

Silverwood Plantation Home Owners Association (SPHA)
Covenant Compliance Policy

Policy Statement: The purpose of this policy is to further clarify the requirements included in the Declaration of Covenants, Conditions, Easements and Restrictions for Silverwood Plantation and to ensure compliance of such covenants.

1. Covenant Compliance Definitions

- 1.1 Architectural Covenant Compliance shall mean the convenat enforcement of all exterior improvements upon the property including landscaping, exterior paint, fencing, garages and any other structures on the property.
- 1.2 Non-Architectural Covenant Compliance (Use Restrictions) shall mean covenant compliance related to boats, RVs, campers, trailers, storage units, playground equipment pets, signs, golf carts, nuisances (i.e., clean roofs, driveways, lawns, and landscaping), etc..
- 1.3 Continuing Violation shall mean a Homeowner has received two Covenant Violation letters within the same calendar year (January 1 through December 31) for the same or a similar violation. The following examples illustrate application of this principle:
 - One Covenant Violation letter for an Architectural violation (i.e., unapproved garage structure) and a second Covenant Violation letter for an Architectural violation (i.e., unapproved exterior paint color) will be considered a "continuing violation".
 - One Covenant Violation letter for Non-Architectural violation (i.e. camper violation) and a second Covenant Violation letter for a Non-Architectural violation (i.e. boat/trailer violation) will be considered a "continuing violation".

2. Covenant Enforcement

- 2.1 SPHA Board members will conduct periodic reviews of the community to identify potential covenant violations. Homeowners may report violations to the SPHA Board members and/or send complaints to www.silverwoodhomeowners.com.
- 2.2 Initial Violation Warning (Days 1 thru 10)
If a violation is identified, an initial Covenant Violation warning letter shall be sent to the Homeowner explaining the nature of the violation. The Homeowner will have ten (10) days to correct the violation. A compliance deadline date will be included in the letter.
- 2.3 Continued Violation - Second Warning (Days 11 thru 20)
 - 2.3(a) If covenant violation is not corrected within ten (10) days of the first Covenant Violation warning letter, this will be considered a second violation. A second Covenant Violation warning letter will be sent to the Homeowner. The letter shall further state that a fine may be imposed and the alleged Violator is entitled to a hearing on the merits of the matter provided that such hearing is requested in writing within ten (10) days of the date of the second violation letter.

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- 2.3(b) If a second Covenant Violation letter is sent to the Homeowner for the same or similar covenant violation in a single calendar year, a covenant violation assessment applies for any continuing non-compliance.
- 2.3(c) If a Homeowner corrects the violation for temporary period after a Covenant Violation letter is issued, but the same or similar covenant violation occurs in the same calendar year, an additional covenant violation assessment applies immediately (no additional "warning" letters).
- 2.4 Continued Violation - Final Warning (Day 21 and beyond)
 - 2.4(a) SPHA Board will continue to monitor the property to see that the violation has been corrected. If the violation is not corrected, the Homeowner will be sent a final Covenant Violation Assessment Notice specifying that fines shall be assessed retroactively beginning the date of the compliance deadline as noted in the initial compliance letter (11 days) and will continue to accrue until the SPHA Board is notified that the violation has been corrected.
 - 2.4(b) All Covenant Violation Assessments apply to the owner of record.
- 2.5 Serious/Immediate Risk Violations
When a violation concerns a serious immediate situation for person or property the Board will seek to obtain prompt action by the Homeowner to correct and avoid any recurrence. Examples include but not limited to risk to bodily harm, creating a hazardous situation.
- 2.6 Homeowners have the right to request an extension for compliance or appeal fines to the SPHA Board at their regularly scheduled monthly board meeting.
- 3. Irreversible Violations
When a Covenant Violation has occurred and cannot be corrected, the SPHA Board will seek to notify the owner of a hearing that may determine the amount of a possible fine, or other action, for the violation.
- 4. Fines and Sanctions
 - 4.1(a) The Covenant Violation Assessment is payable to the SPHA within (15) days after the Covenant Violation Assessment Notice is mailed to the Homeowner.
 - 4.1(b) The SPHA Treasurer will be provided a copy of the Covenant Violation Assessment Notice for collection monitoring. If the Covenant Violation Assessment is not paid by midnight on the date when due (15th days), then such assessment shall become delinquent and shall become a continuing lien on the property. If the assessment remains unpaid for thirty (30) days after such due date (15th day), the assessment shall bear interest from the due date at the maximum annual percentage allowed by law. The obligation of the Homeowner to pay any assessment or interest shall not be effected by any conveyance or transfer of title to said property. The SPHA Board may bring any action against the Homeowner obligated to pay the assessment and there shall be added to the amount of such assessment their costs of collecting the same for perfecting the lien thereof, including reasonable attorney's fees.

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4.1(c) Any fine shall be the personal obligation of the Homeowner and may be recorded against the property creating a lien against the property. The SPHA Board may notify any lender or credit agency of such obligation and lien.

4.2(d) The SPHA Board may (a) suspend the voting rights and right to use the recreational facilities, including without limitation, the club house of any Homeowner in violation and (b) levy fines against the Homeowner for such violation(s). Each occurrence of a violation is considered a continued or repeated violation after written notice is sent to the Homeowner to cease and desist, and shall be considered a separate violation subject to additional fines.

5. Deviations

The SPHA Board may deviate from the procedures set forth in this policy if in its sole discretion such deviation is reasonable under the circumstances.

6. Amendment

In order to assure the SPHA Covenant Compliance, this policy is subject to amendments by the SPHA Board.

Policy approved by Silverwood Plantation Homeowner Association Board .

RONALD L Wilson (Print Name)

Ronald L. Wilson (Signature) March 21, 2012 (date)

Silverwood Homeowner Association Board, President