

Tellico Harbor Property Owners' Association

Rules & Regulations – Section 3

Exterior Maintenance/Failure to Maintain by Owner - Rev. 3

Pursuant to the Declaration of Covenants, Conditions, and Restrictions ("DCC&Rs") of Tellico Harbor Property Owners' Association (the "Association") Article IX, the following written rules and regulations are adopted in order to further and foster compliance by property owners with the provisions and requirements of the DCC&Rs, the Bylaws and Rules & Regulations (hereinafter collectively the "governing documents") of the Association. These rules are intended to provide additional incentive for owners who fail to properly provide for exterior maintenance of their lots, structures, landscaping, etc., in violation of the requirements and provisions of the governing documents. These Rules and Regulations are not intended to supplant or amend the governing documents, and in the event of an inconsistency or conflict between these Rules and the governing documents of the Association, the governing documents provisions will supersede and apply.

1. Violations of the Exterior Maintenance provisions of the DCC&R's
 - A. Introduction. Article IX of the DCC&R's provides that the Association may, but shall not be obligated to, provide such exterior maintenance should the owner fail to do so. Exterior maintenance is required on all improvements to lots. Improvements include any action taken which changes a lot from its natural state.
 - B. Investigation/Notice of Exterior Maintenance Violation/Personal Charge.
 1. Reporting Violations: All violations shall be submitted in writing by mail or email to the Board or the Covenant Compliance Committee (CCC). The complaint must include a description of the violation(s) and the name and address of the violator, ways you have attempted to resolve the issue if any, your name, address, email address and phone number. All reporters' information shall remain confidential unless required by law to be disclosed. Any reports without the above listed information may not be pursued and the Board will not take action on anonymous complaints.
 2. Investigation: When a possible violation is reported to or otherwise becomes known to the Association, it will be investigated by the Board or its designated representative(s), i.e., the Covenant Compliance Committee (CCC), and a determination made as to whether a violation has actually occurred. The Board/CCC will attempt to contact the owner as a courtesy to verbally give notice of the alleged violation and attempt to resolve the violation with the owner. Subsequently, if the situation is not resolved within 3 days of the courtesy call/notice, or a date mutually agreed upon by the owner and Board/CCC, the Board/CCC will send a warning letter to notify the owner of the alleged violation. The notice will be sent by regular US Postal Service mail (Delivery Confirmation) to the most recent address for the owner on file with the Association. It may also be sent via email if the owner's email address is known to the Association. The warning letter shall be deemed received by the owner three (3) days after mailing/emailing. The violation notice shall specify the nature of the offense and include a way to contact the CCC to discuss the violation if there are questions. It will also include notice of the Schedule of Personal Charges that will be assessed if the violation is not corrected within 10 days from the date of the letter or some other date mutually agreed to by the owner and the CCC. If such arrangements are made and extension of the expiration date beyond 10 days has been granted, a new warning notice letter indicating the agreed to expiration date will be sent.

Should an owner object to the complaints of the Association, the owner shall have 5 days after the violation notice is received to contact the CCC to discuss the violation. If the notice was sent in error, the Association will send a retraction letter and the offense will be taken off the lot records. If both parties can't come to agreement on the matter, it then can be appealed by the lot owner to the Board at an Appellant Hearing. Request for appeal to the Board must be submitted in writing. Request for an Appellate Hearing does not delay or prevent the imposition of Personal Charges in accordance with those defined in Rules and Regulations Section 2 Personal Charges/Schedule Attachment I. See Rules and Regulations – Appellate Hearing for procedures regarding appeals.

- C. Notice of Personal Charge: If the owner who is sent a notice of an exterior maintenance violation does not comply and correct the violation in a timely manner, the Association may correct the violation and assess a Personal Charge in accordance with Article IX, Section 2 of the DCC&R's and Rules and Regulations Section 2 Personal Charges/Schedule Attachment 1. The Personal Charge shall include administrative costs and reimbursement for all costs of correcting the exterior maintenance violation.

2. Rule Enforceability

- A. If any portion of these rules is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rules. Technical irregularities or defects in the complaint, notice or other compliance with this rule shall not invalidate any proceedings or any fine or sanction imposed. This rule shall be liberally construed to accomplish prompt, effective enforcement of the Association's governing documents.
- B. These Rules, Regulations, Policies and Procedures are established to promote the health, safety, and welfare of Tellico Harbor residents and owners and to support the Association's desire to preserve and enhance the property values within the development. These Rules and Regulations will take effect immediately upon passage and enactment.

DATED AND ENACTED September 11, 2007



James R. Horton (President)

Tom DuChemin (Vice-President)



Bob Mestach (Treasurer)



Larry Lanz (Director at Large)



Brenda Bloomfield (Acting Secretary)

