

GREENBRIER ESTATES VIOLATION ENFORCEMENT POLICY

Violations Each Owner, lessee, Licensee, guest, residents, and occupant of a dwelling unit in our neighborhood have acknowledged and, by acceptance of a deed to their property, have agreed to abide by the CC&R's. However, violations do occur and should be handled according to the following enforcement policy, adopted by the Board upon its discretion effective March 31, 2019.

Authority The authority to grant such policy is pursuant to Article XII of the Greenbrier Estates CC&Rs. The policy is written to comply with Idaho Statute Title 55, Chapter 1, Section 55-115 effective July 1, 2014. No part of this policy shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees. Any monetary fine will be considered a "Limited Assessment" as described in the Greenbrier Estates CC&R's Articles 3.3 and 3.14.

First Notification Violations will be recorded when first noticed or reported. Personal emergency, health, employment, financial and other factors will be considered. The resident will be notified of the violation in writing either by personal service or mail as listed below:

First Notice of Violation.

Upon verification of the existence of a violation, the Greenbrier Estates HOA Board of Directors (Board) will send to the resident a Written Notice of the Violation with allotted time period to correct the violation.

This First Violation Notice will inform the resident as follows:

- A. The nature, description and location of the violation; the date and time the violation was observed.
- B. The provision of the community documents that has allegedly been violated.
- C. A request to remedy the violation.
- D. If the resident has any question or seeks clarification of the violation to please contact the Greenbrier HOA Board of Directors.

Second Notification If the resident fails to remedy the cited violation within the First Violation Notice period, then the Board will send the resident a Second Notice of Violation either by personal service or mail stating the following:

Second Notice of Violation.

- A. The nature, description and location of the violation and the failure of the Resident to correct the violation, as previously requested.

B. Notice that, if the violation is corrected or eliminated within 30 days from the postmark of the Second Violation Notice, the Association will take no further action.

C. 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 CC&R's, Bylaws, or this Enforcement Policy, including assessing a monetary penalty.

Resident shall have the opportunity to request within 10 days of the postmark of the second notification and be granted a hearing to appeal said violation before the Greenbrier Estates HOA Board of Directors. Depending on the outcome of said hearing the resident will have 14 calendar days to begin the remedy of the violation. If after 14 calendar days no effort on the part of the resident can be verified the Greenbrier Estates HOA Board will move to the 3rd notification.

Third Notice If the resident fails to begin the remedy of the cited violation, no earlier than 30 days from the Second Violation Notice, The Board will hold a meeting at the time and place described in the second notice to vote on the need to pursue the remedies available up to and including monetary penalties. At the conclusion of that meeting the results of the Board vote will be sent to the resident in violation by certified mail. In the Third Notice of violation stating the following:

Third Notice of Violation and Initial Monetary Penalty.

A. The nature and description of the violation and the failure of the resident to correct the violation, as requested.

B. Notice that the violation has caused a monetary penalty to be assessed to the resident and that all related costs, plus the monetary penalty will be subject to any and all available collection efforts up to and including a lien against the property and possible foreclosure beginning no earlier than 7 days from the post mark of this notice.

C. Initial monetary penalty shall be \$25.00, per day, may be assessed against the resident until the violation is corrected.

Injunctive Relief If the resident does not take the steps necessary to correct the violation within 30 days of the postmark of the Third Notice of Violation and initial monetary penalty the Board may at its discretion, turn the issue over to an attorney for the HOA. All associated costs will be assessed to the resident. The resident may also be subject to specific corrective action which includes a management fee of 25% of the total cost of corrective action plus applicable attorney fees (if any) associated with CC&R's compliance in addition to a HOA fee of 10% of the total cost of corrective action.

Conclusion A resident may correct or eliminate a violation at any time during the pendency of any procedure stated herein. 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's remedies, which may include injunctive relief to correct or otherwise abate the violation. If applicable, the Association may perform the work necessary to resolve the violation and assess those costs to the resident per the CC&R's, (8.1).

When verified by the Board that the violation has been corrected, the Notice of Violation will be closed but remain in the resident's lot file. The resident is liable for all costs and monetary penalties and subject to the collection efforts as subscribed by state law and the CC&R's.

Repeat Violation If a violation of the same nature is repeated within one (1) year period after the last Violation Notice was sent, the Violation Notice process will continue uninterrupted. If a violation of the same nature reoccurs one (1) year or more after the last Violation Notice was sent, the violation will be considered a new violation and the process starts from the beginning with the First Violation Notice.

