional alleged violations may be reported to the Board by email or in writing. Anonymous reports will not be accepted, as alleged violators have the right to see the evidence against them.

b) Any email, letter or approved rule violation form (Attachment A) must state the following:

1. The nature of the violation.
2. The date and approximate time of the violation.
3. The approximate location of the violation.
4. The name and/or unit address of the offending party.
5. The name and unit address of the person reporting the violation.
6. A statement that the reporting person actually observed the violation.
7. Their signature.
8. Any other information that may aid the Board in resolving the violation.

c) Based on the results of the investigation, the Board at its sole discretion will determine if enforcement is required.

### 2. INVESTIGATION OF ALLEGED VIOLATION AND NOTICE

Unit Owners are responsible for addressing alleged violations committed by themselves or any family member, guest, invitee, contractor or tenant. The Owner of a Unit shall also be deemed to be the person who is responsible for performing any work which may be required to repair, restore or replace any damaged or destroyed part or portion of Park Place and to pay any cost, fee, expense or fine which may be levied by the Board.

The sequence of events in enforcing the Governing Documents will be as follows:

a) If, in the opinion of the Board or the management agent, the reported violation does not immediately endanger other residents or the Common Elements or another Unit, and can best be cured by a warning, the Board or the management agent shall send a letter to the Owner of the Unit from which the violation generated describing the alleged violation and demanding (1) that any such violation immediately cease and (2) any unauthorized exterior modifications be removed with seven (7) days and (3) (if appropriate) any areas damaged by the violation be immediately repaired, restored or replaced within fifteen (15) days at the Owner's sole cost and expense.

b) If the Owner does not fully comply with the above-described warning letter within fifteen (15) days, or, if in the opinion of the Board or its management agent, the violation could immediately endanger other residents or the Common Elements, or a Unit, or, in any case, that a warning letter would prove ineffective, or if there is a repeated violation, then the Board or its management agent shall send to the Owner a written notice of the violation and request that they attend a hearing before the Board, for the Board to present the violation and required owner's remediating actions pending sanction and/or fine. The written notice should contain essentially the following information:

1. A description of the nature and place of the violation.
2. A demand that the violation immediately cease and that any damage to the Common Elements, or any Unit be repaired, restored or replaced.
3. A statement that a fine/fines in the amount as specified in the Category/Violation (Table-1) shall be levied against the offending party.
4. The date, time, location or manner of the hearing.

## 3. HEARING, APPEAL AND SANCTIONS

a) The accused Owner is entitled to a hearing before the board for any alleged violation that is contested by the accused Owner. The Board shall schedule the hearing and notify the Owner of the hearing date at least ten (10) days out from the notice of hearing. The accused Owner may request an alternate date for the hearing, but repeated requests for rescheduling may not be accommodated.

b) If the accused Owner ceases the violation or repairs, restores or replaces any areas damaged by the violation, the Board may elect to cancel the hearing and close out the violation, or may elect to continue with the hearing in its sole discretion.

c) At the hearing, the Board will determine if the Owner should be held in violation and if fines should be imposed, or community privileges suspended. The following default fine schedule will apply unless the Board determines that the violation is sufficiently serious, or the Owner has repeatedly violated the same rules, or other factors require imposition of a higher fine:

1. Initial fine: Per Table 1

2. Thereafter, fines may be levied on a daily basis beginning on day 6 after the determination of violation is made. Generally, continuing violations will be assessed as follows ("Day" references mean to days of fining): Day 6 - Day 10: $10.00 per day (up to a maximum of $100.00)

   For further explanation, some violations are single, one-time events (such as an animal being off leash on a particular day) and other violations are continuing (such as construction of an unapproved improvement on a lot). The Association may fine up to $100 for any single violation. Thereafter, the owner will be given five days to correct any continuing violation before additional, daily fines can start on the 6th day

after the determination of violation is issued by the Association. Fines for continuing violations will continue until the violation is cured.

d) The Board may request the Association attorney to be present at the hearing.

e) If the accused Owner is found by the board, after a hearing, to have violated any provision of the Governing Document or the Restrictions and Rules, the fine(s) as set forth in the notice of violation shall be levied by the Board against the accused Owner's Unit, together with all costs, fees or expenses incurred by the Association to repair, replace or restore damaged areas of Corbinton at Kildaire Farm.

**4. ADDITIONAL ENFORCEMENT RIGHTS**

a) Any unpaid fines become a lien on the Owner's Unit, which may be collected through the foreclosure process provided in the Condominium Act and the Declaration. Such collection shall include recovery of all court costs, attorneys' fees, management charges and miscellaneous costs of enforcement or collection.

b) If a violation of the Governing Documents represents an immediate danger to the residents, or of substantial harm to the Common Elements or Units, or in the case of repeated violations, then the Association, acting with the Board's authorization, may elect to enforce any provision of the Association's Governing Documents by self-help or by suit at law or in equity to abate and enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedures set forth above. In any such action, to the maximum extent permissible, the Owner responsible for the violation of which abatement and/or injunctive relief is sought shall pay all costs, fees and expenses incurred by the Association, including, but not limited to court costs and attorneys' fees actually incurred.

**5. LATE PAYMENT OF ASSOCIATION FEES, ASSESSMENTS AND FINES:**

a) All fees and assessments are due monthly by the fifth ($5^{th}$) day of the month and considered late if not received by the tenth (10th) day of the month. Late payments shall incur a late fee of $20.00.

b) Owners who are sixty (60) days or more past due will be sent a reminder letter and will be notified that unless full payment is made within fifteen (15) days of the date of the letter, the Association will send the account to collections with the Association's attorneys and after that time, the Owner shall be liable for all amounts owed to date, including all costs of collection, court costs and attorneys' fees.

c) Owners who are ninety (90) days or more past due may have their account moved to foreclosure by the attorneys.

This Resolution is effective on July 1, 2026

ADOPTED this 24th day of June 2026

Andrew Drake, President
Corbinton at Kildaire Farm
Homeowners Association, Inc.

Mark Swallow, Vice President & Treasurer
Corbinton at Kildaire Farm
Homeowners Association, Inc.

David Birner, Treasurer
Corbinton at Kildaire Farm
Homeowners Association, Inc.

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| *Table 1* | | | |
|---|---|---|---|
| **Declaration Category / Violation** | **1ST Notice or Violation** | **2ND Notice or Violation** | **3RD Notice or Violation** |
| Article VI<br>Section 2<br>Additional Maintenance Provisions | Notice of violation(s) and items to be maintained, repaired or replaced at Owner's expense | A $50.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 2<br>Use of Property | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied for a second violation | A fine of $100.00 for 3rd and subsequent violation |
| Article VII<br>Section 3<br>Condition of Property | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 4<br>Animals | Written request to owner for compliance and notice of consequences for subsequent violations | A $50.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation to a maximum of $100.00 |
| Article VII<br>Section 7<br>Leasing | **(copy not filed with Association)**<br>Written request for signed copy within 30 days | After 30 days, $100.00 fine plus daily fine in accordance with Section 3(c) until the lease is received | After 90 days legal action may be taken. |
| | **(Lease Terms Violation)**<br>Written request to revise lease within 14 days to comply with governing documents and notice of consequences for failure to correct | After 14 days, $100.00 fine. | After 30 days legal action may be taken. |
| Article VII<br>Section 8<br>Temporary Structures | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to immediately remove structure and $100,00 fine plus potential legal action. |

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| Article VII<br>Section 9<br>Fences | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to immediately remove structure and $100,00 fine plus potential legal action. |
| Article VII<br>Section 10<br>Signs | Written request for compliance and notice of consequences of repeat violation | A $25.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 11<br>Outdoor Structures. Equipment. and Decorations | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 12<br>Flags | Written request for compliance and notice of consequences of repeat violation | A $25.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation. (i.e. $75.00 for 3rd violation, 100.00 for 4th violation) to a maximum of $100.00. |
| Article VII<br>Section 13<br>Trees | Written request to replace tree(s) removed within (7) days and notice of consequences of repeat violation | Written request to replace with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to replace with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 14<br>Parking | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied for a second violation | An increase of $25.00 will be levied for each subsequent violation. (i.e. $75.00 for 3rd violation, 100.00 for 4th violation) to a maximum of $100.00. |
| Article VII<br>Section 15<br>Antennas and Satellite Dishes | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |

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| Article VII<br>Section 16<br>Solar Collectors | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 17<br>Garbage Receptacles | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied | Fines will increase by $50.00 for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 18<br>Mailboxes | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 19<br>Pools | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 20<br>Windows. Blinds. Doors. and Awnings | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 21<br>Screen Enclosures | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 22<br>Governmental Regulations | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied | Fines will increase by $50.00 for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 23<br>Basketball Goals and Trampolines | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | An increase of $50.00 will be levied for each subsequent violation. |

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| Article VII<br>Section 24<br>Tanks | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 25<br>Play Sets/Structures | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to remove structure with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 26<br>Time Limits on Construction | Written request for compliance and notice of consequences of repeat violation | A $50.00 fine will be levied | Fines will increase by $50.00 for each subsequent violation to a maximum of $100.00. |
| Article VII<br>Section 28<br>Drainage and Grading | Written request to restore to original conditions within (7) days and notice of consequences of repeat violation | Written request to restore to original condition with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to restore to original condition with (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 29<br>Generators | Written request to remove structure within (7) days and notice of consequences of repeat violation | Written request to Remove structure within (7) days, $100.00 fine and notice of consequences for additional violation. | Remove structure within (7) days, $100.00 fine and notice of consequences for additional violation. |
| Article VII<br>Section 31<br>HVAC Relocation | Written request to restore to original conditions within (7) days and notice of consequences of repeat violation | Written request to restore to original condition with (7) days, $100.00 fine and notice of consequences for additional violation. | Written request to restore to original condition with (7) days, $100.00 fine and notice of consequences for additional violation. |

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## Attachment A - Complaint Form

Before the Board can act upon any alleged violation to the Rules and Regulations or Use Restrictions, all alleged violations must be documented in writing. This Complaint Form or similar communication containing the same information, must be completed and mailed or emailed to the Management Office before any action can be taken.

1. Name of person reporting violation: _____

2. Name and address of offending party: _____

_____

_____

3. Nature of violation: _____

_____

_____

4. Date and time violation occurred: _____

5. Location where the violation occurred: _____

_____

6. Statement of what you observed: _____

_____

_____

7. Any other pertinent information that may aid the Board in resolving the violation: _____

_____

_____

By signing this complaint form, I hereby confirm that the information is true to the best of my knowledge and I am willing to participate with the Board or other designated Committee on this action and will act as a witness, if necessary.

_____ _____

Signature of Person Reporting Violation Date

_____ _____

Address Phone

**Return completed form to:** Barbara Williamson
Community Manager
Associa H.R.W. Management
4700 Homewood Court, Suite 380
Raleigh, NC 27609
BWilliamson@hrw.net