

## FOXWOOD RANCH HOMES ASSOCIATION

### ENFORCEMENT POLICY

WHEREAS, the Board of Directors of Foxwood Ranch Homes Association is empowered to govern the affairs of the homeowners' association pursuant to Article 2 of the Declaration of Covenants, Conditions and Restrictions, (the Governing Documents) and

WHEREAS, the Board of Directors of the Association finds there is a need to establish orderly procedures for the enforcement of the Rules & Regulations of the Association, the Design Guidelines of the Association set forth in the Declaration of Covenants, Conditions and Restrictions for Foxwood Ranch Homes Association.

NOW, THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of the Foxwood Ranch Homes Association Governing Documents and for the elimination of violations of such provisions found to exist in, on and about the property subject to the Foxwood Ranch Homes Association Declaration (to be referred to herein as the "Enforcement Policy").

Establishment of Violation. Any condition, use, activity or improvement which does not comply with the provisions of the Foxwood Ranch Homes Association Governing Documents, shall constitute a "Violation" under this Policy.

Report of Violation. The existence of a Violation will be verified by a field observation conducted by the Board or its delegate. For the purpose of this Enforcement Policy, the delegate of the Board may include the Association's property manager, Director, or a Member of any Committee established by the Board for this purpose. A timely written report shall be prepared by the Association for each Violation.

Fines, Suspensions and Other Sanctions. Members violating duly enacted rules and regulations, and/or the Foxwood Ranch Homes Association Governing Documents shall be subject to sanctions in accordance with the terms and provisions of such rules and regulations. Such sanctions may include, but shall not necessarily be limited to:

(a) Suspension from the privileges of membership, to include the right to vote and the right to use and enjoy all or part of the Common Area, for a period not to exceed ninety (90) days for each such violation.

(b) The assessment of reasonable fines. Such fines, as well as costs and attorney's fees expended in collecting fines or enforcing suspensions pursuant to Section (a), above and may become a lien against any lot, unit or other land owned or occupied by any violator.

Architectural Review Committee Fines.

Written Notice: A letter will be sent to the homeowner describing the nature, description and location of the alleged violation and notification that if the violation is corrected within ten (10) days from the date of the Letter, no further action will be taken. The letter will be sent via first class mail no later than thirty (30) days following the observation of the violation.

Notice of Violation: If the alleged violation has not been corrected within ten (10) days from the letter, a Notice of Violation will be sent. This notice will describe the nature, description and location and of the uncured violation. It will state that failure to remedy the violation within ten (10) days of the date of the written notice has resulted in fines of Ten Dollars (\$10.00) per day charged to the Owner's account and further enforcement by the Association including legal action will ensue.

In the case of an Architectural and Landscape Control Committee infraction, as described in Article VI is the Declaration, the homeowner must cease all work which has been deemed a violation and, within fifteen (15) days from the date of the Notice of Violation, must submit the plans and specifications for any such work to the Architectural and Landscape Control Committee (ALCC) for approval. Failure to correct, eliminate, or to cease the work which is the subject of the Notice of Violation shall permit the Association to pursue any one or more of the remedies available by law, under the Declaration or these Bylaws.

Request for a Hearing. The Owner has the right to appeal the decision to the Board by written notice to the Board within thirty (30) days after the day written notice of the decision is sent to the violator. The hearing shall be held not later than the 31st day after the date the Board receives the Owner's request for a hearing. The Owner shall be notified by the Board of the date, time and place of the hearing. The hearing will occur in open session. Postponements may be granted by mutual agreement of the parties. The Owner or the Association may make an audio recording of the meeting.

Repeated Violations of the Same Provision. Whenever an Owner or occupant, who has previously cured or eliminated a violation after receipt of Notice of Violation, commits a separate violation of the same provision of the Foxwood Ranch Homes Association Governing Documents or rules and regulations of the Association within six (6) months from the date of the first Notice of Violation, the Board of Directors shall reinstate the violation and pursue the procedures set forth herein, as if the Violation had never been cured or eliminated. For illustration purposes only, in the event an Owner or occupant has cured a violation after having received a Notice of Violation, the second violation of the same provision shall prompt the Board of Directors to send notice to the Owner or occupant that a violation fine has been imposed.

Correction of Violation. Where the Owner corrects or eliminates the Violation(s) prior to the imposition of any sanction, no further action will be taken (except for collection of any monies for which the Lot Owner may become liable under this Enforcement Policy and/or the Foxwood Ranch Homes Association Governing Documents). Written notice of correction or elimination of the Violation may be obtained from the Board upon request for such notice by the Owner.

Referral to Attorney. Where a Violation is determined or deemed determined to exist and where the Board deems it to be in the best interests of the Association to refer the Violation to an attorney for appropriate action, the Board may do so at any time. Such legal action may include, without limitation, sending demand letters to the violating Owner and/or seeking injunctive relief against the Owner to correct or otherwise abate the Violation. The Owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including reasonable attorney's fees and expenses actually incurred.

Definitions. The definitions contained in the Foxwood Ranch Homes Association Governing Documents are hereby incorporated herein by reference.

IT IS FURTHER RESOLVED that this Enforcement Policy is to be effective as of (thirty days), and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

Foxwood Ranch Homes Association