

# Muirfield Association, Inc.

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## Deed Violation Enforcement Policy

### Purpose:

The purpose of this policy is to address reasonable measures to enforce deed restrictions.

### Scope

The enforcement process creates a framework for a flourishing community with a common vision. This policy applies to all owners and residents in Muirfield Village. Restrictive covenants and rules exist to promote uniformity and preserve property values.

### Reference

- A Muirfield Homeowners Association Bylaws and Design Standards
- B Articles of Incorporation for the Muirfield Association, Inc.
- C Warranty Deed
- D Ohio Revised Code 5312
- E All other governing documents for the Muirfield Homeowners Association including, but not limited to, any published rules, regulations, guidelines and resolutions.

### POLICY

Sensible complaint procedures combined with a fair, common-sense approach to readily observable 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 contends.

#### **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.

#### **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 on-site 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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## **Notifications**

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, the Association will send the owner/resident a written communication and include the following as applicable:
  - a. A description of the violation;
  - b. A copy of the documented picture, if available; and
  - c. A reasonable date (deadline) by which the owner must cure the violation.
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 mailed with a new deadline requesting cooperation. This letter will be delivered to the owner only and 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
  - c. Notify owners of their right to a hearing before the Board of Directors, enclose a Request for Hearing form, and state the deadline for the hearing request to be received by the Association.

This is the final opportunity for owners to comply before more serious actions are taken.

3. If the violation is not cured after the imposition of enforcement assessments the Association may utilize all other remedies available including, but not limited to, summary abatement 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.