

LAKWOOD PROPERTY OWNERS ASSOCIATION (LPOA)
POLICY FOR
ADDRESSING COVENANTS, RULES, AND POLICY VIOLATIONS

WHEREAS, Article VIII Use Restrictions, Section 4, of the Lakewood Declaration of Covenants, Conditions, and Restrictions (“CC&Rs”), provides that “[i]n addition to any and all restrictions herein provided, it is expressly acknowledged and agreed that the Board of Directors may establish additional reasonable rules and regulations concerning the use of the Common Area, facilities located thereon, and individual Lots. The Board shall have the authority to impose reasonable monetary fines and other sanctions, including, without limitation, use restrictions except where use restrictions are prohibited herein, and monetary fines may be collected by lien and foreclosure, as provided in Article IV”; and

WHEREAS, violations of the CC&Rs, rules promulgated by the Board of Directors (the “Board”) and/or policies of the LPOA (collectively the “Rules”) have occurred and are occurring in the Lakewood community, and the Board is of the opinion that a uniform policy should be in place to address such violations of the Rules.

After due consideration, the Board does hereby adopt the following policy for addressing violations of the Rules.

Upon identification or report of a Lot Owner’s violation of the Rules, the Board shall send a written Notice of Violation to the Lot Owner via postal mail. Said notice shall contain a description of the violation; reference to the specific Rule being violated; the remedy requested by the Board; and the date by which the violation is to be brought into compliance.

If the Lot Owner chooses to contest the Notice of Violation, the Lot Owner must do so in a writing directed to the Board and mailed to the Board at its address as set forth in the Notice for receipt by the Board within ten (10) days of the Lot Owner’s receipt of the Notice of Violation. Upon receipt of such writing from the Lot Owner, pursuant to Section 3-102 (11) of the West Virginia Uniform Common Interest Ownership Act, *W. Va. Code § 36B-3-102 (11)*, the Board shall schedule an informal hearing and provide notice thereof to the Lot Owner. At such due process hearing, the Lot Owner or their representative shall state the basis for contesting the Notice and provide to the Board such information in support of such contest as the Lot Owner shall deem necessary. The hearing shall be conducted by, and in the presence of, a majority of the Board. The Board shall render its decision on the matter and inform the Lot Owner of the same in writing via postal mail within ten (10) days of the hearing.

If the Lot Owner fails to address or remedy the violation by the date specified in the first Notice of Violation, the Board shall send a Second Notice of Violation to the Owner via certified mail, return receipt requested and via postal mail. In addition to duplicating information contained in the First Notice, the Second Notice will set forth the fine or other sanction which will be assessed upon the Lot Owner should the Lot Owner fail to respond to the Second Notice or to correct the violation by the date specified in the Second Notice (e.g., monetary fine, suspension of Common

Area use privileges, or Board-directed repair or remediation at Owner's expense). All monetary fines shall be assessed in accordance with the attached Fine Schedule which is incorporated herein and made a part of this Policy. The Second Notice shall further set forth the date, time, and location of a due process hearing to be conducted in the manner described above. The Board shall render its decision on the matter and inform the Lot Owner of the same in writing via postal mail within 10 days of the hearing.

If the Lot Owner fails to attend the hearing or to take action to correct the violation confirmed by the Board at the hearing, the fine or other sanction outlined in the Second Notice of Violation will be assessed or implemented. Any monetary fine will be considered an assessment and lien on the Owner's property pursuant to Article IV, Section 8 of the CC&Rs, billed to the Lot Owner's account, and subject to 1.5% interest compounded monthly (18% APR) if not paid within 30 days of the date of assessment. Payment of the monetary fine does not discharge the obligation of the Lot Owner to comply with the Rule(s) of which the Lot Owner is in violation. In the event that the Lot Owner fails to correct the violation after imposition of the fine or other sanction, the Board may pursue additional remedies including a court action to enforce the Rule violated by the Lot Owner. In accordance with Article IV of the CC&Rs, the LPOA's reasonable attorney fees incurred in any such court action are recoverable from the Lot Owner.

Adopted: May 11, 2022