

Muirfield Association, Inc.

Deed Violation Enforcement Policy

The Muirfield Association, Inc. Deed Violation Enforcement Policy is in accordance with the Articles of the Warranty Deed and measures for enforcing the property restrictions as found in the Bylaws, Design Standards, Ohio Revised Code 5312 and all other governing documents for Muirfield Homeowners Association including, but not limited to, any published rules, regulations, guidelines and resolutions.

If any owner fails to perform any act that he/she is requested to perform by the Warranty Deed, Bylaws, Design Standards or other Rules and Regulations, the Association may, but shall not be obligated to, undertake such performance or cure such violation and shall charge and collect from the owner the entire cost and expense, including reasonable attorney fees, of such cure incurred by the Association. Any such amount shall be deemed to be an additional assessment and shall be due and payable immediately following notification of such charge and the Association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expenses.

Sensible complaint procedures combined with a fair, common-sense approach to violations will be used to maintain the integrity of the community. All deed violations must be corrected in a timely manner. There are two types of complaints in which the Association most often addresses:

1. Conduct Violations

Conduct violation might typically be described as behavioral issues within a neighborhood. The burden of submitting conduct complaints rests with owners within the community. All conduct violations ***must be reported in writing and signed by the resident alleging the violation***. This form can be found online at: <http://www.muirfieldassociation.com/deedenforcement.php>. Board members are under no duty to take action on conduct violations that are reported verbally or contained in an unsigned, written communication.

Once a properly completed violation form has been submitted, the board will determine what further investigation of the allegation is necessary and conclude whether action against the violating owner is warranted. These types of violations may include barking dogs, noise emanating from the property, etc.

2. Item Violations

Item violations typically can be evidenced by photographs or similar documentation. Item violations are often discovered during a property walk-through, drive-by or onsite inspection. The General Manager will address item violations as they are observed or reported.

If a violation is of a serious nature that affects the safety of the owners or residents, the police should be called immediately and/or legal action immediately initiated.

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Deed Enforcement Procedure

The Association will notify owners and residents of enforcement actions in accordance with the following outlined procedures:

1. First Letter – Upon receipt of evidence of a verified violation, a notice will be sent via electronic means or by posted mail to the owner and resident, and include the following as applicable:
 - a. A description of the violation;
 - b. A copy of the documented picture, if available; and
 - c. A 10-day deadline in which the owner must cure the violation or submit a request for an extended deadline.
2. Second Letter – Upon inspection and verification of the continuing violation, a second letter containing a Notice of Intent to Impose an Enforcement Assessment and Revoke Privileges will be sent via electronic means or by posted mail to the owner with a new deadline requesting correction. This notice will:
 - a. Include a description of the violation and copy of the documented picture, if available;
 - b. Advise the owner of the amount of the proposed enforcement assessment to be charged per day and the date by which the violation must be cured to avoid the enforcement assessment and revocation of recreational privileges; and
3. Notify owners of their right to a hearing before the Board of Directors; enclose a Request for Hearing form, stating the deadline that the hearing request must be received by the Association. This is the final opportunity for owners to comply before more serious action is taken.
4. If the violation is not cured after the imposition of enforcement assessments and revocation of privileges, the Association may utilize all other remedies available including, but not limited to, correction of the violation at the owners cost, recording lien for unpaid enforcement assessments, and filing a lawsuit seeking injunctive relief, foreclosure, court costs, and attorney's fees. The Association reserves the right to utilize any enforcement remedy at any time to address unique circumstances or situations.
5. In some instances, the normal violation notice will be modified to address the need for immediate attention. In these instances, the initial notice will request correction immediately rather than a ten-day deadline. Some examples of violations that would be included in this instance might include storage of mulch bags, portable basketball equipment, sports nets, recreation equipment stored outside, non-approved signage on properties, and boats and trailers stored outside on properties.

Hearing Procedure

In the event that the owner wishes to discuss the allegations with the Board of Directors, the owner must mail or deliver a written request for a hearing to the Association within 10 days from receipt of a notice of enforcement. The following must take place:

- a. The Board must make arrangements for the requested hearing to be held no later than 60 days after the date the written request was received.

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- b. The Board shall provide the owner with a written notice that includes the date, time, and location of the hearing at least 10 days prior to the hearing date.
- c. With mutual agreement, either party may request a postponement of the hearing; however, a new hearing date must be set and kept. Hearings may not be indefinitely postponed.
- d. The proceedings may be recorded by either party and the owner does not have to be present for the hearing to be conducted.
- e. The hearing will be held in Executive Session to protect the privacy of the property owner. The Board and requesting owner will have the right to present evidence. Reasonable time will be allotted for discussion of the issue.
- f. Proof of the hearing, evidence or written notice to the owner to abate action, and intent to impose an enforcement assessment shall become a part of the hearing minutes.
- g. The owner must receive notice of the Board's decision and any enforcement assessment imposed within 30 days of the hearing.

If the Owner fails to request a hearing within 10 days of the second enforcement letter - Notice of Intent to Impose an Enforcement Assessment and Revoke Privileges - the right to that hearing is waived, and the enforcement assessment may be imposed.

The Board of Directors is committed to exercising their authority in a fair and impartial manner. The Board members do not serve as detectives, rather they are elected to uphold the provisions contained within the Association's governing documents with consistency. They may consider special circumstances or decide to proceed with legal action for any violation of the Warranty Deed, Bylaws or Design Standards at their sole discretion following either the hearing requested by the owner or the deadline expiration to request such a hearing. Once the Board has referred the violation to an attorney, all future communications must be directed to the attorney.

In the event that an individual board member has personally witnessed or was personally affected by an alleged violation, that board member assumes the role of a complaining owner and must relinquish his or her role as a decision-maker with respect to that particular matter. Should a board member have any involvement in the matter, he or she must exclude oneself from participating in any discussion, vote or other board business relative to that particular violation to ensure impartiality.

Recurring Violation

In the event of repeated violations of the same or similar nature, the Board has the discretion to revoke privileges and impose a fine immediately upon written notice for a similar violation within one year of the original violation. In this case, the owner will receive only an Enforcement Billing and Revocation of Privileges Notice. The owner must notify the Association when the violation has been cleared in order to discontinue the assessment at the earliest possible date.

Forced Maintenance

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As authorized by the Warranty Deed, Section 9.02, the Association reserves the right to enter the property involved to abate and remove the violation at the expense of the owner. The expense may be assessed and collected in the same manner as the annual assessment.

Enforcement Assessment Fees

Landscape Violations – include trees, tree stumps, grass mowing, landscape beds, etc. After normal violation procedures and notifications have been followed with no compliance occurring, (two prior notices and warning of enforcement assessment being applied), the owner may be billed \$10 per day, up to \$250 in enforcement assessments. After that time, a lien for non-payment of the enforcement assessment may be placed on the property until the violation is corrected and enforcement assessment is paid.

Non-Dwelling Architectural and Conduct Violations – includes non-approved construction, outside storage, etc. After normal violation procedures and notifications have been followed with no compliance occurring, two prior notices and warning of enforcement assessment being applied), the owner may be billed \$10 per day, up to \$500 in enforcement assessments. After that time, legal counsel will alert the owner to the need for correction of the violation of bill the owner \$95 legal administrative fee. A lien for non-payment of the enforcement assessment and non-compliance will be placed on the property until the violation is corrected and enforcement assessment is paid. In some cases, self-help actions may be recommended by the Board of Directors.

For Cosmetic Dwelling Architectural Violations – includes non-approved painting, shutters, mowing, driveways, etc. After normal violation procedures and notifications have been followed with no compliance occurring, two prior notices and warning of enforcement assessment being applied), the owner may be billed \$10 per day, up to \$500 in enforcement assessments. After that time, legal counsel will alert the owner to the need for correction of the violation of bill the owner \$95 legal administrative fee. A lien for non-payment of the enforcement assessment and non-compliance will be placed on the property until the violation is corrected and enforcement assessment is paid. If correction is not made and fees paid in full, foreclosure on the enforcement assessment or a suit for injunctive relief may be placed on the property. In some cases, self-help actions may be recommended by the Board of Directors.

For Structural Dwelling Architectural Violations – include non-approved roof, siding, windows, etc. After normal violation procedures and notifications have been followed with no compliance occurring, two prior notices and warning of enforcement assessment being applied), the owner may be billed \$10 per day, up to \$750 in enforcement assessments. After that time, legal counsel will alert the owner to the need for correction of the violation of bill the owner \$95 legal administrative fee.

A lien for non-payment of the enforcement assessment and non-compliance will be placed on the property until the violation is corrected and enforcement assessment is paid. If correction is not made and fees paid in full, foreclosure on the enforcement assessment or a suit for injunctive relief may be placed on the property. In some cases, self-help actions may be recommended by the Board of Directors.

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Violation Report Form

The Muirfield Design Control Committee Process and the Deed Enforcement Policy are two important factors that have been lifelines for the high standards of this community. In compliance with the Enforcement Policy & Procedures the following report is made.

I understand that copies of complaints and the identity of the complainants will be made available to the alleged violator in the event of an Enforcement Hearing before the Board of Directors.

Nature of conduct or complaint:

Resident Names (Offender):

Location or address:

Lot#:

Specific details of the violation:

Number of occurrences:

Dates of the violation:

Time of Day

Was any attempt made to resolve the issue?

What were the results?

May we contact you?

Best contact number?

Complainant's Name (Please print)

Complainant's Address

Signature ***THIS FORM MUST BE SIGNED***

Date

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Request for a Hearing

Unless a written request for a hearing, signed by the person(s) named as Owner(s) in the accompanying correspondence is received by the Board of Directors within 10 days, the Board may proceed with the enforcement assessment without a hearing and you will have waived your right to a hearing. If you want to request a hearing, then this completed form must be received within 10 days.

I, _____, Lot # _____, request to be scheduled for a hearing in front of the Board of Directors at the time of the next scheduled meeting or sooner, of which I will be notified at least 7 days in advance.

I believe the enforcement assessment should not be imposed because:

Signature _____ Date _____

Printed Name _____ Address _____

2nd Person

Signature _____ Date _____

Printed Name _____ Address _____

Return this form to:
Muirfield Association, Inc.
8372 Muirfield Drive
Dublin, Ohio 43017