Homeowners Association Violation / Fine Policy

Effective September 2011:

The following guidelines for violation notification and assessment of fines has been developed by the Highwoods Plantation Board of Directors in order to carry out its responsibility of upholding Highwoods’ HOA Codes, Covenants, & Restrictions [CC&Rs] in a fair and respectful manner toward homeowners. The management company, Dorchester Real Estate Services [DRES], has a copy of this policy, so that implementation and enforcement will be consistent and cooperative with the HOA Board and the Architectural Review Committee.

DRES, in accordance with its contract with Highwoods HOA, conducts a biweekly inspection of the neighborhood and records a list of homes with suspected CC&R violations. This list is sent to the Chair of the ARC. The ARC reviews the list and, when necessary, conducts a second inspection of properties to confirm that a violation exists.

1st Notice - Friendly Reminder: DRES is directed to mail this letter after a property is on two consecutive violation lists for the same offense.

1st Notice will contain:
The date that the property was inspected and found to be in violation.
The specific section of the CC&Rs that references the violation.
Request for correction of the violation.

{Example: A property was reported on the DRES list on January 1st and January 15th because the homeowner has neglected to edge the yard/sidewalk. The ARC inspects the property and determines that a CC&R violation exists. DRES is directed to send a First Notice of Violation to the homeowner.}

2nd Notice - Warning/Notice of Possible Fine: DRES is directed to mail this letter after a homeowner has been sent a 1st Notice of Violation and the property appears on a third DRES inspection list for the same offense. (Note: even if the violation is corrected after the 2nd notice, the homeowner will be subject to additional fines if the same violation is repeated within a time period of 90 days of the 1st Notice letter.)

2nd Notice will contain:
Date(s) that the property was inspected and found to be in violation.
The specific section of the CC&Rs that references the violation.
Due date for correction of the violation (approximately 7 days from receipt of 2nd Notice) and warning that a fine of $25 per week will be assessed thereafter.
Explanation that receipt of the 1st Notice serves as the start of a 90 day probationary period for that violation on that property. If the homeowner is cited for the same violation within the probationary period, they will not receive another 1st Notice; they will receive a 2nd Notice and additional fines.
Due date for HOA intervention (approximately 14 days from receipt of 2nd Notice) and right to correct the violation-reference to CC&Rs Section 8.8

{Example: The homeowner does not edge the property after the 1st Notice. A 2nd Notice is sent and the homeowner corrects the violation and incurs a fine. Three weeks later the property is reported on the DRES list AGAIN for neglect of edging the yard/ sidewalk. The homeowner is sent a Warning Notice to correct the violation and pay an additional fine.}

HOA Rights / Remedy for Uncorrected Violations:
In accordance with Highwoods Plantation HOA Codes, Covenants, and Restrictions, Section 8.8:
If after thirty (30) days written notice of violation, the homeowner has not corrected the violation, the HOA reserves its right to enforce correction of the violation and all costs incurred in such enforcement, including a reasonable fee for the Association’s counsel, shall be paid by the owner of the lot(s) in breach of the CC&Rs.

**The Board of Directors has the authority to use their discretion to shorten the timeline given to correct gross violations which require immediate attention. The BOD may also exercise this authority to make exceptions or grant extensions for correction due to extenuating circumstances for a reasonable amount of time.