



SCHIEVELING PLANTATION HOMEOWNER'S ASSOCIATION
3000 MACBETH CREEK DRIVE
CHARLESTON, SC 29414

October 28, 2005

Re: Compliance Issues

Dear Schieveling Plantation HOA Member:

Compliance issues usually conjure up adversarial or negative connotations. The Board of Directors does not intend to take that road through this letter. Rather, we seek a forum where we can discuss some issues facing the community as rationally and fairly as possible.

First off, the vast majority of HOA members basically follow our governing documents. One only needs to walk or drive through Schieveling Plantation to observe the results. It is a beautiful community, for the most part uncluttered by "eyesores" or other conditions that can affect property values and quality of life. Non-residents constantly marvel at the condition, appearance, and beauty of our neighborhood. We believe all of us want to strive to establish an environment where aesthetics, property values, and sense of community can all be shared values. For this, the Board thanks the HOA members who make this happen.

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". We think we can achieve these goals through adherence to and compliance with the documents and procedures that bind us together. Last year, the Board conveyed its present philosophy through the Schieveling Plantation Newsletters:

In the October 2004 Schieveling Plantation Newsletter, the Homeowner's Association, Inc. (HOA) announced:

"To facilitate reaching our Goal (resolving compliance issues as amicably and informally as possible), the Board has authorized the use of the attached Compliance Request Form."

In the November 2004 Schieveling Plantation Newsletter, the following announcement appeared:

"Following our announcement in the October 2004 Newsletter, we have begun to use the Compliance Request Form in our continuing enforcement of the Covenants and Restrictions. To facilitate reaching our Goal (resolving compliance issues as amicably and informally as possible), the Board authorized its use as a reminder to HOA members to take immediate corrective action. "

The Board still believes in this approach; however, the actions of a few HOA members prompt us to consider some modifications. The Board has spent an inordinate amount of time on some HOA members who appear to reject the applicability, authenticity, and/or relevance of our governing documents. By virtue of the fact that we all chose to move to Schieveling Plantation, we are legally bound to follow the “rules and regulations” governing this community. Many of the enforcement issues stem from complaints of community members against the non-compliance of other community members. The Board has enforced and will continue to enforce our governing documents.

The Board is aware that a number of Homeowner’s Associations take immediate action, without prior “warning”, issuing formal letters and immediately assessing fines for infractions.

The Board is considering, among other things:

- Limiting the number of Compliance Request Forms (CRF’s) to one and only one rather than the up-to-three CRF’s issued for the same infraction. This limits elongated time spans, which we believe have been a factor where the HOA member, who does not respond to the informal approach, becomes, in his or her mind, the “victim.”
- Upon a second infraction, the Board would immediately issue a formal letter outlining the fact that any further infractions would result in the loss of amenities (e.g., the use of the pool, clubhouse, etc.), voting privileges, and 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] and the Declaration of Covenants and Restrictions for Schieveling Plantation [Section 42 (Violation), pages 15 and 16].
- Instituting a fine system that is prevalently used by a large number of Homeowner’s Associations.

As with past general items of interest (e.g., the playground and pool rules), the Board seeks input from HOA members. **The compliance issues topic will be the main agenda item at the next Schieveling Plantation HOA Meeting scheduled for Saturday, November 12, 2005, 9:00 AM, in the Clubhouse.**

We leave this discussion with a few photographs depicting conditions we, as a community, must avoid. This community stopped enforcing its Covenants and Restrictions.

Sincerely,

The Board of Directors
Schieveling Plantation Homeowner’s Association, Inc.



The boat and trailer, swing, basketball stand, trailer, garbage can, etc., are all “permanent” fixtures; they are stored in place.