



Schieveling Plantation Homeowner's Association, Inc. (HOA)
www.schievelingplantationhoa.org

Schieveling Plantation Compliance/Fine System
January 21, 2006 (Revised May 13, 2006; Revised June 17, 2008;
Revised April 28, 2010)

Introduction

After extensive review and opportunity for input and discussion by all Lot Owners, the attendees at the January 12, 2006 HOA Meeting voted unanimously to adopt the Schieveling Plantation Compliance/Fine System recommended by the Board of Directors. This System represents a codification of many of Schieveling Plantation's present procedures and the introduction of a schedule of fines. The effective date for implementation is February 13, 2006. On that date, all Lot Owners, for the most part, start afresh with a clean slate. Exceptions include ongoing, major violations, such as fence and satellite dish issues, that have not been resolved. The System will be monitored by the Board and reviewed annually at an HOA Meeting.

At the March 11, 2006 HOA Meeting, the attendees voted to add a provisional step to the Schieveling Plantation Compliance/Fine System. This first step consists of an informal telephone call (or e-mail message) to the Lot Owner or Resident, bringing the infraction to his/her attention and advising compliance with the governing documents. It would not apply to such matters as ARB infractions, mailbox issues, late payment of annual and/or other assessments, repeat infractions, etc. During the May 13, 2006 HOA Meeting, the attendees voted to make the informal telephone call a permanent procedure. At its June 17, 2008 Board Meeting, the Board modified the first step to provide for sending a note or letter, as appropriate, to those who do not have e-mail accounts to inform the Lot Owner of the infraction. On April 10, 2010, the Board decided to impose an immediate \$25.00 fine for the possession/use of glass in the pool and/or on the pool deck. This decision was prompted by the safety exigency. As described below, additional glass infractions will result in immediate additional actions.. There is a modified appeal procedure for glass infractions. There are still four steps involved in our Compliance/Fine System with some exceptions, including glass in the pool area and/or in the pool..

As in most communities governed by Covenants, Conditions, and Restrictions (CC&R's), the Schieveling Plantation HOA Board of Directors has the legal responsibility to enforce our governing documents. HOA Members have the concomitant legal responsibility to adhere to these documents. These facts are indisputable and well settled in communities with CC&R's. The Board, which is made up of volunteer members, recognizes the importance of trying to achieve the fine balance between the individual's "rights and desires" and the whole Schieveling Plantation community's "rights and desires". The Board also believes we can achieve

these goals through adherence to and compliance with the documents and procedures that bind us together.

The Board's present philosophy is to resolve compliance issues as amicably and informally as possible. This new system retains that philosophy. Real world experience, however, prompts us to consider some modifications, which when properly and judiciously administered, should provide the framework for a System that will minimize the negative interactions among neighbors and help ensure compliance.

The Schieveling Plantation System allows for resolution of compliance issues through its informal, formal, fine, and/or legal components. If necessary, the System allows for monetary, restriction of amenities, and/or legal penalties. The Board sincerely desires that all parties work together to minimize compliance issues. This leaves time, a valuable commodity in volunteer community work, for more positive and fruitful endeavors in continuing the quest to establish an environment where aesthetics, property values, and sense of community can all be shared values. The Board's goal is a consistent and equitable approach to applying rules and correcting infractions. The procedures also allow for due process. There may be instances, however, that will require an immediate cease and desist order, for example, installing a fence without the approval of the Architectural Review Board (ARB). All transactions (Compliance Request Forms, letters, fine invoices, payment of fines, etc.) shall utilize USPS mail.

Procedures

E-Mail or Note: For most infractions, the Board authorizes the Compliance Committee to send an e-mail message, note, or letter, as appropriate, to the Lot Owner or Resident, bringing a first infraction to his/her attention and advising compliance with the governing documents.

Informal: The Board authorizes the Compliance Committee to issue a Compliance Request Form (CRF) for most subsequent infractions (please see the attached CRF example). The CRF will contain enough information for the HOA Member to understand what governing document(s) and infraction(s) are involved. The HOA Member will be obligated to correct the infraction immediately and adhere to the governing documents. For those instances where, in the judgment of the Compliance Committee, a period of time may be necessary to correct the infraction, the CRF will contain a date certain for correction/compliance. This informal approach allows for correcting infractions with minimum intrusion by HOA Officers and should resolve the situation without need for any further action. A CRF will be issued for the second infraction; additional infractions for the same offense and/or an unresolved first infraction (where the date certain cited in this stage has not been met), will move the procedures to the formal stage.

Formal: Upon a third infraction or an unresolved first infraction (when the date certain cited in the Informal Stage has not been met), the Board shall immediately issue a formal letter outlining the fact that failure to correct the infraction and/or any further infractions would result in: (1) the loss of amenities (e.g., the use of the pool, clubhouse, etc.); (2) the loss of voting privileges; (3) the assessment of fines; and/or (4) court action, to enforce our governing documents. These provisions are contained in the Bylaws of Schieveling Plantation Homeowner's Association, Inc. [Section 4

(Suspension of Membership Rights), page 5], the Declaration of Covenants and Restrictions for Schieveling Plantation [Section 42 (Violation), pages 15 and 16], and this document. The letter shall contain what penalty(ies) will be invoked and, where applicable, the date(s) certain for correcting the infraction. Please see the attached formal letter example.

If the infraction(s) is/are not corrected during the formal stage, the Board of Directors shall then issue a letter invoking any of the penalties described herein.

Fines: If fines are involved, they shall be levied according to the following:

**Schieveling Plantation HOA
Schedule of Fines**

Infraction	Per Occurrence		
Property Alterations And Improvements Made Without Prior Approval Of The Architectural Review Board (ARB) And/Or Not Correcting An ARB Finding	\$100.00 plus \$50.00 for each week until corrected		
Mailboxes	\$15.00 plus \$15.00 per week until corrected		
Late Annual Assessment and/or Other Assessments	\$25.00 plus - See First Amendment to The Bylaws (Section 6, Page 2)		
Infraction	First Occurrence	Each Additional Occurrence	
Overnight Street Parking [NOTE: Guests may park overnight on the streets. If a guest becomes a long-term guest (more than one week), then the resident overnight parking restrictions apply.]	\$25.00	\$25.00	
RV's, Trailers, Boats and Trailers, Etc. Parking [NOTE: A boat and its trailer or a utility trailer may be parked in the driveway for two consecutive nights in any given, consecutive seven-day span. The Board will closely monitor this provision.]	\$25.00	\$25.00	
Garbage Cans	\$15.00	\$15.00	
Pets (Unleashed; Not Picking Up After, Etc.) [NOTE: Includes cats.]	\$15.00	\$15.00	
Repair and Upkeep of Property, Including Lawns	\$15.00	\$15.00	
Glass in the pool area and/or in the pool	Immediate \$25.00 fine	Second Occurrence: Immediate \$25.00 fine and immediate suspension from the pool for one week; third	

		occurrence: immediate \$25.00 fine and immediate suspension from the pool for one month; fourth occurrence: immediate \$25.00 fine and immediate suspension from the pool for the rest of the season.
All Other Infractions	\$15.00	\$15.00

Except for fines involving glass infractions (which are immediate), if fines are not paid within 30 days after receiving an invoice from the HOA Treasurer, a lien will be placed upon the HOA Member's property. The amount of the lien will also include the administrative costs for placing the lien. All transactions shall be made via USPS mail.

Due Process

Any HOA Member receiving a Board letter that invokes penalties and/or fines may submit a written explanation to the Board before the effective date contained in the letter. The HOA Member will be given an opportunity for a hearing; no enforcement penalty or fine will be imposed until after the hearing except for glass infractions. If at the hearing no good cause is shown as to why the member should not comply as requested, the enforcement penalty(ies) and/or fine(s) will be imposed.

**The Board of Directors
Schieveling Plantation HOA, Inc.
April 10, 2010**