

Woodcreek Property Owners Association, Inc.

Violation Process & Policy

for

General Violations & Architectural Guidelines Violations

Rep Name Pamela T. Warren

Rep Signature Pamela T. Warren

Rep Title Property Manager

Legal Name Woodcreek Property Owners Association, Inc.

Address Corner of Dunn Short Cutt +
Woodcreek Lane Conway, SC

Association Contact

Tradd Management, LLC
1039 44th Ave. Suite 203
Myrtle Beach SC 29577

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Marion D. Foxworth III
HORRY COUNTY, SC REGISTRAR OF DEEDS

Woodcreek Property Owners Association, Inc.

**Violation Process and Policy
for
General Violations & Architectural Guideline Violations**

Revised July 23, 2019

Part I. General Violations: Identification, Notification & Fine Structure

1. A violation is either identified by the Board or its designated agent or submitted from a property owner using the violation reporting form found on the POA website: www.woodcreekatconway.com

2. The report of a violation will be investigated and if found to be valid; a violation notification warning will be sent to the property owner, including rental property owners.

3. A response is required within ten (10) days of the date on the notice. The response can be either a correction of the violation or a written response to the Board and/or the designated agent.

4. Responses to the violation are reviewed by the Board:

a) If the owner complies and corrects the violation within the required time frame; the violation is considered satisfied.

b) If there has been no response to the violation warning notice or the violation has not been corrected: a non-compliance notice (second, third if necessary) will be sent with a fine attached.

5. If an owner wishes to appeal a violation, the Board will set aside time for an Executive Session to discuss the issues with him/her. The property owner must contact the Board and/or the designated agent to schedule the meeting.

6. Non-compliance notices, after the initial warning notice, that are not responded to in writing and/or not corrected within the time frame required will accrue fines. Continued failure to respond to the violation will result in the matter being turned over to the association attorney for legal action. Any legal fees incurred will be applied to the property owner's lot.

Fine Structure for General Violations*

Initial Warning Letter	\$0.00
First Non-compliance Notice	\$50.00
Second Non-compliance Notice	\$100.00
Third Non-compliance Notice	\$150.00

***Fines are cumulative.** Non-compliance after the correction time noted in the third notice of violation has expired can result in legal action. All legal costs will be the sole responsibility of the owner in violation.*

Part II. Architectural Guideline Violations: Application Process & Fine Structure

The Board appoints and removes the members of the Architectural Standards Committee (ASC) and the committee operates under the direction of the Board.

The ASC is granted the right and authority to establish or amend Architectural Guidelines with Board approval and to approve or not approve any plans, specifications or landscape plans for a lot.

Application request forms for ASC review are available on the community website: www.woodcreekatconway.com or from the designated agent. Once completed in its entirety, send to the ASC Committee and/or the designated agent for review by the ASC.

Completed applications must include all ASC required documentation. The ASC Guidelines are available for download on the POA website: www.woodcreekatconway.com

The ASC reviews applications for approval as scheduling allows and will address each application in a timely manner.

The ASC will provide the Board of Directors a list of approvals, denials and appeals immediately upon processing. Once a requested change has been completed, the ASC will review and issue approval. The Board and the designated agent, if any, will keep the records on file for documentation purposes.

Failure to comply to the ASC guidelines will result in fine(s) being imposed on the lot owner. Failure to satisfy fine(s) will result in legal action.

ASC Violation Fine Structure *All Building as defined in Architectural Guidelines

1. Building* completed without application or prior approval. Found to be in compliance following review. **First non-compliance** **\$100.00**
 2. Building* completed without application or prior approval. Found **not** to be in compliance following review. **First non-compliance** **\$250.00**
 3. Application is submitted but rejected. Construction on the non-approved Building* has been completed. **First non-compliance** **\$250.00**
 4. Application is submitted, approved and the Building* upon completion does not conform to the approved plan. **First non-compliance** **\$250.00**
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- **Second non-compliance with Architectural Guidelines** **\$250.00**
- **Third non-compliance with Architectural Guidelines** **\$250.00**
 - *Fines are cumulative*

Part III. Enforcement Policy

Notice

Prior to imposition of any sanction hereunder, except the suspension of voting rights for non-payment of Assessments, the Board or its delegate shall serve the alleged violator with written notice describing (I) the nature of the alleged violation, (II) the proposed sanction to be imposed, (III) a period of not less than ten (10) days within which the alleged violator may present a written request to the Board for a hearing; and (IV) a statement that the proposed sanction shall be imposed as contained in the notice unless a challenge is begun within ten (10) days of the notice. If a timely challenge is not made, the sanction stated in the notice shall be imposed.

Hearings

The violation shall be presented to the Board of Directors; after which the Board of Directors shall hear reasons why fines should not be imposed. A written decision of the Board of Directors shall be submitted to the owners by no later than thirty (30) days after the Board of Directors' meeting. All parties may be represented by legal counsel.

Collection of Fines

Fines shall be treated as an assessment subject to the provisions for the collection of assessments as set forth in the Declaration of Protective Covenants, Conditions, Restrictions and Easements for the Woodcreek Property Owners Association, Inc. and the Bylaws. Payment of fines should be made payable to the Woodcreek POA.

Application of Payments

Payment by an owner of any amount owed to the Association will be applied according to the following priorities: late fees, collection expenses, fines, charges and maintenance fees.

Non-Exclusive Remedy

These fines shall not be construed to be exclusive and shall exist in addition to all other rights and remedies to which the Association may otherwise be legally entitled: however, any penalty paid by the offending owner shall be deducted from the offset against and damages which the Association may otherwise be entitled to recover by law from such owner.


Alternative Dispute Resolution (ADR)

As a final remedy to resolve disputes in community associations in appropriate cases, the Association recommends the use of ADR. ADR is a proven mechanism for resolving disputes in a manner that is often quicker, less expensive and more satisfying to litigators than a full-blown adversarial process. Alternatives include mediation, arbitration, summary jury-trial, judicial settlement, conferences and other ADR procedures.

The Members of the Woodcreek POA are requested to cooperate by adhering to the Rules & Regulations and ASC Guidelines. The Rules & Regulations and the ASC Guidelines were not set up in an arbitrary manner nor were they created to cause hardship to anyone. The Association, acting through its Board of Directors may adopt, from time to time, additional reasonable Rules & Regulations and ASC Guidelines governing the use of properties and shall have the authority to enforce the same request by amendments. The Rules & Regulations do not supersede the Declaration of Protective Covenants, Conditions, Restrictions and Easements for the Woodcreek POA. In the case of conflict between the Covenants and the Architectural Guidelines, the Architectural Guidelines shall control.

IN WITNESS WHEREOF, the undersigned have executed this Resolution

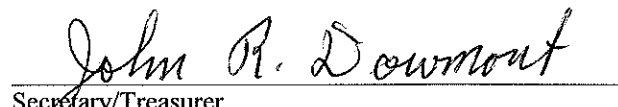
this 23 day of July, 2019



President



Vice-President



Secretary/Treasurer



Director at Large



Director at Large

