

COVENANT VIOLATION REPORTING PROCESS AND ENFORCEMENT PROCEDURE

BACKGROUND

The purpose of this document is to provide the process for property owners to pursue complaints against perceived and actual covenant violations as well as the procedure used by the Bergen Place Homeowner's Association (BPHA) Board to act upon and resolve any actual violations,

The reporting process serves as a set of guidelines for property owners, Architectural Control Committee (ACC) and BPHA board members to report perceived violations. The reporting guidelines are not binding, but rather a set of common-sense practices that can guide property owners.

The enforcement procedure documents the steps used by the BPHA Board to exercise its authority in helping to maintain property value for all by enforcing the covenants.

It is important to note this document is not an effort to create an atmosphere where a “witch hunt” could flourish, but rather a means for rational people (neighbors) to resolve differences in opinion concerning Bergen Place covenants.

All property owners should have received a copy of Bergen Place covenants at the time of closing. Copies are also available on the website at www.bergenplace.com. If you do not have access, please contact any BPHA Board Member for a copy. It is the responsibility all property owners to understand that they are required to obey and conform to the published covenants the development and have an active interest in maintaining a community guided by the covenants.

REPORTING GUIDELINES

If a property owner perceives a valid covenant violation, the following guidelines are provided:

1. The property owner perceiving a covenant violation should first make every effort to ascertain, if in fact, a violation is occurring. This would include reviewing the covenants applicable to the perceived violation.
2. If, after careful review of the pertinent facts, the perceiving property owner feels that a covenant violation is occurring, the owner may wish to address the offending neighbor directly or refer the matter to the BPHA Board for resolution.
3. Matters referred to the BPHA Board must be submitted in writing or emailed to _____. The following minimum information needs to be reported:
 - a. Date of the filed complaint
 - b. Name, address and phone number of property owner making the complaint
 - c. Address of the property owner against whom the complaint is directed
 - d. Detailed description of the complaint to include reference to the covenant being violated and timeline or perceived violation(s)
 - e. Date the referenced claim first occurred
 - f. Description of what actions have been undertaken by the complaining property owner to resolve the complaint, if any
 - g. Descriptions of the results of any actions undertaken by the complaining property owner, if any

- h. Direct written complaints as outlined above to BPHA P.O. Box 7084 North Augusta SC 29860 or email to bergenplacehoa@gmail.com.

ENFORCEMENT PROCEDURES

Upon BPHA Board receipt of the written complaint, a BPHA or ACC/Covenant Board Member will examine the claims of covenant violations using the following Enforcement Procedures.

1. The ACC/Covenant chairman examination of the complaint at a minimum, shall consist of the following:
 - a. Documenting the date of receipt of the written complaint
 - b. Reviewing written complaint
 - c. Reviewing appropriate covenants
 - d. Discussing the complaint with reporting property owner and documenting any additional information.
 - e. Discussing complaint with neighbors of neighbors of violating property owner, if necessary.
 - f. Performing visual verification and documentation of the complaint to include: Photographs and date and time of verification.

2. If the complaint is valid, the ACC/Covenant chairman will place a courtesy call or visit to the violating property owner. The call or visit will discuss the following:
 - a. Description of the claim
 - b. Covenants being violated.
 - c. Reminder of the purpose of protective covenants. the responsibility of the BPHA to uniformly enforce the covenants. as well as the property owner's responsibility to abide by these covenants.
 - d. Discuss steps to resolve violation.

The ACC/Covenant chairman will document the following:

- Date and time of the call or visit
- Property owner(s) contacted
- Description of the claim
- Covenants being violated
- Property owner's response

3. If the complaint is not immediately resolved, the examining ACC/Covenant chairman will provide the documented results of the complaint examination and provide a recommendation to the Board.
 - a. Dates and times of events in the complaint claim
 - b. The steps that are to be taken to remedy the complaint

- c. A letter with a specific date by which the violation must be remedied or face resolution of the violation by the BPHA Board at the expense of the property owner
- d. The requirement that written notice of completed corrective actions must be delivered to the BPHA Board by the date specified
- e. Reminder of legal options the BPHA may pursue to enforce the covenant

4. If a simple majority of the BPHA Board approves the examining ACC/Covenants chairman's recommendation, the letter will be signed by the BPHA President and examining ACC/Covenant chairman, copies provided to all Board Members and sent via certified mail to the offending property owner.

The final authority for determination and enforcement of violations is the Bergen Place BPHA Board. As a last resort, property members may appeal to the Board. The Board has the final authority to enforce all recommendations. It is expected that resolutions directed by the Board will be observed and acted upon by all parties in good faith.

5. If the violation is still unresolved after the specified date in the letter sent certified mail the following actions will occur:

- a. Noncompliance shall again be documented.
- b. Perform follow up visual verification and documentation of the violation to include date and time of the verification and taking photographs of the violation.
- c. Follow up letter sent certified mail stating dates and times of events in the violation claim process and reminder of legal options the BPHA may pursue to enforce the covenant.

6. After exhausting all avenues of normal discourse, the Board shall exercise its obligation and legal authority and take any legal action deemed appropriate to insure problem resolution to include:

- a. Removal of the violation at the property owner's expense
- b. Placing a lien against the property for all expenses
- c. Civil Court

As stipulated in the Bergen Place Covenants, all costs associated with violation enforcement to include, costs incurred by the BPHA Board to resolve the violation, document preparation, delivery and court costs shall be paid by the violating owner.

BPHA AND ACC COVENANT ENFORCEMENT RESPONSIBILITIES

The Bergen Place Covenants provide clear direction of the BPHA Board's responsibility of enforcing our agreed upon protective covenants to maintain property values for all owners.

**Bergen Place
Architectural Control Committee**

**Request Form for Home
& Lot Improvements**

Return Form To:

Chairman
Bergen Place Homeowners Association
P. O. Box 7084
North Augusta, SC 29860

OWNER'S NAME:

TENANT'S NAME (if applicable):

ADDRESS:

E-MAIL ADDRESS:

PHONE NUMBERS:

Home:

work:

Fax:

Please indicate and fully describe the improvement(s) which you propose.

- | | | | | |
|---------------------------------|--|-----------------------------------|---|---|
| <input type="checkbox"/> Paint | <input type="checkbox"/> Roof | <input type="checkbox"/> Pool/Spa | <input type="checkbox"/> Deck | <input type="checkbox"/> Patio |
| <input type="checkbox"/> Gazebo | <input type="checkbox"/> Storage Shed | <input type="checkbox"/> Fence | <input type="checkbox"/> Basketball Goal | <input type="checkbox"/> Room Addition |
| <input type="checkbox"/> Other: | _____ | | | |

Describe improvement which you marked above in more detail:

Attach drawing showing location of improvement(s) which you propose, backyard, sideyard, etc. Be specific, showing to scale the property lines, building set back lines, easements, fences, sidewalks, patios, pools. **A PLAT OR SURVEY IS REQUIRED FOR ANY NEW CONSTRUCTION** and is strongly recommended for all other improvements.

Materials planned for the improvement you propose.

Lumber _____ Screen _____ Fence _____ Shingles _____

Other: _____

Describe Type(s) Marked Above:

If you are painting or staining - YOU MUST include paint/slain sample and brand/manufacturer. Please give particular consideration to the color of the brick when making your paint selection.

Brick Color: _____ Siding Color: _____

Shutter Color: _____ Front Door Color: _____

Trim Color: _____ Garage Door Color: _____

Dimensions of Planned Improvement: Width: _____ Height: _____ Length: _____

Who will work on this improvement?

Homeowner Contractor - List name and phone #: _____

Start Date: _____ Completion Date: _____

For any room additions and storage buildings, you must obtain a construction permit from the City and/or County within thirty (30) days of the date of approval by the Architectural Control Committee.

IN AN EFFORT PROVIDE AND PROTECT EACH INDIVIDUAL HOMEOWNER'S RIGHTS AND VALUES, IT IS REQUIRED THAT ANY HOMEOWNER OR GROUP OF HOMEOWNERS CONSIDERING IMPROVEMENT (EXAMPLES: EXTERIOR PAINT, PATIO COVERS, FENCES, SIDEWALKS, DECKS, ETC.) ON THEIR DEEDED PROPERTY OTHER THAN LANDSCAPING, SUBMIT A REQUEST FOR HOME IMPROVEMENT APPROVAL TO THE ARCHITECTURAL CONTROL COMMITTEE FOR APPROVAL BY THE HOMEOWNERS ASSOCIATION PRIOR TO INITIATING WORK ON PLANNED IMPROVEMENTS. IF ANY CHANGE IS MADE THAT HAS NOT BEEN APPROVED, THE COMMITTEE HAS THE RIGHT TO ASK THE HOMEOWNER TO REMOVE THE IMPROVEMENT FROM HIS PROPERTY. I UNDERSTAND THAT THE ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE WILL ACT ON THIS REQUEST AS QUICKLY AS POSSIBLE AND CONTACT ME IN WRITING REGARDING THEIR DECISIONS. I AGREE NOT TO BEGIN PROPERTY IMPROVEMENT(S) UNTIL THE ARCHITECTURAL CONTROL COMMITTEE NOTIFIES ME OF THEIR APPROVAL.

Signature of Homeowner: _____ Date: _____

For ACC use only. Approved Denied | Conditionally Approved

ACC signatures:

Comments or contingencies from ACC: