

**Tuscany Village Community Association, INC.**

**Rule Regarding Violations of Declaration of Covenants, Conditions and Restrictions of Tuscany Village Stated and Restated**

**STATED POLICY**

1. In the event of a violation of the DCC&R's, the corporation's property manager shall provide notice to the offending member. Such notice shall be in writing and shall specify the nature of the violation and provide the language from the provision of the DCC&R's being violated. The offending member shall be provided a period of fifteen (15) days to correct the violation.
2. If, after fifteen (15) days, the offending member fails to correct the violation, then a second and final violation letter will be sent to the offending member allowing the member fifteen (15) additional days to correct the noted violation. If the offending member fails to correct the violation then the Association will proceed with further action, including, but not limited to, a special assessment or fine of \$50 and/or legal action to correct the violation and collect any other expenses incurred by the Association to enforce compliance.
3. The Association has been assigned the responsibility of administering and enforcing the Declaration of Covenants and will use the Powers of the Association and the Right of Enforcement that it is entitled to use as herein provided in the DCC&R's under Article V Section 5.8 and Article XII Section 12.1.

**RESTATED POLICY**

"Claimant" refers to a party who has a claim against another party. "Respondent" refers to the party against whom a claimant has a claim.

1. Notice of Claim/Violation:

- The Corporation's Property Manager, shall provide a notice of claim to the respondent(s) informing the respondent(s) the nature of the claim/violation, provide the provision of governing document(s) or other authority out of which the claim/violation arises and what the claimant/HOA Board wants the respondent(s) to do or not to do to resolve the claim/violation. That the respondent has the right to meet with the claimant, if the respondent makes a written request to the HOA Board.
- The respondent has ten (10) days after the date of the notice of the claim to correct the claim/violation and not later than ten (10) business days after the date of the notice of the claim; the respondent may request a meeting in writing to the HOA Board of Directors to resolve the claim by good faith negotiation. During the meeting, the parties must have full access to the property that is the subject of the claim to inspect the property, if necessary, to take and complete corrective action.

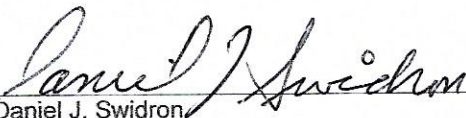
2. Final Notice of Non-Compliance:

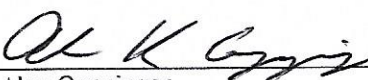
- The parties are considered to be at an impasse if: the respondent does not request a meeting, either party fails to attend the meeting or parties are unable to settle the claim. Either party may, no later than ten (10) business days after an impasse is reached, request in writing to the other party that the other party submits the claim to mediation or binding arbitration. The party making the request is responsible for the costs of the mediator or arbitrator.


3. Legal Proceedings/Law Suit Filing:

- If an impasse is reached and neither party requests mediation or arbitration; or mediation or arbitration does not result in a settlement of the claim, the HOA Board of Directors may begin legal proceedings.

The HOA Board of Directors has been assigned the responsibility of administering and enforcing the Governing Documents and may use the Powers of the Association and the Right of Enforcement that it is entitled to use as herein provided in the Declaration of Covenants, Conditions and Restrictions of Tuscany Village under Article V Section 5.8 and Article XII Section 12.1.

  
Date 2-1-18  
Daniel J. Swidron  
HOA President

  
Date 2-1-18  
Alan Coppinger  
HOA Secretary

  
Date 2-1-18  
John Cangany  
HOA Treasurer

Revised: February 1, 2018