

The Gettysburg at Battle Creek Property Owners Association

Covenants Enforcement Process

Adopted June 22, 2020

Purpose: The Gettysburg at Battle Creek Property Owners Association (the “Association”) is charged under the Association’s governing documents with the enforcement of the Declaration of Covenants, Conditions, and Restrictions (the “Covenants”) which contain, among other things, architectural guidelines. The Association is committed to applying the requirements uniformly, consistently, and fairly, with the goal of maintaining the great atmosphere of our neighborhood and protecting our property values.

Consequently, the Association’s Board of Directors (the “Board”) has approved the following procedures to ensure proper and fair enforcement of the Covenants.

It is the responsibility of every Property Owner or tenant to be familiar with and observe the Covenants.

The current policy of the Board is not to police the neighborhood, but to determine if a violation has occurred when notified of a possible violation by a Property Owner (this includes Board members). If a Property Owner observes a possible Covenant violation, they may notify the Board in writing via mail to the Association’s United States Post Office address (listed below), email to the Association’s email address (listed below), or a phone call to any of the Board of Directors (listed in current Association directory).

When the Board receives notification of a possible Covenant violation, a delegated Board Member will make an initial determination as to whether a violation exists. If the delegated Board member believes a violation exists, they will present it to the entire Board for review.

The entire Board will review the possible violation and confirm whether there is a violation. If the Board agrees that a violation HAS NOT occurred, the delegated Board member will contact the initiating party via email, letter, or phone call, and will advise them of the Board’s decision.

Violation Enforcement Process: If the Board agrees that a violation HAS occurred, the following process will be initiated:

Step 1: A letter will be sent to the Property Owner¹ whose property contains the violation. The first letter will advise the Property Owner¹ of the following:

- That a violation has occurred pertaining to the referenced Section of the Covenants;
- A description of the violation;
- That the Property Owner has 14 days from a date specified in the letter to correct the violation or submit a request an appeal or extension to the Board for consideration; and,
- That failure to correct the violation within the specified 14 days will result in a fine of \$100.

The delegated Board Member will confirm whether the violation has been corrected within the allotted time. If so, the process ends. If the violation continues, Step 2 will be initiated.

Step 2: If the violation is not corrected within the specified 14-day period or a request for an extension or appeal has not been submitted and approved by the Board, the delegated Board member will advise the entire Board that the violation has not been corrected. The Board will then send a second letter to the Property Owner¹

The second letter will advise the Property Owner¹ of the following:

- A description of the violation;
- That the violation has not been corrected with the specified 14-day period, and a request for an appeal or extension has not been submitted and approved;
- That the Property Owner has been fined \$100;
- That the Property Owner has 14 days from a date specified in the letter to correct the violation or present remediation plans to the Board for consideration; and,
- That failure to correct the violation and pay the previously assessed fines within the specified 14 days will result in an additional fine of \$200 (\$300 total).

The delegated Board Member will confirm whether the violation has been corrected within the allotted time and all previously assessed fees have been paid. If so, the process ends. If the violation continues, Step 3 will be initiated.

Step 3: If the violation is not corrected and all previously assessed fines have not been paid within the specified 28-day period or a request for an extension or appeal has not been submitted and approved by the Board, the delegated Board member will advise

¹ If the home is a rental property, both the owner of the property and the renter are notified of the covenant violation.

the entire Board that the violation has not been corrected. The Board will then send a third letter to the Property Owner¹. The third letter will advise the Property Owner¹ of the following:

- A description of the violation;
- That the violation has not been corrected with the specified 14-day period, and a request for an appeal or extension has not been submitted and approved;
- That the Property Owner has been fined an additional \$200 (\$300 total);
- That failure to correct the violation and pay the previously assessed fines within an additional 14 days from the date specified in the letter will result in an additional fine of \$200 (\$500 total); and,
- That after the expiration of the third 14-day period, a lien may be filed by the Association against the property in the amount of \$500. The lien will include any lien fees, filing fees, postage and/or attorney fees that are incurred in the collection of the assessed fines and are payable by the Property Owner.

The delegated Board Member will confirm whether the violation has been corrected within the allotted time and all previously assessed fees have been paid. If so, the process ends. If the violation continues, Step 4 will be initiated.

Step 4: If the violation has not been corrected within the specified time period and previously assessed fines have not been paid or a request for an extension or appeal has not been submitted and approved by the Board, the Board will review the violation and determine if a final notice will be sent to the Property Owner¹.

The Board will send a final certified letter advising the Property Owner¹ of the following:

- A description of the violation;
- That the violation has not been corrected within the specified time period and an extension has not been requested and approved;
- That the Property Owner has been fined an additional \$200 (\$500 total); and,
- That a lien has/will be filed against the property for \$500, plus costs including the initial lien fee, postage, filing fees and/or attorney fees, and will continue to accrue any similar costs until the outstanding fines and costs are paid in full by the Property Owner.

Once filed, a copy of the lien will be mailed to the Property Owner.

Extensions: After receiving a violation letter, a Property Owner may request an extension of the specified deadline for correcting the violation. Extension requests should be made in writing, via email or mail, to the Board. If the Property Owner

requests an extension during this process, the Board will review the request and vote. If an extension is granted, the Property Owner will be notified and expected to remedy the violation by the approved extension deadline. If not, the violation process continues where it left off.

Appeals: A Property Owner, not the renter, has the right to request a meeting with the POA Board to review the violation, and request a hearing on the fine. The result of such hearing may be to either wave the fine, grant an extension of time to resolve the violation, or take any action the Board determines appropriate.

Repeat Violations: Multiple repeat violations, after Step 4 has been applied, will be treated as new violations.

To report an issue, ask a question, or request a Board response, please contact:

Gettysburg at Battle Creek Property Owners Association
P O Box 461
Broken Arrow, OK 74013
Email: gettysburgpoa@gettysburgpoa.net

This document is intended to inform Property Owners of the Board's normal processes in the event of a Covenant violation. Nothing contained in this document waives or limits in any way the rights of the Association or Board under existing law or the Covenants.