

LAKE JENNIFER COMMONS HOMES ASSOCIATION INC.
POLICY RESOLUTION
Covenant Violations Enforcement

WHEREAS, the Declaration of Covenants, Conditions and Restrictions ("Covenants") for Lake Jennifer Common Homes Association, Inc., ("Association") empower the Board of Directors to enforce the provisions of said Covenants against Owners under circumstances where the Board of Directors determines that there is probable cause that a provision of the Covenants, the Bylaws, Articles of Incorporation or the rules and regulations of the Association, regarding the the dwelling units, Lots, Common Area or other Association property, are being or have been violated. It is the intention of the Board of Directors to adopt this Policy Resolution for the purpose of setting forth the procedures to be used in exercising their aforesaid duties and to define the due process rights of the owners against whom such actions are undertaken.

NOW THEREFORE BE IT RESOLVED on this 4th day of December 2017, that the following policies, rules and regulations concerning the enforcement of Covenant violations are hereby adopted by the Board of Directors:

I. PROCEDURE AND NOTICE OF VIOLATION, RIGHT TO HEARING

In the instance where the Board of Directors determines that there is probable cause that a provision of the Covenants, the Bylaws, Articles of Incorporation or the rules and regulations of the Association, regarding the use of the dwelling units, Lots, Common Area or other Association property has been violated, then the following procedures shall be undertaken:

1. The Board of Directors shall send a letter ("Notice Letter") via the United States Postal Service, First Class Mail, postage prepaid to the last known address of record of each of the Owners of the Lot where the violation has occurred, or alternately, deliver said Notice Letter in person to each of the Owners of the subject lot.
2. Said Notice Letter shall contain the following disclosures:
 - a. the specific nature and description of the alleged violation;
 - b. the specific nature and description of the action that needs to be taken to correct the violation;
 - c. the date when the corrective action needs to be completed in regard to the alleged violation;
 - d. that the recipient of the Notice Letter may request a hearing;
 - e. that the hearing must be requested in writing within ten (10) days of the date of the Notice Letter.

II. HEARING

1. If a hearing is requested within ten (10) days of the date of the Notice Letter, the Board of Directors is required to hold a hearing. If no hearing is requested at all or if a hearing is requested after ten (10) days, the alleged violating Owner is not entitled to a hearing.
2. If a hearing is held in accordance with the requirements described herein, the Board of Directors shall hold a hearing, and shall hear any and all defenses to the charges, including any witnesses that the alleged violating Owner, or the Board of Directors may call to testify. Any party at the hearing may be represented by an attorney.
3. Subsequent to any hearing, the Board of Directors shall determine whether there is sufficient evidence of a violation or violations. If the Board finds that no violation exists, that determination by the Board shall terminate any further enforcement activity with regard to such violation. If the Board finds that a violation exists, then a letter shall be generated to the alleged violating Owner informing him or her of the Board's findings. In the case where the Board of Directors finds that a violation has and continues to occur, said letter shall state a deadline by which time the violation must be corrected. In any case, the findings of the Board shall be included in the written minutes prepared for said hearing.

III. ENFORCEMENT

1. If after the above procedures are undertaken as provided herein, the Board of determines that there is sufficient evidence to determine that a violation has occurred, which has not been mitigated as provided in accordance with the initial Notice Letter, when a hearing was not requested or not timely requested, or in accordance with the post hearing letter as provided in paragraph 3 above, then the Board of Directors may vote to take enforcement action to correct the violation.
2. Enforcement action consisting of the entry by the association on the Owner and conclusive violator's Lot to take corrective action to mitigate the violation may include 24 hour or less written notice by posting on the property in the case of an emergency. Otherwise the Board of Directors will give the Lot Owner as much notice as is practical in the form of a written notice posted on the property, in the Board's sole and absolute discretion before entry upon said Lot.
3. Enforcement action may include legal action against the Owner of the Lot to enforce compliance with the requested mitigation of the violation.
4. All costs of such enforcement action , including but not limited to the cost of mitigation or corrective measures, and associated attorneys fees, shall be collectible in the same manner as any other assessment, as both a personal obligation of the Lot Owner, and as a Lien under the Maryland Contract Lien Act against the Lot Owner.

AS WITNESS MY HAND AND SEAL:

By evidence of my signature below, I, Michael Moxley
HEREBY CERTIFY, that the foregoing accurately represents the resolution that was
passed by an affirmative vote of the Board of Directors of the Association to the best of
my knowledge, information and belief on this 4th day of December,
2017.

Lake Jennifer Common Homes Association, Inc.



Signature of President

Sent for filing in the Circuit Court of Frederick County Maryland Homeowners Depository on
the 4th Day of December, 2017.

Return to:

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