

**GRACE MANOR HOMEOWNERS' ASSOCIATION, INC.
ENFORCEMENT POLICY
Resolution #2011-001**

The Grace Manor Homeowners' Association, Inc. does hereby adopt the following policy and procedures for the purpose of enforcing the Association's restrictive covenants, as approved by the Board of Directors, and filed with the office of Harford County Land Records.

1. DEFINITIONS: the following definitions are made for this policy:

- (a) **Association** – this term shall mean the Grace Manor Homeowners' Association, Inc.
- (b) **Board** - this term shall mean to include the Board of Directors/Architectural Control Committee, and authorized or managing agent of the Association or Board of Directors, consistent with the Regulations.
- (c) **Regulations** – this term shall mean to include the Declaration of Covenants, Conditions, and Restrictions (dated Oct. 12, 2001), the Articles of Incorporation (dated Oct. 10, 2001), and rules and regulations promulgated there under.
- (d) **Complaint** – this term shall mean a written grievance to or by the Board stating the nature of the alleged violation and as many specifics as are available such as date, time, location, and persons involved. Names of persons issuing a complaint will remain confidential and are required for the Board to take action. Following a complaint, the Board shall determine if the Regulations have been violated and if any enforcement measures are to be taken.
- (e) **Enforcement Policy** – this term shall mean the Grace Manor Homeowners' Association, Inc. Enforcement Policy.

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IMP FD SURE \$	40.00
RECORDING FEE	20.00
TOTAL	60.00
Rest# HAB04	Rcpt # 23236
JJR LO	Bk # 4934
Oct 28, 2011	11:27 am

2. BOARD DUTIES AND ENFORCEMENT AUTHORITY:

- (a) The Board shall have the duty and authority to hear and make decisions regarding violations and written complaints and impose fines or other sanctions, on a case-by-case basis, pursuant to the Regulations and Enforcement Policy (Article #8, Section 4 of Declaration of Covenants Condition and Restrictions).
- (b) The Board may choose other remedies prior to the Enforcement Policy, such as a legal remedy or seek assistance from other enforcement authorities, such as the City of Havre de Grace, police, fire, animal control, etc., as it deems appropriate.
- (c) The Board shall determine if a fine should be imposed relative to the circumstances at hand such as the nature of the violation, if it is a continual or repeat violation of the same type or an excessive number of violations from the same residence (a habitual offender), etc. and decide

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how the fine is to be issued. The fine if imposed shall be a minimum of \$100.00, but not to exceed \$500.00, or initial fine followed by a per day amount of \$10.00 until correction of violation(s). This structure gives the Board discretionary authority to start with a fine that is reasonably low and increase or tailor the fine to the specific severity of a violation(s), length of violation(s), or history of repeated violations at the same address.

- (d) The record Owner of real estate is subject to the Regulations and shall be primarily responsible to pay fines imposed for their actions and actions of their tenants, family members, and guests.
- (e) In addition to fines, the Association has the right, but not limited to, the collection of all fees associated with enforcement procedures, including attorney's fees and court costs. If the violation involves damages to Association property, the violator shall pay the costs of repair or replacement.
- (f) **Requirement for approval for changes and fining for failure to do so:** The Board reserves the right to render a fine and/or sanctions for each occurrence where an improvement has been started or completed that was not pre-approved in writing following the submission of a completed Architectural Request Change (ARC) Form by the homeowner. *All changes require written approval from the Board and Architectural Request Change Forms are available from the management company.* All changes submitted for approval shall be written on the ARC form and accompanying documentation such as sketches, diagrams, pictures, etc, shall serve to explain what is stated on the ARC form.
- (g) Failure by the Board to enforce any provision of the Regulations or this Enforcement Policy shall in no event be deemed to be a waiver of the right to do so thereafter.

3. ENFORCEMENT PROCEDURE: The Board shall not impose a fine or infringe upon any other rights of an Association member or other occupants for violations of the Regulations unless and until the following procedure is followed:

- (a) **Warning Notice:** a written demand to cease and desist from the alleged violation(s) shall be given to the alleged violator specifying:
 - (1a) the alleged violation(s);
 - (2a) the action required to correct the violation(s);
 - (3a) a time period of not less than ten (10) days, during which the violation(s) may be abated without further enforcement, if such violation(s) is not a continuing one. NOTE: failure to correct a violation(s) in the allotted time may result in a Violation Meeting Notice being sent to the alleged violator.
- (b) **Violation Meeting Notice:** If the violation(s) continues past the period allowed in the Warning Notice the Board shall give the alleged violator

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written notice that a Determination Hearing will be held by the Board.

The notice shall contain:

- (1b) the nature of the alleged violation(s);
- (2b) the date, time, and place of the Determination Hearing shall not be any sooner than ten (10) days from the date of the notice.
- (3b) an invitation to the alleged violator to attend the Determination Hearing and their right to appeal the alleged violation(s) by producing any statement, evidence, or witness on his or her behalf, and;
- (4b) the proposed fine/sanction to be imposed.

- (c) **Determination Hearing:** The hearing shall be held at the time and place stated in the notice given to the alleged violator and the alleged violator shall be given a reasonable opportunity to be heard and to produce any statement, evidence, or witness on his or her behalf. A copy of the Violation Meeting Notice that is noted with the date and manner of delivery shall be entered into the Board minutes and shall serve as adequate proof of notice, should the alleged violator not attend the hearing. Attendance by the alleged violator shall serve as adequate proof of notice. The meeting minutes shall contain the results of the hearing and the fine/sanction, if any were imposed.

Hearings are open to attendance by all Association members.

- Action taken by the Board shall be fair and reasonable taking into consideration all of the relevant facts and circumstances.
- If the alleged violator does not appear but a written response is filed, the Board shall render its decision based on the Warning Notice, the Regulations, and the written response.
- If neither an appearance nor a written response is made, the Board need not conduct the hearing or make further findings except that it may determine that the failure to respond or appear constitutes a no-contest plea to the Warning Notice and stated violation(s), and impose the fine/sanctions provided for herein and/or in the Regulations.
- A written decision will be sent to the homeowners' address of record via regular U.S. mail within five (5) business days after the hearing date.
- If the same rule is subsequently violated at any time within twelve (12) months following the Determination Hearing, the Board may levy an immediate fine(s)/sanction(s) until such violation(s) are abated.

4. **CLARIFICATIONS/Common Violations:** the following is a list of the more frequent violations but is in no way meant to be all-inclusive of every possible violation nor are the main categories meant to be complete listings of all possible violations under the stated category. Both the Regulations and Enforcement policy should be consulted when planning an Architectural Request Submission.

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- (a) **Yard/property maintenance needed:** all properties shall be kept neat and well maintained at all times. This includes:
- Mowing, edging and weed control (flowerbeds, non-lawn areas, sidewalks, and driveways)
 - Lawn areas shall be free of hard packed earth or excessive barren spots.
 - Yard debris (such as lawn clippings and tree and shrub trimmings) shall be removed from street view after maintenance.
 - Pruning: trees must be pruned to allow passage from the sidewalks and streets; shrubs, and other vegetation may not extend over paved areas and/or interfere with pedestrian traffic; shrubs must be neat and pruned.
 - Dead plants, trees, and shrubs shall be removed in a timely manner. Grasses, which offer an attractive winter form, may be trimmed in the spring.
 - Lot shall be kept clear of miscellaneous items that are visible from the street and/or are not meant to be permanently placed (some examples are trash bags, recyclables, tools, building materials, lawn mowers, grills, household furniture, car parts, etc.).
 - Maintenance needed on house or other structures: shutter(s) missing, painting, fence maintenance, shed maintenance, etc.
- (b) **Trash cans in view:** All trash containers must be hidden from view except after 5pm the day before pick-up day and on pick-up day. If containers can be seen from the street, they are not out of view.
- (c) **Unapproved exterior changes:** See Enforcement Policy section 2(f). Examples of changes are sheds (*or any other structure*), fence installation or replacement, change in color scheme, siding replacement, roof replacement, and major landscape modifications such as adding beds, pavers, patios, borders, accents, hardscaping, trees, shrubs. Note regarding landscaping: When selecting trees and shrubs the homeowner should consider the size a specimen will reach at maturity; trees and shrubs should be planted so as not to infringe on any adjoining property.
- (d) **Pets:** Please be respectful of your neighbors' property while walking your dog.
- Pets must be on a leash while walking.
 - No pet shall be allowed to enter any private property unless allowed by the property owner.
 - Yards of pet owners shall be frequently cleaned of animal waste.
 - No pet shall be allowed to urinate or defecate on any private property, including lawns and all other plantings, hardscaping, mailbox posts, vehicles, etc., with exception to the property of the pets' owner.
 - Pets shall not be permitted to run free outside of the owners' property.

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- Pets shall not cause a nuisance or annoyance to the neighborhood or any other resident. Some examples are excessive barking and aggressive behavior.

(e) Vehicles/Recreational Vehicles:

- No vehicles shall be parked, in whole or in part on any lawn, grassy area, or sidewalk, or hinder pedestrian traffic.
- Boats, RV's, trailers, jet skis, campers, off-road vehicles, and any other recreational vehicles shall not be kept upon any lot, or parked on any street or road within the community, unless it is kept in a closed garage and therefore not visible.

(f) Fences:

- Fence materials that will be considered for approval are wood and vinyl, and other materials at the discretion of the Board.
- No fence shall exceed 4 feet in height.
- The finished side of fences shall be facing out. Note: Wire mesh added to fences shall be on the inside of the fence and placed in a manner that is neat, even on the top and bottom, secured firmly and does not extend more than 4 inches above the highest horizontal part of the fence. Rusting mesh shall be replaced immediately.
- Corner lots, or those adjacent to a public sidewalk, have special requirements when installing fencing— consult the by-laws.
- Absolutely no chain-link fencing is permitted.

(g) Sheds:

- The City of Havre de Grace shed regulation for minimum distance from the property line is five (5) feet. This setback allows for proper maintenance without intrusion onto adjoining property.
- All Architectural Request Changes submitted for sheds that are not attached to the rear of the house shall include a landscaping plan, added with the intention of partially screening the shed. The minimum setback also allows for sufficient space to add this landscaping.
- All sheds shall be located at the rear of the property. The Board may, at its discretion, make exceptions to this rule and allow a shed on the side of the house due to the specific characteristics and/or conditions of the lot (size, shape, other structures present, drainage easements, grade, etc.).
- Metal sheds are strictly prohibited and will not be approved.
- The size of the shed shall be proportionate to the lot and its' placement on the lot, and as such, the Board shall use its' sole discretion in approving or not approving the proposed size, because of varying lot characteristics and/or conditions.

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5. **DISTRIBUTION:** The Board will be distributing this policy in paper form a minimum one-time basis. It will remain in effect in its current form until modified by the Board. At any time in the future when the policy is modified, it will be redistributed to the owners and residents. It will also be provided to new residents and buyers to the extent that the Board can identify them. Replacement paper copies of this policy are available by sending a written request to the management company, along with a check or money order (cost is \$2.00 + the current cost of postage), made payable to the management company. Electronic copies will be available at no charge following a written request sent to the management company.

Resolution #2011-001

WHEREAS the Association has a Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation and Bylaws, and;

WHEREAS the Article VIII, Sections 1-4 of the Regulations of the Association empowers the Board of Directors to adopt and publish rules and regulations governing the use of Common Areas, and any improvements and amenities located on Common Areas or Lots, and the personal conduct of the members and their guests, and to establish penalties for the infraction thereof, and;

WHEREAS the Board deems it to be in the best interest of the Association to adopt a uniform and systemic procedure for dealing with the failure to comply with the rules and regulations of the community;

NOW, THEREFORE, BE IT RESOLVED THAT the Association will enforce said Declarations, Bylaws, and any current or subsequent rules and regulations adopted by the Board of Directors with the preceding policy.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all homeowners at their last known addresses and this resolution shall be in full effect thirty (30) days from the adoption of this resolution.

Grace Manor HOA Enforcement Policy

This Enforcement Policy was approved by the Grace Manor Homeowners Association, Inc. Board of Directors and by resolution of the Board of Directors, is effective on November 7, 2011.

Approving Board of Director signatures:

Renee F. Johnson

Renee F. Johnson 10/7/11

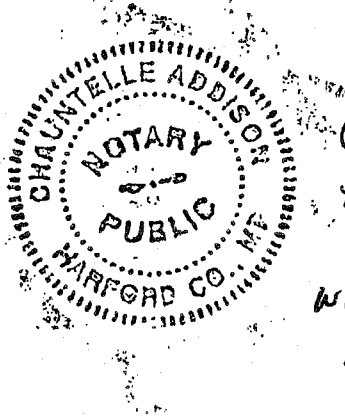
Bharat Patel

Bharat Patel 10-07-11

Michael Transparenti, Jr.

Michael Transparenti, Jr. 10-07-11

ATTEST:



Chauntelle Addison
my commission exp 4/4/15

witnessed Bharat Patel and Michael Transparenti Jr.
sign the document on 10/7/2011.

Mike Transparenti
3011 Lewis Ln
Havre de Grace, MD 21078
443 621 9740

Grace Manor Homeowner's Association, Inc

ARCHITECTURAL REQUEST CHANGE (ARC)
(Application for Approval of Exterior Change or Alteration)

OWNER: ADDRESS:

ALL exterior changes and alterations require written approval of the Board of Directors. Please submit this form, Survey Plan and Sketch (if applicable) to include:

- Material
- Color and Finish
- Location in Yard or on House
- Design and Style
- Size and Height
- A Copy of Your "Location Survey" (Given to you when you purchased your home)

REVIEW BYLAW GUIDELINES PRIOR TO SUBMITTING YOUR REQUEST.

REQUESTED CHANGES

Check Appropriate Boxes Below

- *Deck: size
*Patio: size
*Fence (No higher than 4')
Enclosed Deck
Doors (Storm/Slider/Primary)
*Swimming Pool
*Shed
Change of Color Scheme
*Landscaping (requires Latin name of shrubbery/trees, size at maturity and quantity)
Other:

* Survey Plan/Sketch Required

Provide detailed description of proposed changes or improvements (Attach additional pages if needed):

Blank lines for detailed description of proposed changes or improvements.

Attachment Type Enclosed: Brochure Diagram Picture Total # Pages:

PLEASE MAIL OR FAX TO: Grace Manor HOA, Inc., c/o Aspen Property Management, Inc. 122 East Main St. PO Box 858 Elkton, MD 21922 phone: (410)620-2598/ fax: (443)303-8890.

X Homeowner(s) Signature Contact Phone Number Date

Date ARC Reviewed: Approved Denied Approved; subject to the following limitations /requirements:

Grace Manor HOA Board Signature #1

Grace Manor HOA Board Signature #2