

**River Park Ranch
Property Owners Association**

**Declaration of Covenants, Conditions and Restrictions
Enforcement Procedure**

October, 2019

Approved 10/15/2019

**River Park Ranch
Declaration of Covenants, Conditions and Restrictions
Enforcement Procedures**

Purpose

The main purpose of the Declaration of Covenants, Conditions and Restrictions (DCCR) controls is to maintain a consistent, attractive and desirable subdivision which in turn protects and enhances the value of holdings for each property owner. The current DCCR document was compiled by the developer of River Park Ranch (RPR) and recorded with Montgomery County on February 8, 2001. The governing body charged with implementation and enforcement of all DCCR requirements is the River Park Ranch Property Owners Association (POA). The Board of Directors (Board) for the POA stewards the DCCR requirements for RPR.

The DCCR document covers multiple topics that include the formation of the POA, the Board of Directors, the Architectural Control Committee, as well as legal and functional duties of each. Of specific interest for this document, use restrictions, are detailed in Article III of the DCCR. Article III outlines what is and what is not an allowed use and activity for each lot within the subdivision. It also qualifies developmental requirements for residences and associated buildings for use on each lot. While specific in most instances, the Board and ACC are given the responsibility to define further clarification and direction in some areas. This clarification and authority to define additional requirements is granted to allow the maximum use and enjoyment of each lot by the individual property owners while maintaining the conditions for which the DCCR were developed originally.

The specific process by which enforcement is accomplished is defined and controlled by the Board. All property owners enjoy the right to a hearing before the Board to challenge most enforcement proceedings and to demonstrate as to why compliance with the DCCR requirements represents a hardship and hinders their full use and enjoyment of their property holdings. In addition, a process exists by which the DCCR can be changed should the required percentage of property owners within RPR agree that such change is warranted.

The following procedure has been prepared to assist the Board in the performance of its duties related to enforcement of the DCCR requirements. It consists of an enforcement process outline and process map. It is intended for informational use and does not, nor is it intended to, replace or alter the actual DCCR document which remains the guidance document of record.

Nothing herein shall be construed to limit or prohibit the Association from proceeding directly to legal action should circumstances justify, including but not limited to, filing suit to enforce or enjoin violations of the restrictive covenants applicable to the subdivision, enforce any other rule, regulation, bylaw, applicable law, or other governing documents of the subdivision.

2/7/20

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**LEVELS OF ENFORCEMENT AND
PROCESS FLOW MAPS**

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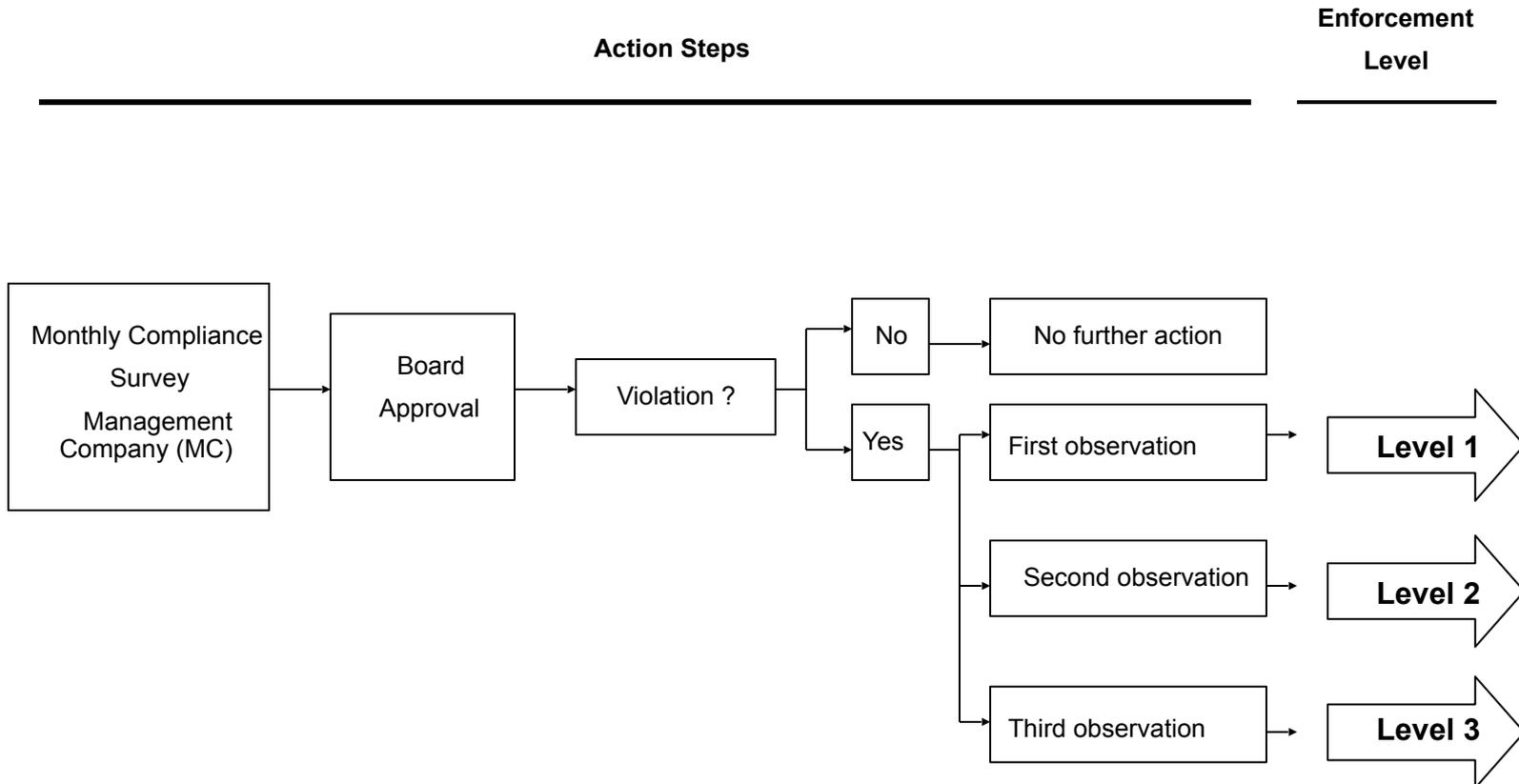
Enforcement Process

The enforcement process is comprised of a series of steps designed to promote voluntary compliance and to foster a spirit of cooperation between property owners and the Board. In all cases, the recorded DCCR is the guidance document. However, within this process, flowchart, guidelines and a data base have been summarized to facilitate consistent application of the DCCR while providing owners with full enjoyment of their property within the restrictions.

Enforcement Levels

Enforcement is accomplished using a category system that designates the level of the violation based on the time of the first observation. The longer the time between first observation and the time at which compliance is achieved, the more severe the enforcement actions. They range from Level 1 enforcement, which involves a formal letter to the owner focused on promoting voluntary compliance, to Level 3 enforcement that may involve actions up to and including fines and legal proceedings. The following describes each level and includes a process flow map defining what actions can be taken to resolve a DCCR violation at each level.

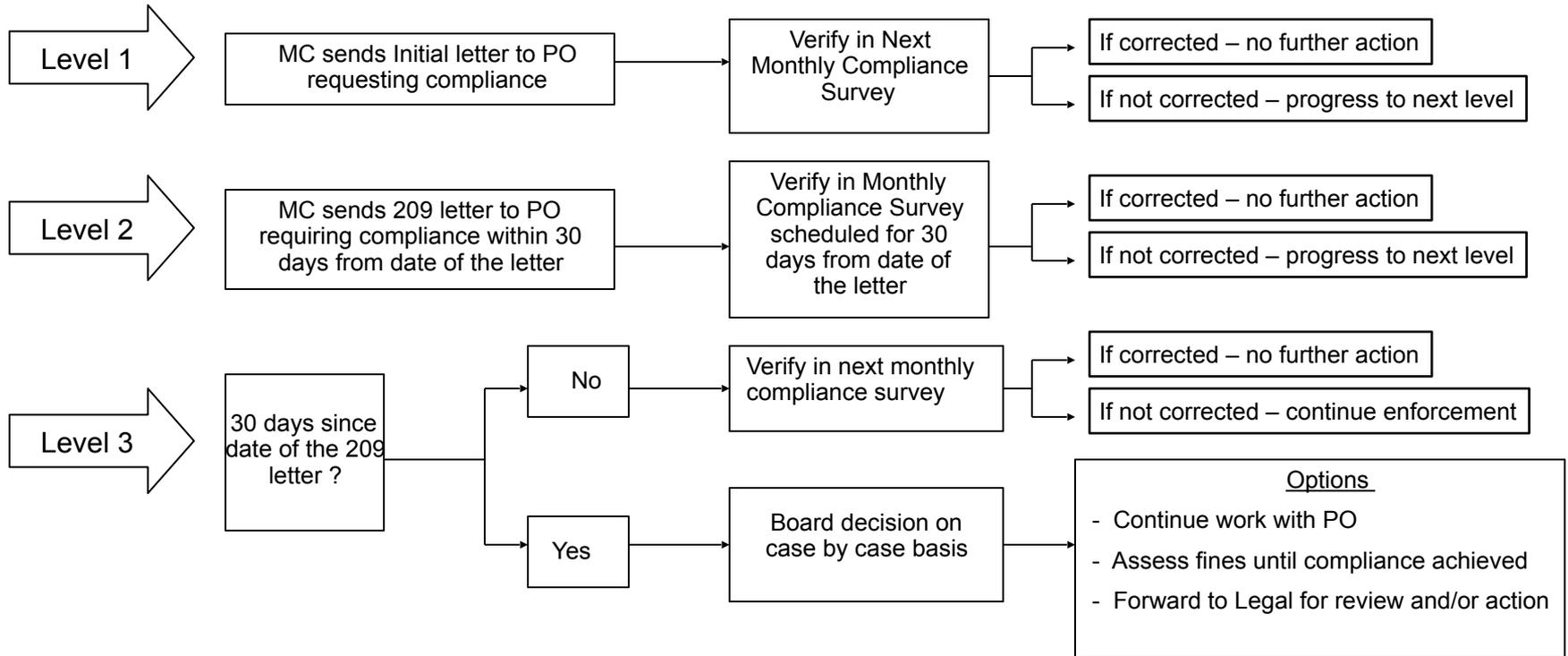
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**Enforcement
Level**

**Action
Steps**



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Level 1 Enforcement

Occurs when a violation of the DCCR is first observed during the monthly compliance survey. The survey is completed during the first week of each month. The identified compliance issue is presented to the Board by the management company via email within 2 days. The Board has 2 days in which to respond via email. As needed, the issue is discussed and once consensus is reached, the observation is confirmed as a Level 1 enforcement issue violation. At this level, the PO is sent an official letter by the management company on behalf of the Board. In this letter, the specific violation is noted. In addition, possible actions needed to address the violation may be provided to assist the PO in their efforts to correct the situation. As part of the next month's survey, a verification is made that work has or has not been completed. If completed, the DCCR violation is considered as corrected and no further action is required. If the work has not been completed, the violation is moved to the next level of enforcement.

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Level 2 Enforcement

Occurs when Level 1 enforcement has not resulted in correction of the noted DCCR violation. Noncompliance is identified during the next scheduled compliance survey and again is presented to the Board via email. The Board has 2 days in which to respond via email. Once consensus is confirmed and the observed violation is reaffirmed, it is reclassified as a Level 2 enforcement issue. At this level, the PO is sent a second official letter (209 Letter) by both regular and certified mail from the management company on behalf of the Board. In this letter, the specific violation is again noted. By statute, the PO will be advised that they have 30 days in which to respond from the date of the notice and be alerted that failure to respond to the letter may result in future legal actions as allowed under the DCCR. The PO is also afforded the opportunity to request a hearing before the Board and/or the designated committee within the 30 day response period and instructions on how to do so are included. As part of the next month's survey, a verification is made that work has or has not been completed. If completed, the DCCR violation is considered as corrected and no further action is required. If the work has not been completed, the violation is moved to the next level of enforcement.

NOTE: Nothing herein shall be construed to limit or prohibit the Association from proceeding directly to legal action should circumstances justify, including but not limited to, filing suit to enforce or enjoin violations of the restrictive covenants applicable to the subdivision, enforce any other rule, regulation, bylaw, applicable law, or other governing documents of the subdivision.

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Enforcement Procedure

Level 3 Enforcement

Occurs when Level 2 enforcement has not resulted in correction of the noted DCCR violation. Noncompliance is identified during the next scheduled compliance survey and again is presented to the Board via email. The Board has 2 days in which to respond via email. Once consensus is reached, the observed violation is reaffirmed and noted. To reach this level, the PO has been sent an initial letter requesting voluntary compliance and a second official letter (209 Letter) by both regular and certified mail in which the required compliance is noted. They have been given the opportunity for a hearing as well as sufficient time to resolve the violation in question but have failed to comply. At Level 3 Enforcement, the Board may, due to extenuating circumstances, elect to continue efforts to reach an agreement with the PO or may, as specified in the recorded schedule, assess a fine to be collected from the PO until such time that compliance is achieved. The PO will be given notice of any such action by the Board via a certified letter. The Board will continue to seek resolution with the PO during this time. If the violation is not resolved and continues to be confirmed during future compliance surveys, the matter may be forwarded to legal counsel at the appropriate time of the Board's choosing. Once compliance is achieved and verified, the DCCR violation will be considered as corrected and all records adjusted to reflect the same. In this instance, fines will be suspended and no further legal proceedings will be pursued. However, failure to comply as required will be documented, the violation will remain active and legal action, as needed, will continue to be pursued until resolution is achieved.

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