

BainBridge

Owners Association, Inc. Covenant Enforcement Procedure

Background. Covenant enforcement is an essential part of association management and an implied, if not directly stated, requirement of covenants. However, unlike city and county ordinances or state law, covenants do not provide any direct enforcement authority. Ultimately, covenants can be enforced by action at law, but lawsuits and other legal actions are expensive, time consuming, and the judicial process inherently unpredictable. The following procedure is designed to move the covenant enforcement effort along swiftly while giving a homeowner ample time to respond and react. The essential objective of the process is to engage a homeowner. Ignoring the association when it initiates this procedure can quickly become a burden for an unresponsive homeowner. The costs associated with this procedure will be billed to the homeowner's account, creating the opportunity to file a claim of lien and take other collection actions against the homeowner.

Step One. An Infraction Notice is mailed to the homeowner in question. Brighton Property Management administrative office retains a copy of the Notice in the file of the property in question.

Step Two. If the infraction is not corrected and the homeowner has not contacted Brighton Property Management within ten (10) days, a second infraction notice will be mailed to the homeowner.

Step Three. If the homeowner does not respond within ten (10) days to the Second Infraction Notice from Brighton Property Management administrative office, a third and final notice will be sent, noting that resolution is required to avoid further action.

Step Four. If there is still no response from the homeowner or resolution to the infraction, then the matter is turned over to the Board for further action. Legal action will be taken if deemed appropriate based on the infraction, homeowner situation, and out of pocket expense to the Association. All legal costs will be billed to the homeowner.

Key Cards. After the first violation, key cards can be deactivated until the homeowner contacts Brighton and has taken care of the violation. A second violation can constitute access cards being de-activated for one (1) month, and if a third violation occurs access cards may be deactivated for the remainder of the year.