

## **Forest View Estates Neighborhood Association - Filing IV**

### **Protocol for Covenant Enforcement**

- Covenant enforcement shall be complaint-driven.
- A complaint may be made by any FVENA-IV property owner.
- Complaints may be delivered to a member of the Board of Directors (Board) or a member of the Architectural Control Committee (ACC).
- Sources of complaints shall be kept confidential.
- The ACC will communicate with the complainant to assess the complaint and its validity and determine the exact covenant(s) being violated per the approved Declaration of Protective Covenants dated October 1, 2010.
- The ACC will communicate (email, phone, or personal visit) with the violating property owner in order to advise the owner of the complaint and to gather background information. The ACC will assure the accused owner understands the covenant being violated and is afforded an opportunity to explain the circumstances leading up to the violation.
- The ACC and home owner will discuss what is required to resolve the matter, and mutually agree on a deadline for compliance. If unable to agree, the ACC on its own authority will establish a reasonable and feasible date for compliance.
- Awaiting compliance, the home owner will be afforded an opportunity to submit a Variance Request using FVENA IV Form VAR01, attached. All Variance Requests are temporary and intended to provide a reasonable amount of time for a home owner to meet covenant compliance. Under extenuating circumstances, a variance extension may be granted by the ACC with conditions as appropriate.
- Property owners who do not come into compliance as directed by the ACC and who do not apply for and receive a variance shall be referred, with recommendations, to the Board for further action.
- The Board will contact the subject property owner to schedule a hearing at which the Board and subject property owner will seek resolution.

- Property owners who do not come into compliance and do not resolve the issue at a hearing with the Board shall be subject to fines and/or property liens as deemed appropriate by the Board.
- The Fines Schedule is as follows (the amounts are cumulative):
  - \$100 for first week of non-compliance.
  - Thereafter, the fine continues at \$100/week until a total of \$1,000 is reached.

Note 1 – After ten weeks of non-compliance, the Board working through an attorney will take action to put a lien on the offending owner's property in the dollar amount of cumulative fines imposed (and unpaid) plus attorney costs.

Note 2 – A property owner will not incur fines during the time that an ACC approved Variance Request is in effect, as long as the home owner is showing adequate progress toward curing the non-compliance.

Forest View Estates Neighborhood Association Filing IV (FVENA IV)

COVENANT VARIANCE REQUEST

**Intent:** In accordance with FVENA IV "Declaration of Protective Covenants," dated October 6, 2010; Paragraph 9D(4), a lot owner may request a variance from any covenant set forth in the Declaration. Such variance will only be made upon finding by the FVENA IV Architectural Control Committee (ACC) of "exceptional and extraordinary circumstances where literal enforcement of the covenant will create a material hardship to the applicant, and that such a variance is not contrary to the interests of Filing IV, the Association, or other Lot owners."

Owner Name(s): \_\_\_\_\_ Date of Request: \_\_\_\_\_

Lot #: \_\_\_\_\_

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

I/we \_\_\_\_\_ (name of applicant), request a variance from the below protective covenant (below are common covenants, check all that apply,):

- ☐ Paragraphs 3A and 21, parking vehicles, trailers, and RVs outside enclosed garages  
☐ Paragraph 3B, accessory building size, design, and location  
☐ Paragraph 10M, fence design and location  
☐ Other (provide Declaration Paragraph/subparagraph): \_\_\_\_\_

**Reason for variance request:** (Provide an explanation of why the request is being made, to include any exceptional and extraordinary circumstances, material hardship, and duration. Attach any pertinent documentation as appropriate).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (continue on back if needed)

Signed by (applicant): \_\_\_\_\_

☐ Approved ☐ Disapproved Date: \_\_\_\_\_

ACC Signatures: 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

Reason for Disapproval: \_\_\_\_\_

Approval Terms and Conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_