

BEAR CREEK ESTATES HOMEOWNERS ASSOCIATION, LLC

P.O. Box 164
Wentzville, MO 63385-0164

RULE REGARDING ENFORCEMENT OF COVENANTS & RESTRICTION FINE PROVISIONS

1. **PURPOSE OF THIS RULE.** A community association has the basic duties to maintain solid property values and a decent quality of life for the owners. Unfortunately, any group of people inevitably has the potential to have one or more members who violate community guidelines. Such people require the community to apply corrective discipline to maintain the integrity of the Covenants & Restrictions and the rules governing the community and to preserve high community standards.
2. **NOTICE OF A VIOLATION OTHER THAN FAILURE TO PAY.** Whenever the Board of Trustees receives information which in its discretion may constitute a violation of any guidelines of the Covenants & Restrictions or the rules of the subdivision [other than failure to pay sums owed-see section 3 below regarding failure to pay], the Board of Trustees shall give written notice to the alleged violator of the precise nature of the alleged violation. The person receiving such notice shall have 10 days from the date of the notice to correct the violations.

Based upon the information before it, the Board may, in its discretion, find that the party committed a violation and impose a fine as follows:

- 1st Offense – Warning Letter
- 2nd Offense - \$50.00
- 3rd Offense - \$100.00

Payment will be considered delinquent after 30 days from date of offense letter. Once delinquent, the Board shall have the option to take any or all of the following steps:

- a. File a lawsuit to collect, and/or
 - b. File a lien on the violator's property, and/or
 - c. Bar the violator from use of the common elements until full payment is made, and/or
 - d. Require the non-paying violator to pay all attorneys fees and cost of collection incurred by the Board.
3. **FAILURE TO PAY ASSESSMENTS WHEN DUE.** If the violation is the failure to pay assessments when due, the Board shall have the option to take any or all the following steps if the violator fails to pay in full after due notice of the delinquency:
 - a. File a lawsuit to collect, and/or
 - b. File a lien on the violator's property, and/or
 - c. Bar the violator from use of the common elements until full payment is made, and/or

- d. Require the non-paying violator to pay all attorney's fees and cost of collection incurred by the Board.
 - e. Assessments, once delinquent, accrues interest at the rate of 1% per month until fully paid as outlined in the Covenants & Restrictions.
4. VIOLATORS TO PAY ALL COSTS AND ATTORNEYS FEES. If the Board makes a finding of violation and imposes sanctions, on any violator for any violation or failure to pay assessments, fines, or other sums owed and the Board must seek enforcement from a court, the violator shall be responsible to pay all fines, damage amounts, court costs, collection costs and attorneys fees incurred by the Board in such enforcement actions.
5. HARDSHIP SITUATIONS. If a violator is unable to correct a problem because of an actual hardship situation, the Board may release, modify or abate a penalty if the party is working with the Board in good faith.