

Stony Pointe Homeowners Association

Message from Board of Directors

Dear Stony Pointe Homeowners,

The purpose of this letter is to remind members of the *Property Maintenance Policy and Appeals Process*. First, the Board wishes to recognize all of the Homeowners who take pride in the aesthetics of Stony Pointe and your respective properties. We express gratitude to the large majority who support the Association with your proactive compliance with the SPHA Covenants and Restrictions and regulations. Also, a great thank you is extended to those who have reacted promptly and positively when notified that there was an issue of non-compliance at your property. All of you are those who keep Stony Pointe the attractive and desirable place it is and was designed to be.

A few issues have arisen from the process of reviewing and supporting compliance to the Covenants and Restrictions related to property upkeep. Some of these issues are rooted in the uncertainties of the process; others arise from the very few homeowners who seem to resist their obligation to comply. The Board has worked to address both. Some of the goals we targeted were:

- Establish a standard date to start annual property maintenance reviews so that Homeowners can anticipate, and ...
 - Make that date a little later than has been recent practice so that homeowners' normal "Spring cleanups" are likely to take place ahead of the first review.
 - This should result in fewer notices of non-compliance in the first place.
- Establish a standard process and timing for escalating from a friendly reminder, to an initial fine, to additional fines (limited per issue) and, if necessary, to enforcement.
 - This simplifies and regulates the process so that expectations are transparent to all.
 - This should result, again, in fewer notices and less aggravation for all involved.
- Emphasize the goal of mutual understanding and cooperation by providing opportunity to address more complicated issues via a mutually agreed plan – avoiding repeated notices and misunderstandings.
 - Provide for questions and appeals when the homeowner does not understand the notice or believes there is an error.
- Provide a clear path for enforcement when a homeowner persists in a non-compliant situation.

Please find the enclosed *Property Maintenance Policy and Appeals Process*. This will be posted on the website: stonypointehoa.com. Address questions to stonypointesub@gmail.com.

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STONY POINTE HOMEOWNERS ASSOCIATION PROPERTY MAINTENANCE POLICY AND APPEALS PROCESS

The Stony Pointe Homeowners Association (“SPHA”) is vested with the operation of our community, acting through its Board of Directors. It is the obligation of the SPHA to ensure that each property owner in our community is adhering to the Covenants and Restrictions as well as the regulations set forth and outlined in the Property Maintenance Expectations. These documents can also be found on SPHA website: www.stonypointehoa.com. These documents are intended to protect our property values by preserving the natural beauty of our neighborhood, promoting a sense of harmony between neighbors and maintaining an aesthetically pleasing appearance overall. As a member of our subdivision, you are obligated to comply with these documents as required in the SPHA’s Governing Documents.

The following policy is provided to assist Homeowners, to provide consistency in timing, and to simplify enforcement when necessary.

ANNUAL PROPERTY REVIEWS will commence after Memorial Day and continue periodically through the growing season. Notices of Non-Compliance will be issued according to these findings. (At other times during the year, Homeowner complaints to the Board may result in a Notification of Non-Compliance.) This schedule is designed to give all Homeowners an opportunity to accomplish annual Spring cleanup and trimming needs ahead of the annual property review program. It is our hope that very few non-compliant situations will be cited.

FIRST NOTICE: NO FINE. Upon finding a breach of the Covenants and Restrictions or regulations, an initial First Notice of Non-Compliance will be sent to the Homeowner requesting compliance within fourteen (14) days, three (3) days in the case of the following Article I Restrictions: Section 12. Trash and Debris; and, Section 22. Signs.

- If the cited non-compliance cannot be corrected within the required timeframe, the Homeowner may propose a compliance plan with steps and commitment to complete plan by a specific date. To initiate negotiation of a compliance plan, contact the Board by email at stonypointesub@gmail.com within seven (7) days of the notice (two (2) days for Sections 12 and 22). The Board may require evidence of good faith, such as a written contract for the required work. If the Board agrees to the plan, forbearance of further actions and fines will be implemented unless the Homeowner fails to fulfill the agreed upon plan according to schedule. In that case, enforcement will proceed per the original Notice of Non-Compliance including fines that will have accrued from that date.
- Homeowners are welcome to ask for clarification of any notice. Contact the Board at stonypointesub@gmail.com.
- Homeowners may appeal a Notice of Non-Compliance by submitting a written statement to the Board at stonypointesub@gmail.com disputing the citation or explaining extenuating circumstances that may justify temporary variance or forbearance of enforcement. Documentation,

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photos, etc., should be provided to substantiate the appeal. The Board will review the appeal and will meet with the Homeowner if necessary. The Board's disposition is final.

SECOND NOTICE: If the cited Non-Compliance is not cured within fourteen (14) days of the initial notice (three (3) days in the case of Sections 12 and 22), and there is not an agreed upon compliance plan, a written Second Notice of Non-Compliance will be issued including the assessment of a **\$100 FINE**. As long as the Non-Compliance is not cured, an additional **\$200 FINE** will be assessed every fourteen (14) days with or without further notice. As with First Notices, Homeowners who receive a Second Notice may:

- Negotiate a plan of compliance if the Board agrees (see above for detail).
- Request clarification of the notice.
- Appeal the Notice of Non-Compliance. (see above for detail).

* Please note that it is the **Homeowner's responsibility** to **notify** the **Board** that the cited Non-Compliance has been **cured**, upon which the Board will conduct a review to confirm the process can be closed with no further action or fines.

ENFORCEMENT: Unless an agreed upon compliance plan is in effect, if the Non-Compliance is not cured within fourteen (14) days after the Second Notice of Non-Compliance, a subsequent **FINE of \$200** shall be assessed and repeated every fourteen (14) days until the Non-Compliance is cured. The maximum fine that may be assessed by the SPHA to a Homeowner for a single violation is \$1,500.

At this point, additional measures will be taken. These may include notification via SPHA's legal counsel and:

- Filing a lien upon the subject property
- Seeking injunctive relief in Oakland County Circuit Court
- Contracting to remedy the non-compliance at the Homeowner's expense
- Collection of all attorneys fees and costs for all actions undertaken due to the breach of Covenants and Restrictions

REPEAT OF NON-COMPLIANCE: Another occurrence of the same or similar non-compliance within twelve (12) months shall make the Homeowner **subject to imposition of a \$100 FINE and follow up including additional \$200 FINES consistent with the Second Notice schedule noted above.**