

## Cottonwood Creek Homeowners Association

### Covenant Compliance Procedure

**Procedure Goal:** to ensure a positive look and feel of a welcoming neighborhood with attractive common areas and attractive, orderly homes, and to preserve home values. The Board desires that any issues that arise be addressed through an initial communication with the homeowner and that no further action will be required.

**Procedure Purpose:** to establish a process for covenant compliance for Cottonwood Creek Estates and Reserve neighborhoods. Upon becoming a homeowner within this neighborhood, as a part of closing on their home purchase, all homeowners agreed to abide by the established covenants and bylaws. This procedure has been created to establish how covenant compliance concerns will be addressed. **The process is not being developed as an activist process or to encourage the elevation of issues beyond currently accepted situations in the neighborhood.**

#### 1. Verbal/Initial Communication

- a. After the Cottonwood Creek Homeowners Board ("Board") becomes aware of a non-compliance situation, the Board will meet to determine if the situation is or is not within compliance of the approved covenants. If the Board determines the situation is non-compliant, Board member(s) will meet with the homeowner to discuss the covenant compliance situation.
- b. Verbal request at initial meeting to include:
  - i. Discussion about the non-compliance issue
  - ii. Identification of the specific covenant that has been violated
  - iii. Statement that the Board is in agreement that the non-compliance issue should be addressed
  - iv. Offer for homeowner to meet with the Board if they feel that additional discussion is warranted
  - v. Request agreement for homeowner to become compliant within 30 days, or agreement to a compliance plan if appropriate
- c. Written (email or USPS) follow-up communication will be sent to the homeowner following the meeting to summarize the verbal request and any pertinent information or agreement from the verbal discussion, including the schedule for a follow up meeting with the Board, if requested

#### 2. Written Notification

- a. If compliance has not occurred within 30 days from verbal notice or pursuant to compliance plan agreed with homeowner, a written notice will be sent (certified letter) from Board including:
  - i. Restatement of non-compliance issue
  - ii. Summary of previous verbal request/discussion
  - iii. Requirement for the homeowner to comply with identified covenant within 30 days or pursuant to previously discussed compliance plan
  - iv. Statement that non-compliance may result in the Board filing a lawsuit to require compliance with the stated covenant

#### 3. Legal Action

- a. If compliance has still not occurred within 30 days of the written notice (certified letter) or within the compliance plan agreed upon with homeowner, the Board may initiate the filing of a lawsuit against the homeowner