



## Marsh Harbour Property Owners Association Policy on Violations of Association Governing Documents

This policy outlines the procedures for dealing with violations to the Declaration of Covenants and Restrictions Marsh Harbour (the "Declaration"), Declaration, Bylaws of Marsh Harbour at Kingsland Property Owners Association, Ltd. (the "Association"), and posted policies for the Association. It is the intent of the Association's Board of Directors (the "Board") to correct violations in a timely manner to preserve the beauty and property value of the members in the Association (the "Members"). At no time will this policy inflict undue hardship on Members or require corrective action beyond what is necessary to restore a Member's property or the Common Area, as the term Common Area is defined in the Declaration, to their condition prior to the violation.

1. Authority of the Board. In accordance with Article IV, Section 6 of the Declaration, the Board shall have the power and authority to exercise all of the power and authority of the Association with respect to ownership, management and operation of the Common Areas, the enforcement of the Declaration, collection of assessments and performance of such other duties and provision of such services as the Board shall deem to be in the best interests of the Members. The Board shall also exercise its authority and responsibilities to discharge the duties of the Board as outlined in Section 4.4 of the Bylaws.
2. Member Responsibility. Every person who is, or becomes a record owner of any Lot subject to the Declaration is a Member of the Association and is subject to the provisions of the Declaration, Bylaws and policies of the Association. Owners of such Lots are also responsible for ensuring their tenants, invitees, guests, occupants and children comply with the governing documents of the Association. In the event of violations by tenants, invitees, guests, occupants and children who are not Members of the Association the owner of the Lot will be notified and held responsible.

Violations. Violations are any act or occurrence that are contrary to the provisions and requirements outlined in the Declaration, Bylaws, or policies of the Association. Violations can range from minor infractions for issues such as lawn maintenance to significant issues such as unauthorized disturbance of wetlands or erecting structures without proper review and approval by the Board. See the Association's Policies on Assessments and Collections for violations related to payment of assessments.

3. Notices. Members will be notified in writing of violations. Violations can be noted in several ways including regular inspections by the Board or a management company representative contracted by the Board to manage the affairs of the Association. Violations can also be noted by any Member of the Association or by law enforcement officials that observe violations, including vandalism or other destructive behavior by Members or their tenants, invitees, guests, occupants or children. Up to three notices will be issued for violations as follows:
  - a. First Notice: This is a letter to the Member within three days of the Board or management company observing or being notified of a violation. This notice

defines the violation, cites references in Association governing documents that have been violated, and asks for the Member's help in preserving the community and correcting the violation. This notice also invites the Member to meet with the Board to discuss the violation and agree on corrective action.

- b. Second Notice: This notice is a follow-up to the first and is sent 10 days after the first notice if the Member has not taken corrective action. This notice also describes the violation and cites references in Association documents that have been violated. This notice serves to further emphasize the importance of correcting violations immediately for the benefit of all Members of the Association. It may also begin to impose timelines for corrective action to be taken by the Member and possible sanctions or fines that may be imposed if the Member fails to act. A second invitation to meet with the Board will be extended if there was no meeting as a result of the first notice.
  - c. Third Notice: This is the final notice sent by the Association seven days after the second notice. The final notice demands corrective action by the Member, and again invites the Member to a hearing before the Board. It also outlines any sanctions or fines imposed as a result of the violation. In some instances, depending on the seriousness of the violation and whether it is a danger to person or property, the notice can outline steps the Board is prepared to take at the Member's expense to correct the violation. This could include legal action.
  - d. Repeat violations will receive a notice similar to the third notice indicating that it is a repeat violation and demanding corrective action. Repeat violations do not constitute a continuing violation and shall be a separate violation for each occurrence and sanctions or fines can be imposed for each violation.
4. Enforcement. The primary and preferred means of enforcement adopted by the Board is through meetings with Members with the intent of reaching common agreement to remedy the situation and correct violations. The Board will further strive to notify and meet with a Member as soon possible after violations are noticed. This is to facilitate immediate corrective action and to restrict the severity of violations so small issues do not become major issues over time that then require extensive and sometimes costly corrective action. Members may waive the right to meet with the Board and simply correct the violation. In the event that a common agreement cannot be reached the decision of the Board will be final and enforceable. The Board shall notify the Member of their decision in writing within fifteen (15) days after the meeting with the Member.
  5. Sanctions and Remedies. Sanctions imposed by the Board for violations can include restricting the Member's access and use of any Common Area. Remedies can include those agreed to by the Member and Board, or decision of the Board if an agreement cannot be reached. If a Member fails to comply with a remedy the Member agrees to, or a remedy set by the Board, then the Board reserves the right to cause work to be done at the Member's expense to bring the Member's property into compliance. In such cases a letter will be sent to the Member giving the Member 14 days to correct the violation before work is done at the direction of the Board. If the Member fails to pay for the work, the Board reserves the right to place a lien on the Member's property for the cost of the work to remedy the violation, and any other costs the Association incurs in this matter. All violations involving vandalism or destruction of property (either personal or a Common Area) will be reported to law enforcement officials and violators may be subject to civil and/or criminal penalties.. Notwithstanding, such

violations can also result in sanctions and/or remedies imposed by the Board. At no time will sanctions include the loss of voting privileges as long as the Member meets the requirements of the Declaration and Bylaws for being a member in good standing.

6. Fines. This section to be completed when an amendment to the Declaration permitting fines is adopted by the Members.

---

---

Adopted by the Marsh Harbour Board of Directors at a meeting on Tuesday, June 16, 2015.