

LAKE SOVEREIGN HOMEOWNERS ASSOCIATION
VIOLATION ENFORCEMENT POLICY

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Governing Documents, Rules and Forms available at:

http://www.lakesovereign.net/governing_docs.asp

Association governing documents, on this website are for the convenience and reference use of owners. It is the seller's responsibility to furnish these documents to their buyer. Recorded copies can be obtained at the Office of the Clerk, Superior Court, Cherokee County Justice Center, 90 North Street, Suite G-170, Canton, Georgia 30114.

Enforcing Community Policies

Background

The Declaration of Covenants of Lake Sovereign Homeowners Association defines the fundamental conditions and restrictions all homeowners of the Neighborhood agree to as part of their property purchase.

Article VII, Section 7.01, of the Declaration of Covenants for the Lake Sovereign Homeowners Association currently state that, “**Right of Enforcement. This Declaration and the Restrictions contained herein shall inure to the benefit of and shall be enforceable by (i) the Declarant so long as it is an Owner, (ii) the Association and (iii) each Owner, his legal representatives, heirs, successors and assigns.”**

It is the responsibility of the Board of Directors to enforce these Covenants in a consistent manner.

Scope

This policy is intended to supplement the Covenants, Conditions, Restrictions and ARC Procedures/Standards by providing a more specific and repeatable enforcement process with a set of well defined and agreed escalation steps that can be consistently followed by the HOA and its agents whenever a homeowner fails to comply with previous demands. It is intended to replace or contradict any conditions stated in the governing documents.

Overview

1. Violation Reported
2. Complaint Validated
3. Letter One - Friendly Reminder Letter
4. Letter Two - Board Contact Letter
5. Letter Three - Abatement Letter
6. Legal Remedy (If Necessary)
7. Assessment and Lien

Notices

All amendments, notices, requests, objections, waivers, rejections, agreements, approvals, disclosures or consent of any kind made pursuant to this Declaration, whether made by the Declarant, the Association, the Owner, or any other person, *shall be in writing*. All such writings shall be sufficient only if deposited in the United States Mail, with sufficient postage, and sent to each Owner’s address as registered with the Association in accordance with the Bylaws.

Lake Sovereign Homeowners Association

Violation Enforcement Policy

WHEREAS, Lake Sovereign Homeowners Association (“LSHOA”) has authority pursuant to the Declaration of Covenants, Conditions and Restrictions (“CC&R’s”), the By-Laws and Architectural Standards of the Association, to utilize, in its reasonable discretion, the manner of remedy for violation, of the provisions set forth in the CC&R’s and/or By-Laws and Architectural Standards;

WHEREAS, The Board of Directors of the Association (“Board”) finds there is a need to establish for the enforcement of the restrictions, architectural, design, and maintenance standards of the CC&R’s, By-Laws and Architectural Standards of the LSHOA and for the elimination of violation of such provisions found to exist in, on or about any property within LSHOA, and known as the “Violation Enforcement Policy” of the Association:

Establishment of a Violation:

- a. Architectural. Any improvement of any kind or nature requiring ARC approval, erected, placed, painted or altered on any Lot which has not been first approved in writing by the governing Architectural Review Committee (“ARC”) or which does not in all respects conform to what has been approved is deemed a “Violation” under this Enforcement Policy for all purposes.
- b. Use Restrictions. Any activity or condition allowed to continue on any Lot that is in direct opposition to the CC&R’s, By-Laws and Architectural Standards which is not expressly authorized, by the Board or ARC is deemed a “Violation” under this enforcement policy for all said purposes.
- c. “Member” is considered the Owner of Record or Lot Owner. (When a renter occupies the premises, a copy of said “Violation” will also be sent to their attention.)

1. First Notice

- a. Initial “Friendly” Notice. Upon verification of the existence of a “Violation”, the Board will send to the Member a *Written Notice* of the “Violation” and allotted time periods associated with degree and urgency of such “Violation”. This First *Written Notice* will inform the recipient as follows:

“Violation” Notice:

- i. The nature, description and location of the “Violation”;
- ii. A request to remedy the “Violation”;
- iii. If the Member has any question for clarification of the “Violation” to please contact the sender;
- iv. The date the “Violation” was observed;
- v. Give Owners the option to contest the “Violation” by setting forth his/her/their position within 10 business days from the date of the letter;

- vi. If the Lot Owner replies by Certified Mail within the 10 business day period, then the following will apply:

After the First Notice is sent to the Member, they will have the opportunity to submit a response within 10 business days by Certified Mail to the Association regarding the alleged “Violation”. After a proper response, the Association will reply again providing details about the “Violation”, including the provision of the community documents being violated, the date of the alleged “Violation”. The Association has 10 business days to provide the required information and no further enforcement action can be taken during this period.

- b. If the Member fails to remedy the cited “Violation” after the First Letter within a period of 10 business days, a Second *Written Notice* will be sent as stated herein.

2. Second Notice.

- a. If the Member fails to remedy the cited “Violation” or fails to submit plans for an unapproved structure or continues with a project denied by the ARC, no earlier than 10 business days from the First *Written Notice*, the Board will send to the Member a Second Notice informing the recipient as follow:
 - i. The nature, description and location of the “Violation” and the failure of the Member to correct the “Violation”, as previously requested; and
 - ii. Notice that if the “Violation” is corrected or eliminated within 10 business days from the date of the Second Notice, no further action will be taken.
 - iii. Failure to correct the “Violation” or cease work on any improvement will result in the Association electing to pursue any one of the remedies available to the Association under the Declaration, Bylaws, or this Enforcement policy, including Right of Abatement and assessment to recover cost; and
 - iv. If the Member has any question for clarification of the “Violation” to please contact the LSHOA Board.

3. Third Notice

- a. When it has been determined that the 10 business days allowed has failed to correct the “Violation”, the Board will send a Third Notice to the Member informing the recipient as follows:
 - i. The nature and description of the “Violation” and the failure of the Member to correct the “Violation”, as requested; and
 - ii. Notice that the “Violation” has caused an assessment to be assigned to the Member’s account and that all related costs to implement a remedy will be subject to any and all available collection efforts beginning no earlier than 10 business days from the post mark of this notice; and
 - iii. The Member shall have the opportunity to request and be granted a hearing to appeal said “Violation; and
 - iv. The request for hearing must be in writing and delivered to the LSHOA Office within 10 business days from the date of the assignment of the Assessment Notice/Notice of Abatement; and
 - v. If the Member has any question for clarification of the “Violation”, to contact the LSHOA Board; and
 - vi. Failure by the Member to contact the LSHOA Board, in writing, within the 10 business day period shall be a waiver of the opportunity for said hearing.

Conclusion:

Notwithstanding the above, The Board may at any time during the enforcement process determine it to be in the best interest of the Association to end the “Violation” process and refer the matter to Legal Counsel to pursue the Association remedies, which may include injunctive relief to correct or otherwise abate the “Violation”.

- a. A Member may correct or eliminate a “Violation” at any time during the pendency of any procedure stated herein whereupon;
- b. When verified by the LSHOA Board that the “Violation” has been corrected, the Notice of Violation will be voided but remain a matter of record; and
- c. The Member will remain liable for all costs and fees and subject to the collection efforts as subscribed by Georgia state law.



Violation Report

I understand that by submitting this form, I agree to aid the Board, and/or other entities in bringing about enforcement in this matter. I further understand that the Board will not provide the names of complainants to the person perceived to be in violation.

Name of Person Making Report: _____

Address: _____

Day Phone Number: _____

Email Address: _____

Name of Person Perceived to be in Violation: _____

Address of Person Perceived to be in Violation: _____

Nature of Violation: ARC Standards CCR Pool Tennis Lake other

Type of Violation: Mailbox Yard Nuisance Signs Vehicles ARC Rule Other

Description of Violation:

Detail of Violation:

Date Received/Case Number: _____/_____

Date Validated/Reviewer: _____/_____

Date Received by HOA Secretary _____/_____

Letter Type and Date: _____

Comments of Reviewer: _____

Mail Completed Form to:

Lake Sovereign Homeowners Association

330 Lake Sovereign Court

Canton, Georgia 30114

Email Completed Form to:

architectural@lakesovereign.net

SAMPLE



Lake Sovereign Homeowners Association

Letter One – Friendly Reminder

Date

Lake Sovereign Homeowners Association
Board of Directors
330 Lake Sovereign Court
Canton, Georgia 30114

Homeowners Name

Homeowners Address

Dear Homeowner,

We all try our best to maintain our homes and our neighborhood in the best condition possible so our homes and neighborhood maintain their peak value.

Part of the way to ensure property values and the beauty of our neighborhood is maintained is by the use of restrictive covenants. With our busy lives, we often overlook these covenants. Recently, the Board of Directors was contacted about such an oversight at your property. Per the Declaration of Covenants for the Lake Sovereign Homeowners Association section____, Page____, we require that all _____.

Please take a moment of your time to rectify this oversight by (insert date). If you have any questions regarding the covenant sighted above or, need additional time to address this oversight, please feel free to contact the LSHOA Board at: board@lakesovereign.net.

The Board of Directors would like to thank you for your prompt attention to this matter.

Sincerely,

Lake Sovereign Homeowners Association

Board of Directors

SAMPLE



Lake Sovereign Homeowners Association

Covenant Violation Letter (Letter #2)

Date

Lake Sovereign Homeowners Association
Board of Director
330 Lake Sovereign Court
Canton, Georgia 30114

Homeowners Name

SENT VIA CERTIFIED MAIL & COPY

Homeowners Address

VIA REGULAR FIRST CLASS

Dear Homeowner,

As a Member of the Lake Sovereign community, you are aware that we all have agreed to abide by Restrictive Covenants. These covenants are in place to ensure our homes and communities maintain the highest level of beauty and value. Periodically we all overlook these covenants. On (date 1st letter was sent) the Board of Directors advised you of a certain covenant violation at your property and requested that this violation be addressed by (insert date). A copy of that letter is enclosed. In light of this, the Board is again requesting that you take the necessary action to immediately comply with the covenants.

The Board will hold a hearing at _____on(date of Board's next regular meeting) for you to be present and state your reasons for not addressing this covenant violation. The Board would again like to request that you address the _____(insert violation here) prior to the date of this board meeting. If you are unable or unwilling to do so, please be aware, per our covenants, The Board can seek legal remedies including special assessment and Right of Abatement.

We again request that you cooperate and correct the violation prior to the above date so that no hearing or legal remedy will be necessary. If you have any questions or comments please feel free to contact the LSHOA Board at: board@lakesovereign.net.

Thank you for your prompt attention to this matter.

Sincerely,

Lake Sovereign Homeowners Association

Board of Directors

SAMPLE



**Lake Sovereign Homeowners Association
Final Covenant Violation Letter (3rd Letter)**

DATE

Lake Sovereign Home Owners Association
Board of Directors
330 Lake Sovereign Court
Canton, Georgia 30114

Homeowner Name

SENT VIA CERTIFIED MAIL & COPY

Homeowner Address

VIA REGULAR FIRST CLASS

Dear Homeowner,

The Board of Directors has notified you in writing on (insert dates of letters) regarding a covenant violation. It was noted on (insert date) that you failed to/did not _____(insert corrective action) and are clearly in violation of covenant_____ (insert covenant here).

This is a notice that you are in violation of Lake Sovereign Homeowners Association (“Association”) covenants, guidelines, or rules, for the following detailed violation(s):

You are required to correct these violations within 30 days from the date of this letter. Pursuant to ARTICLE VII, Section 7.02, of the Declaration of Covenants for Lake Sovereign, this letter shall serve as notice that if you do not correct the violation(s) within 30 days, the Association will come onto your property to remove the violation(s) and/or maintain the Lot. All related costs & expenses, including attorney fees, will constitute an assessment and lien against your property. If the violation(s) include regular maintenance of the Lot, the Association will continue to maintain it until such time as you properly do so.

Hopefully the above-noted actions will not be necessary. You may contact the LSHOA at board@lakesovereign.net. Thank you in advance for your cooperation.

Sincerely,

Lake Sovereign Homeowners Association

Board of Directors

SAMPLE



DATE

Lake Sovereign Homeowners Association
Board of Directors
330 Lake Sovereign Court
Canton, Georgia 30114

Homeowners Name

Homeowners Address

Dear Homeowner,

The Board of Directors would like to take moment to thank you for addressing the recent oversight of _____(insert issue here) at your property. As of (insert date), it was noted that you (insert corrective action taken). No further action will be addressed with you by the Board and we appreciate your prompt resolution of this oversight. If you have any questions, please contact the LSHOA at board@lakesovereign.net.

Sincerely,

Lake Sovereign Homeowners Association

Board of Directors

Lake Sovereign HOA Violation Enforcement Policy

Step	Input	Process	Output
1.	Observed Violation	Violation reported to ARC	Logged violation report
2.	Violation Report	ARC to verify within 3 days If no violation If violation exists	Letter to violation reporter Letter to reporter and Violation Notice
3.	Valid Violation Notice	ARC sends request to HOA secretary to log and send letter number one. ARC member validates action/non-action. If corrected If not corrected	Letter number one sent to homeowner Thank you letter to homeowner Second Letter Report
4.	2nd Letter Report	ARC sends request to HOA secretary to log and send letter number two. ARC member validated action/non action. If corrected If not corrected	Violation Letter #2 to homeowner Thank you letter to homeowner Violation Report #3
5.	3 rd Letter Report	ARC sends request to HOA secretary to log and prepare letter number three-(requires board approval) If corrected If not corrected	Violation Letter #3 to homeowner Thank you letter to homeowner Request for legal remedy
6.	Legal Remedy Request	HOA initiates abatement process	Violation remedied HOA initiates assessment
7.	Homeowner Assessment	HOA initiates assessment invoice If paid If not paid	Thank you letter to homeowner Lien on property

