

# Bailey's Grove Property Owners Association

## Rules and Regulations

### **Unresolved Violations Procedures - Rule No. 10060801.**

The Board of Directors authorized management to utilize zoning enforcement through the City of Kentwood (when possible) if a homeowner committing a violation does not voluntarily remedy the infraction after receiving a notice of infraction/warning.

### **Complaint Process & Violation/Enforcement Guidelines - Rule No. 10041301.**

The Board of Directors adopted revised documents detailing the Homeowner Complaint Process and penalties for rule violations. In addition to filing complaints through the BGPOA website, homeowners without computer access may now contact REALICO to obtain a complaint form. The complaint form and the penalties for rule violations shall be incorporated into the BGPOA Rules and Regulations.

### **Penalties for Rule Violations.**

Property owners who are not in compliance with the By-Laws or violate the Bailey's Grove Property Owners Association Declaration of Restrictions are subject to the following penalties:

- a. A warning letter will be issued to the property owner advising them of the violation and, if applicable, a finite time period within which, if not corrected, a second offense shall be constituted. A property owner is entitled to a hearing with the Board of Directors to discuss the violations. The property owner shall give notice to the Board of Directors within ten (10) days of the date of notice of violation, in accordance with paragraph 18 of the Bailey's Grove Property Owners Association Declaration of Restrictions.
- b. If the violation is not corrected within the prescribed time frame, a \$100.00 fine will be levied.
- c. If the violation continues and is not voluntarily remedied within ten (10) days, a \$150.00 fine will be levied, and if the violation is still not corrected within the following ten (10) days, a \$250.00 fine will be levied. A \$250.00 fine may be levied for each ten (10) day period thereafter, until the property owner is in compliance.

All fines are cumulative. Continued violation will result in legal action to remedy the infraction(s). A homeowner shall be responsible for all costs, including but not limited to, attorney fees and additional management fees in the event of breach of the Declaration of Restrictions and or the By-Laws.

### **Violation and Enforcement Guidelines.**

A meeting of the Rules and Restrictions Task Force was held on March 24, 2005 to adopt violation and enforcement guidelines for Bailey's Grove platted lots. This document, as adopted on March 24, 2005, was incorporated into the Homeowner Complaint Process by the Board of Directors at its April 13, 2010 meeting. This document has been incorporated into the BGPOA Rules and Regulations, specifically Rule No. 10041301.

The Declaration of Restrictions and Agreement for the Bailey's Grove plats states that the Board of Directors of the Association and/or their agent(s) will attempt to enforce the Declaration of Restrictions and Agreement as fairly and as reasonably as possible, but cannot be expected to oversee or enforce every infraction and are not responsible for property owners who refuse to obey the restrictions. It should be understood that plat restrictions, rules, and regulations require the commitment and voluntary compliance of the property owners.

The Board of Directors has adopted the following practices and procedures regarding restriction violations and enforcement in Bailey's Grove:

**Warning Notices.** The Board of Directors and/or their agent(s) shall give written warning to property owners in violation of the Declaration of Restrictions and Agreement before loss of rights and/or penalties are imposed or legal proceedings are taken.

**Appeals.** Should lot owners disagree with their charged violation(s), a written appeal can be made to the Property Owners Association Board of Directors. The Board will conduct an investigation and give written notice to the lot owner for a hearing before the Board. The lot owner is encouraged, but not required to attend the hearing. The hearing will be conducted regardless of lot owner attendance. If the lot owner is found to have violated the restrictions, the Board's determination shall state what corrective action needs to be taken. The Board reserves the right to uphold, amend, or dismiss the violation charge(s). The Board's decisions shall be final.

**Enforcement.** If the violation is not corrected within a punctual but reasonable time period as set by the Property Owners Association Board of Directors and/or their agent(s), enforcement through one or more of the following methods will be pursued:

- a. Suspension of voting rights pursuant to the By-laws of the Association.
- b. Suspension of use rights to recreational facilities, including but not limited to the clubhouse, gazebo, and pool, pursuant to the By-laws of the Association.
- c. Fines assessed at levels set by the Property Owners Association Board, with late charges added for every month the account is past due.
- d. Property liens may be filed in the same manner as unpaid annual association dues for unpaid charges, fines, and late fees. Property liens may also be filed for the estimated cost to bring unapproved non-compliant exterior site improvements into compliance.
- e. Foreclosure of the lien as if the lien were a mortgage.
- f. Police enforcement.

- g. Filing of a court action in District Court to seek a monetary judgment.
- h. Legal prosecution to prevent the violation and/or to recover damages for such violation.
- i. Any other recourse action deemed appropriate by the Board of Directors and/or their agent(s).

**Association Initiation Fee (AIF) - Rule No. 09111001.**

This Rule and Regulation establishes an Association Initiation Fee (AIF) for new homeowners purchasing at BGPOA. The fee is paid directly to the Association to cover the costs associated with the purchase and to help build the reserve fund. Each new homeowner purchasing at BGPOA shall be responsible to pay a one-time Association Initiation Fee (AIF) of two hundred dollars (\$200.00) to cover the costs to the Association of providing Rules and Regulations and new file set up to new owners. Selling homeowners shall be responsible for informing the new homeowner of the Association Initiation Fee prior to closing.

**Delinquent Fee Collection - Rule No. 07010901.**

A late fee of \$10 will automatically be assessed after the 10th of each month, plus interest at 7% until fully paid. In addition to late fees, any delinquent fees will be collected through the procedures outlined in the association documents and the cost for collection will be borne by any homeowner that is delinquent. Partial payments or payments made after the late fee is due will continue to be assessed full late fees and interest until fully paid. Late fee notices will be sent via US Mail to delinquent homeowners following the 10th of each month. The costs of collection, including but not limited to, any additional management company expenses and attorney fees, shall be the expense of the delinquent homeowner.