



May 22, 2017

Dear Rosedown property owners,

Subject: Rosedown Fine Process Notice

The primary purpose of the Covenants and Restrictions for Rosedown Homeowners Association is to enhance and maintain the value of all properties within the subdivision. The most important function of your Board is to pursue that same goal of protecting property values for the benefit of all of our residents.

The *appearance* of your subdivision, including the appearance of each resident's home and lot, is central to this effort. Therefore, enforcement of the Covenants is important and necessary. To implement this difficult task, your Board has delegated the primary duties of Covenant Enforcement to Neely Holdings Management who will visit the subdivision twice a month. Please consider this document as official notification of the Covenant Enforcement process which has been approved by the Board.

Effective July 1, 2017, the two-step, covenant violation process outlined below will be initiated:

1. **FIRST VIOLATION NOTICE:** A "First Violation Notice" will be sent, via U.S. Mail, to the resident informing them that a violation has been noted and should be corrected within 15-days, a "Grace Period" from the date of the First Violation Notice.
 - a. After receiving a violation notice, the resident is asked respond to info@rosedown.org with their plan to correct the situation
 - b. Repeated intermittent violations are also a problem. This occurs when a resident corrects a violation within the Grace Period but then resumes the same violation a short time later.
 - c. To address this problem, any violation that re-appears within 90 days after any prior correction will be deemed a continuation of the same violation. This will be referred to as a "Continuing Violation."
2. **SECOND VIOLATION NOTICE:** If, after the Grace Period" (see step 1), a violation or continuing violation is not corrected, a "2nd Violation Letter" will be issued to the resident via U.S. Mail. This letter will inform the resident that the violation must be corrected and that a penalty has been assessed in accordance with the Covenants as follows:
 - a. Trash cans visible from the street are set at \$25 for the first offense and will increase \$25 per failed inspection
 - b. General fines are set at \$100 for the first offense and will increase \$50 per failed inspection
 - c. Exterior changes completed without RACC approval are set at \$500 per inspection until RACC approval has been requested and/or approved

Trees are a significant resource and add considerable value to our neighborhood. To protect our property values, the board will enforce the covenants protecting trees in the following way.

CUTTING TREES larger than 6" DBH (diameter at breast height or 4.5' above the base of the tree) without RACC approval will result in a \$1,000 fine per tree and the homeowner must replace the trees after the RACC approves the replacement plan. When requesting to remove a tree, the homeowner must submit a landscape plan along with their RACC application (hand drawn is acceptable). The plan must include:

1. Details clearly showing which trees will be removed
2. The future landscape planting and use plan for that space
3. An estimated installation completion date

Please note the following conditions:

1. If, in the RACC's opinion, the tree is not sound, the RACC will grant approval without an arborist's opinion
2. If, in the RACC's opinion, the tree is clearly damaging or is an imminent threat to the home the RACC will grant approval without a licensed professional opinion on the situation
3. If a tree appears to be sound, the RACC may require the homeowner to submit a professional opinion regarding the tree's health and/or situation before approving the tree for removal
4. In all cases, the RACC may require the homeowner to include a one-for-one tree replacement in their landscape plan
5. If the new landscape plan is not completed in a timely manner, the homeowner will be fined \$1,000 per tree removed and must replace the trees

If the assessed penalties are not paid to the Association within 30 days, the board may refer the matter to counsel. A lien may be filed upon the owner's property for collection of the assessed amount. Should these actions be required, all costs incurred by the Association, including costs to correct the condition and all attorneys' fees and court costs, will be due and collectible.

Reporting of violations:

As noted above, Neely Holdings Management will periodically visit the subdivision and will note Covenant violations and start the procedures outlined above. However, residents may report violations directly to Joy Neely. The suggested procedure is to simply take a photograph of the violation with your cell phone or other camera and e-mail the photo to the attention of Joy Neely: joyneely@bellsouth.net. Your e-mail should provide the address of the property on which the alleged violation is occurring, and any other pertinent available information. You should also provide your telephone number. Neely Holdings Management may wish to call you to discuss the matter or to obtain additional information. If you have any questions about the above covenant enforcement procedures, please contact Joy Neely.

Thank you for your attention to this notice. Any questions please contact Joy Neely, Property Manager at joyneely@bellsouth.net or 985-607-4904.

Sincerely,

Rosedown Board