

**BOARD OF DIRECTORS  
CRUMBACHER ESTATES OWNERS ASSOCIATION**

**Policy #009**

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**Covenant Enforcement**

Approved: June 24, 2013

The Protective Covenants of Crumbacher Estates require the Board to be the means of their enforcement, directed and guided by policies. The covenants state that "enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant...or to collect any assessment of the company...either to restrain violation, recover damages, or collect assessments."

The Board has a duty to ensure that covenants are enforced fairly, consistently, and equitably, without favoritism or partiality to any member or members. Prior to any enforcement action, the Board shall first take reasonable steps to find a suitable resolution to the situation or action creating the violation. This may include, but is not limited to, letters, phone calls, and face-to-face meetings. Resolution of covenant violations should never be accomplished via email with the affected parties; however, the Board may discuss the violation and possible responses via email.

When the Board takes action to enforce a covenant, the following steps shall be taken:

1. A certified letter shall be mailed to the property owner, clearly stating the condition or action that has occurred or is occurring, the section or sections of the covenants being violated by the condition or action, the actions requested (if any) to return to compliance, and the date by which such actions shall be completed.
2. When a corrective action is requested, the Board shall also include a contract with the certified letter, in which the member will agree to complete the requested action within the stipulated timeframe.
3. If the condition cannot be corrected, or is not corrected within the stipulated timeframe, the Board may impose a monetary fine against the owner of the lot in violation, based on the following fee schedule:
  - a. One-time event that cannot be corrected: \$50.00 per violation
  - b. Ongoing violation: \$50.00 per violation/calendar month
  - c. Unauthorized tree cutting (>8" but <24" dbh): \$50.00 per tree
  - d. Unauthorized tree cutting (>24" dbh): \$100.00 per tree
  - e. Unauthorized lot size or dimension changes: \$1,000.00 per violation
4. Fines shall double for every repeat violation.
5. Any fines imposed will be added to the lot owner's monthly billing, and will be payable as any other normal charge.
6. Fines imposed for covenant violations will not be waived or modified without a majority vote of the Board.

7. When the enforcement action is the result of a complaint submitted by a member, the Board shall provide written notice to the complainant of the actions being taken per Policy #003 (Complaints).