

Long Branch Lakes Covenants Complaints, Violations, Penalties

REV 2, November 2021

PROCEDURES

As stated in the Declaration of Protective and Restrictive Covenants for Long Branch Lakes at Fall Creek Falls:

Whereas, Longbranch, in order to provide for the orderly development, improvement, and maintenance of the Property and to provide for the mutual benefit and protection of the property rights of Long Branch and of the persons who may hereafter reside in and on the Property, impose certain restrictions, provide for a property owners' association, and reserve unto itself certain rights and privileges. (Paragraph 2)

Section III, 1. Property Owners Association (POA) established for the purpose of maintaining the standards and enforcing the restrictions contained in this Declaration of Protective and Restrictive Covenants, and for such additional purposes as its membership shall from time to time deem necessary and proper. All owners of parcels within the Property shall, by acceptance of their deeds, be required to become members of the Association and shall be subject to its rules and regulations.

These covenants are published on the Long Branch Lakes POA website and all Long Branch Lakes at Fall Creek Falls properties are subject to these covenants.

This procedure defines both the process of covenant violation notification and the process of resolution. A fee schedule is also included.

General Notes:

- The POA Board has the final authority over all complaint/violation resolutions.
- The violator/property owner will be notified of the violation in writing, and the violation will be documented in the LBL POA Covenant Violation Log.
- The property owner may present their case to the BoD before final resolution is determined.
- Complaints by LBL members are considered notice of potential violation(s) of one or more covenants.
- Some complaints may not be in violation of a specific covenant.
- In all cases of complaints or notifications of violation, the BoD will make the determination of validity.
- All complaints, violations, and resolutions will be documented using LBL POA Covenant Violation Log to ensure consistency.
- Many violations will be noticeable at large but will still be documented using in the LBL POA Covenant Violation Log.
- In many cases, a committee may exist with oversight for a particular violation. That committee will make a recommendation to the BoD for resolution.

Long Branch Lakes Covenants Complaints, Violations, Penalties

REV 2, November 2021

I. Filing a Complaint or Notice of Violation:

Any landowner/resident may make a complaint or notice of violation. (Not all complaints will be violations.) In some cases, immediate action may be required and a POA Board member must be contacted immediately. Any potential Safety Hazard demands immediate POA Board member notification. Anonymous complaints which are determined to be valid will be addressed in accordance with the following procedures.

The LBL POA Board allows for multiple methods of notification.

- Call any POA Board Member
- Email any POA Board member

The complaint or notice should be specific enough to allow for follow-up. This would include property owners' name (if known or applicable), property address, clear description of issue, photos if helpful, date, time, etc.

The POA Board does not require any specific form for notifications from Property Owners.

II. Once a complaint or notification of violation is otherwise noted:

- 1) The BoD will determine if the complaint or notice is valid.
 - a) If the notice is valid, the BoD will determine if a committee has oversight of this particular notice. If so, the BoD will notify that committee chairman and the committee will address the resolution.
 - i) *BYLAWS: 11.6 Review of Complaints. It shall be the duty of each committee to receive complaints from Members on any matter involving Association functions, duties and activities in its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committee, Director or officer of the Association as is further concerned with the matter presented.*
 - ii) If a complaint is not valid or has already been addressed, a BoD member will discuss the matter with the community member that reported the complaint.
- 2) Covenant Violation Action and Notification
 - a) The BoD will address the notice.
 - b) In some cases, immediate action may be required, and in such cases, any single POA Board member may take that action.
 - c) A BoD Representative will send a LBL POA Covenant Violation Letter (attached) to the property owner within 10 days of receiving the original notice. This letter will include a timeframe and resolution. Hand delivery, US Mail delivery, and/or email delivery is acceptable.
 - d) A copy of the LBL POA Covenant Violation Letter is also placed in the LBL Covenant POA Violation File and the incident is logged into the LBL POA Covenant Violation Log. Each incident is assigned a unique sequential number.

Long Branch Lakes Covenants Complaints, Violations, Penalties

REV 2, November 2021

III. After Notification of Covenant Violation/Property Owners Actions

- 1) Once a property owner is officially notified, he/she may request a special meeting with the BoD to discuss the issue and determine an acceptable resolution and timeframe. Extenuating circumstances may also be discussed. The meeting will be documented in BoD minutes.
- 2) In all cases, it is the responsibility of the Property Owner(s) to contact the BoD concerning resolution of the violation.
- 3) Should the Property Owner(s) fail to do so within 10 days of notification, fines may be levied per the attached fee schedule.
- 4) Once an acceptable timeframe and resolution are determined, the Property Owner(s) must again contact the POA BoD for verification purposes.
- 5) A Board Member will then complete the LBL POA Covenant Violation Log with the resolution and complete the Resolution Form.
- 6) Should the resolution not be completed or should the offense recur, the POA Board will note this on the Covenant Violation and Resolution Forms and proceed with increased fines and/or sanctions.

IV. Violation Classifications

The LBL POA has designated three general classifications of covenant violations:

- 1) Short term violation: minor, easily resolvable, unique event, not related to committee oversight.
 - a) In all cases, a Notification Letter (attached) will be sent to the property owner.
 - b) A recurrence of the SAME EVENT with 30 days increases the severity of the violation and fees may be assessed. Fees increase with each recurrence of the SAME EVENT.
 - c) Many short-term violations may be resolved without any monetary fines for the FIRST occurrence only.
 - d) Fines will be levied for recurrences of short- term violations per the attached fee schedule.
- 2) Safety Hazard
 - a) If the complaint or violation poses any safety hazard, immediate intervention is required. In addition, appropriate law officials or safety officials may require notification. In no case should any property owner fail to take action!
 - b) This situation will result in fine according to the attached fee schedule.
 - c) A POA Board Meeting is also required with the Property Owner(s).
 - d) Any recurrence within 6 months is considered severe and will result in additional fine and may result in additional sanctions.
- 3) Longer Term Violation or Potential Economic Impact
 - a) Most of the longer term or economic impact violations will fall under the jurisdiction of a committee.
 - b) The governing committee will follow notification procedures and work with the Property Owner(s) to develop a resolution plan.
 - c) The Committee Board Representative will report to the POA Board concerning resolution.
 - d) These violations also incur a fine according to the fee schedule.
 - e) Additional costs will be incurred should the POA Board contract work to be performed to resolve the violation.

Long Branch Lakes Covenants Complaints, Violations, Penalties

REV 2, November 2021

V. Fee Schedule

- 1st violation warning or fine up to \$100**
- 2nd violation (same offense)..... \$50-\$200**
- 3rd violation (same offense)..... \$100-\$300**
- Additional violations (same offense)..... up to \$400**
- Safety Violation..... warning or fine up to \$500**
- Suspension Membership Privileges**

- 1) If the LBL POA Board expends funds to provide resolution, the property owner will be charged for those expenditures.
- 2) Fines are payable within 10 days of levy to the LBL POA
- 3) If fines are not submitted in the required timeframe, the LBL POA Board will assign liens to the property including all fees, legal cost, administrative fees.

LBL POA Covenant Violation Log (example)

Property Address	Property Owner(s)	Violation Section	Violation Article	Notes	Incident Number	Date Observed	Date Resolved	Occurrence Number

Long Branch Lakes Covenants Complaints, Violations, Penalties

REV 2, November 2021

LBL POA Covenant Violation Letter (example)

Long Branch Lakes at Fall Creek Falls Property Owners Association, Inc. Incident # «Incident_Number»

Date: October 23, 2021

Property Address: «Property_Address»

Property Owner(s): «Property_Owners»

Subject: Notice of Violation of Protective and Restrictive Covenants

One of the primary obligations of the LBL POA Board of Directors is to ensure that the community is abiding by the governing documents in effort to protect, preserve, and enhance property values in the community.

This letter is to serve as notification that you are in violation of the Declaration of Protective and Restrictive Covenants for Long Branch Lakes at Fall Creek Falls as noted below:

Section: «Violation_Section»

Article: «Violation_Article»

These violations occurred or were noted on «Date_Observed»

Violation Notes: «Notes»

Please take action to correct and resolve this violation(s) within 30 days of this notification. Should you need some advice on resolution or wish to discuss this matter further with the Board of Directors, please respond to this email and the Board of Directors will gladly accommodate you. Please make this request within five days of receipt of this notice by email notification to longbranchlakespoa@gmail.com.

Board of Directors
Long Branch Lakes at Fall Creek Falls Property Owners Association, Inc.
PO BOX 404
Pikeville, TN 37367