

# **The Falls at Garrett Creek Homeowners Association**

## **Covenants Enforcement Process Page 1 of 3**

### **Adopted April**

Purpose: The Falls at Garrett Creek Homeowners Association (TFGCHA) is charged under the Association's governing documents with the enforcement of the architectural guidelines and the declaration of covenants, conditions and restrictions. The TFGCHA is committed to applying all of those requirements uniformly, consistently, and fairly, with the goal of maintaining the great atmosphere of our neighborhood and protecting our property values.

Consequently, the Board of Directors has approved the following procedures to ensure the proper and fair enforcement of the Covenants.

**It is the responsibility of every homeowner 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 homeowner and this includes board members. If a homeowner observes a possible covenant violation, they may notify the board in writing via mail, by email, or phone call to the homeowners' management company, Asset Management, at the contact information found at the bottom of this procedure. Any Falls at Garrett Creek homeowner may submit a possible violation (this includes Board members). In addition, a property manager, or other entities hired by the board, may initiate the covenant enforcement process.

When the board or management company receives notification of a possible covenant violation, the board will make an initial determination as to whether or not a violation exists. If the board agrees that a violation HAS NOT occurred, the initiating party will be advised of the board's decision via email or letter.

**Violation 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 homeowner whose property contains the violation.

The first violation letter will advise the homeowner of the following:

- . That a violation has occurred pertaining to and referenced section of the Deed of Dedication
- . A description of the violation
- . That they have 14 days to correct the violation
- . Failure to correct the violation within 14 days will result in a fine of \$150.

\*If the home is rental property the owner of the property, if possible, and the renter, if possible, are notified of the covenant violation.

\*\* Waste container should be moved from view in 18 hours.

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A board member will confirm whether the violation has been addressed within the compliance date. If so, the process ends.

**Step 2:** If the violation is not corrected within the time allotted, the management company will send a letter to the home owner.

The second violation notice will advise the homeowner of the following:

- . A description of the violation
  - . That the violation has gone uncorrected within the compliance due date
  - . Failure to correct the violation within 30 days will result in a fine of an additional \$300 and a lien, foreclosure, or small claims suit may be filed by TFAGCHA against the property, including any filing fees, postage and/or attorney fees.
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- Waste container violations require correction within 18 hours of notification.

The board will confirm whether or not the violation has been addressed within the allotted time. If so, the process ends.

**Step 3:** If the above violation is not corrected within the time allotted, the board will review the violation and determine if a final notice will be sent to the homeowner.

The Board will send a final violation notice advising the homeowner of the following:

- . A description of the violation
- . They will be fined an additional \$300
- . If fine has not been paid a lien, foreclosure, or small claim will be filed against the property for any unpaid fines plus any postage, filing fees, and or attorney fees.
- . A copy of proceedings will also be sent to the mortgage company.

Once filed, a copy of the appropriate papers will be sent to the homeowner.

**Extensions:** After receiving a violation letter, a homeowner may request an extension of a specified timeframe to correct the violation. Extension requests should be made in writing via email or mail to the management company. If the homeowner requests an extension during this process, the board will review their request and vote. If an extension is granted, the homeowner will be notified and expected to remedy the violation by the agreed upon extension deadline. If not, the violation process continues where it left off.

**Repeat Offenders:** A repeat offender is a homeowner who receives 3 or more violation notices for the same violation (**ie.waste containers, trailers, campers, boats, lawn care, home exterior maintenance, architectural infractions, improperly parked vehicles, etc.**) within a one (1) year period. When a homeowner becomes a repeat offender, the fines for any future similar violations shall double. For example, the \$150.00 fine will become \$300.00 and \$300.00 will become \$600.00 for the final notice, and all future similar violations.

**If the violation is not corrected:** The TFGCHA Board may exercise its right under Section 11, 20 & 21 of the Deed of Dedication.

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

The Falls at Garrett Creek HOA, Inc.  
Asset Management Services, Inc.  
Attn: Sharon K. Pruitt  
P.O. Box 702  
Broken Arrow, OK. 74013-0702