

# **Apple Valley Homeowners Association Compliance Guidelines**

**113 Hasbrouck Circle Howard, Ohio 43028**

**Phone 740-397-3311 Fax 740-397-3311 email: avpoa@applevalleypoa.com**

The Apple Valley Property Owners Association is designed to enhance and preserve the quality of life and foster active participation of ownership by providing leadership to ensure the protection of the financial investments of its members. We recognize the importance of a member to fulfill their obligations defined in the governing documents to preserve their quality of life and protect their own financial investment.

Within the governing documents the responsibilities for the Association and the members were created for the membership to coexist while retaining liberties to pursue their own quality of life. In a perfect world, members would in a timely manner comply with all of the governing documents. Realistically we understand that some conditions and/or behaviors of a few members whose lack of compliance or slow response makes it necessary for us to take further action. While the intent is to avoid punitive actions and aid the members in complying through education, there are times that education is not enough and further action is going to be necessary. This guideline is established to standardize enforcement effort should the needs arise for a noncompliance issue.

## **Authority**

Bylaw Section 9.1.4 establishes the authority for the Board of Directors to adopt such rules and regulations relating to use of common properties and sanctions for noncompliance therein, as it may deem reasonably necessary in the best interest of the Association and its members.

Bylaw Section 17.12. States “The Association or any party to whose benefit these Bylaws inure may resort at law or in equity to prevent the occurrence or continuation of any violation of these Bylaws, and shall have the right to obtain a prohibitive or mandatory injunction to enforce observance of these Bylaws in addition to and cumulative with any other remedy provided for herein, or by law, or in equity, and to recover damages for the breach of these Bylaws: provided that the Association shall not be liable to any person for damages of any kind for failing either to abide by, enforce or carry out any of these Bylaws.”

Bylaw Section 17.13 states “no delay or failure on the part of an aggrieved party to invoke any available remedy with respect to a violation of any one or more of these bylaws shall be held to be a waiver or an estoppel to assert any right available to him upon the occurrence, reoccurrence for continuation of any violation of these bylaws”

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Bylaw Section 3.9 was established to create the ability for the Association to assess monetary fines, penalties, interest and/or other charges as well as impose restrictions, against property owners for failure to comply with the Restrictive Covenants, Bylaws, or Rules and Regulations promulgated, over time, by the Board.

## **Complaint**

Complaints shall be received in writing by any means available. The complaint needs to include the name and contact information of the individual making the complaint, known information member or property not in compliance, any witness information if any, and all the pertinent information regarding the noncompliance such as date, time, location, detailed information as to the nature of the noncompliance, and any other information the member may have to further aid the Association in its investigation. Any oral complaint that cannot be independently verified by management or any written complaint that is received without adequate information, may be deemed unfounded and an investigation might not be initiate. Identity of the complainant may be disclosed if the complaint is appealed and proceeds through the hearing process.

## **Notice**

If there's a reason to believe a violation did or does exist, a warning letter will be sent to the member to their last known address stating the alleged violation, the remedy, and time frames to avoid further action. The notice may be delivered by any one of the following means;

1. Personal service
2. Residential service
3. Regular US mail

## **Continued Noncompliance**

If the member does not comply with the timeframe established, or if the member or property has received a prior notice regarding the same violation, a second notice will be sent to the member explaining the details of the noncompliance as well as any punitive actions that were taken. The second notice may be delivered by any one of the following means to the last known address;

1. Personal service
2. US mail with a certified delivery date

## **Appeal**

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Any member may submit a written appeal contesting the fine, penalty, charge, or restriction to the Association's General Manager. Failure to appeal within 30 days of the certified delivery date constitutes a property owner's waiver of any objections to the obligations imposed.

### **Hearing**

The presiding officer of The Board of Director shall introduce the case by describing the alleged noncompliance and the procedures to be followed during the hearing. Each party or designated representative, may, but is not required to make an opening statement, present evidence and testimony, and present witnesses and make a closing statement. The presiding officer may also impose such other rules of conduct as may be appropriate under the given circumstances. Neither the complaint nor the member who's been alleged as not being in compliance shall be required to attend the hearing. The Board shall basis its decision solely on the matter set for in the complaint, results of any investigations, and other such credible evidence as may be presented at the hearing. After all testimony and evidence have been presented at the hearing the Board shall, within a reasonable time, render a written decision and impose punitive actions, if applicable. The majority of the Board Members present at the hearing shall make the decision by motion. All decisions by the Board shall be final and no other appeals will be heard on the matter. Failure to strictly follow the hearing procedure set forth above shall not constitute grounds for appeal of the Board's decision.

# Apple Valley Homeowners Association Complaint Form

43028 Phone 740-397-3311 Fax 740-397-3311

113 Hasbrouck Circle Howard, Ohio

email: [avpoa@applevalleypoa.com](mailto:avpoa@applevalleypoa.com)

Date: \_\_\_\_\_

## \*\*Complainant Information

### *Member filing complaint*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

## Member or Property Not in Compliance

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Violation:** The nature and date of the alleged violation, and a description of the factual basis of the complaint. (Who, What, Where, When) Use Back if needed.

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**Regulation:** State the specific Rule and Regulation, By-law article(s) being violated. These are available at the Apple Valley Office at 113 Hasbrouck Circle or from our Website at [www.applevalleypoa.com](http://www.applevalleypoa.com).

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**Witness:** Name, Address, and Phone

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**Signature and Date of the Complainant**

\_\_\_\_\_ Date \_\_\_\_\_

**This form must be signed and dated by the complainant to be processed**

\*\*This information may be disclosed if needed during the hearing process

