

**Englewood Gardens Homeowner's Association, Inc.**  
**10540 Hunt Circle Tuscaloosa**  
**Tuscaloosa, AL 35405**  
**Covenant Enforcement Policy, Procedures and Fine Schedule**

**Effective November 1, 2011**

The Board of Directors of Englewood Gardens Homeowner's Association, Inc. (Englewood Gardens) has established and adopted the following Covenant Enforcement Policy, Procedures and Fine Schedule designed to handle complaints regarding violations of and to otherwise encourage compliance with the Englewood Gardens Bylaws and Covenants.

OWNERS ARE ENCOURAGED TO FIRST SOLVE PROBLEMS AMONG THEMSELVES  
WHENEVER POSSIBLE.

Complaints regarding violations or alleged violations of the Englewood Gardens Bylaws and Covenants may be registered by delivery to the Board of Directors of a completed and signed Covenant Complaint Form. [ **A blank form is attached and available from a Board Member**]

First Letter

Following receipt of a completed and signed covenant Complaint Form, a member of the Board of Directors shall then investigate within 1-5 days of the alleged violation. If the violation is found to exist, a letter (the "First Letter") will be sent to the owner outlining the violation and requesting compliance with the Bylaws and Covenants within 10 days of receipt of the letter. After a follow-up review, if the violation is cured or corrected in response to the "First Letter", then no further action shall be taken and, more specifically, no fine shall be levied against the Owner. For intermittent issues such as parking violations that may not extend for a period greater than ten days, a "First Letter" will be sent for the first three occurrences.

Second Letter

If the violation continues as determined by a follow-up review and is substantiated by the Board of Directors, a second letter (the "Second Letter") will be sent by certified mail, return receipt requested, to the Owner:

- Outlining the violation,
- Requesting immediate compliance with the Bylaws and Covenants
- Fines assessed as outlined below

## Fines

A fine may be levied from the date the “First Letter” was mailed or for each subsequent violation of an intermittent issue. Any unpaid fine is owed to the Association. In the event of a continuing violation that results in the Assessment of more than 30 days of fines, the Board of Directors will further review the situation. The Board of Directors may, among other things, initiate legal proceedings to enjoin any further violation, to collect any unpaid fines, to collect attorney’s fees and costs, and to seek any other relief that may be appropriate. Fines may continue to be assessed and levied during the pendency of such legal proceedings.

Payment of all attorney’s fees and costs incurred by Englewood Gardens in connection with the enforcement of the Bylaws and Covenants against an Owner who is determined to have committed a violation of the Bylaws or Covenants shall be the sole responsibility of the violating owner. The attorney’s fees and costs will be billed and collected in the same manner as assessments.

The Board of Directors reserve the right to amend these Covenant Enforcement Policy, Procedures and Fine Schedule, which amendment(s) shall be effective upon notice to the Owners.

### **Fine Schedule**

Fines for violations of the Bylaws and Covenants may be levied daily from the date the “First Letter” was received.

1. Fines may be levied at the following rates:
  - A. \$10 per day from the date the “First Letter” was mailed provided the cure or correction occurs within 30 days. For intermittent issues, \$10 per occurrence after the first three.
  - B. After 30 days, \$20 per day until the violation is cured or corrected. For intermittent issues, \$20 per occurrence after a total of five.
  - C. If the same violation by the same Owner has occurred before (i.e., as previously established by the Board of Directors) the initial fine will be at a rate of \$20 per day for the first 30 days, then increasing to \$30 per day until the violation is cured or corrected.
2. The board reserves the right to waive fines, for good cause at its discretion.

<b>SUMMARY OF ENFORCEMENT STEPS</b>
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| <ol style="list-style-type: none"><li>1. Board receives written COMPLAINT FORM from a resident.</li><li>2. Board INVESTIGATES the complaint.</li><li>3. Board sends homeowner FIRST LETTER stating violation and asking for violation to be corrected within 10 days. For intermittent issues, a “First Letter” will be sent for the first three occurrences.</li><li>4. Board INVESTIGATES to see if violation has been corrected.</li><li>5. If violation is not corrected, Board sends homeowner SECOND LETTER stating violation, requesting immediate compliance and fines continue to accrue.</li><li>6. If violation continues with more than 30 days of fines, Board further REVIEWS SITUATION and may initiate LEGAL PROCEEDINGS. The fine per day rate increases after the first 30 days or five total occurrences of intermittent issues.</li></ol> |
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Englewood Gardens Board of Directors

President and Treasurer: Brad Treadwell \_\_\_\_\_

Vice President: Angela McCullough \_\_\_\_\_

Secretary: Robin Boylorn \_\_\_\_\_