

Brook Run
Homeowners Association, Inc.

P.O. Box 16325 High Point, NC 27261

**BROOK RUN HOMEOWNERS ASSOCIATION
RESOLUTIONS 2009**

Brook Run Board of Directors has developed these Resolutions in their attempt to provide homeowners and prospective homeowners with a guide to the salient points contained within the Covenants and By-Laws.

These Resolutions do not amend nor do they supersede the Covenants and By-Laws of the Association. These Resolutions in no way remove responsibility of the homeowner to abide by the Covenants and By-Laws in their entirety.

The fines listed herein are designed and should be construed as an incentive for the homeowner to comply with the Covenants and By-Laws and in no way are they intended to be punitive.

It is the primary responsibility of each homeowner to maintain their property in a way, which does not detract from the overall beauty of the community. The Directors of this Association hope every homeowner will take this responsibility seriously, as this can severely affect all property values.

Association Assessments are to be paid in a timely fashion as fines can be levied after 30 days. Likewise, fines for failure to comply with these Resolutions can be levied against the homeowner.

A. Common Areas

1. The Association will make rules and regulations for the use of the common areas.
2. No one may use the common areas as an extension of their lot, e.g. doghouses, dog runs, storage buildings, gardens, fences, tree houses, and playground equipment are not to be on common area and shall be on personal property owned by the homeowner.
3. No offensive activity is allowed on the common area.
4. The Association can give permission for certain uses on the common area. Permission will only be given after approval by the Architectural Committee.

B. Animals

1. No animals, livestock or poultry are allowed on any lot or in any dwelling with the exception of dogs, cats, or other recognized household pets.
2. Pets (dogs specifically) will be leashed while they are being walked throughout the neighborhood. All animal waste material must be picked up immediately by the pet's owner then disposed of at the pet owners property or, in appropriate trash receptacles if they are provided by the Association.
3. No animals can be maintained on the homeowner's property for commercial purposes.
4. Kennels are permitted, but only if they are contained within a yard, which has been enclosed by an approved wooden fence.
5. Any homeowner who keeps a dog outside for a period greater than four (4) hours must keep the dog in their back yard and inside an approved fenced area. The fence has to adhere to community architectural standards.

C. Vehicles

1. Recreational vehicles, trailers, or boats are not permitted on the property for periods extending beyond 24 hours.
2. Junked automobiles defined as non-operative, non-registered, or salvaged automobile cannot remain on any lot or common area, nor can any non-operative or non-registered automobile be kept on any street located within the Brook Run Association.

3. Any extended vehicle maintenance or vehicle repair which is not conducted in the privacy of a homeowner's garage (garage doors must be able to close) and lasting longer than three weeks is a violation.
4. No motor vehicles can be parked on the Common area of the Association.
5. Motor vehicles (with or without tags) are in violation if they are parked in any part of a homeowners yard, excluding the driveway, or on the public street.
6. Motor vehicles parked on a public street must be registered and operational or they are in violation, they can be towed and the towing expense will be the homeowners'. This includes vehicles that have flat tires. These are part of the Guilford County ordinances.

D. Architectural Changes

1. An Architectural Control Request Form must be submitted and approved **BEFORE** site preparation, initial construction, erection, or installation of any improvement to the owner's property. An Architectural form must be submitted and approved by the Architectural Committee for any of the following:
 - a. Outbuildings – metal buildings are prohibited
 - b. Walls and or fences – metal fences and or concrete walls are prohibited.
 - c. Signs
 - d. Clothes lines
 - e. Swimming pools and or hot tubs – detailed drawings with measurements are needed and the state code for installation of pools has to be followed.
 - f. Other structures or excavations or changes in grade.

E. Exterior Maintenance

1. Grass should not exceed 6" in height (approximately the height of a soda can). The process for cutting the lawns will remain in tact. If the lawn is not maintained the homeowner can expect a letter from our management company the letter will state, the homeowner is in violation and they will have five (5) days from the date of the letter to cut the grass, if the grass is not cut by the homeowner then the Association will make arrangements to have the grass cut, and the cost for this service will be charged to the homeowners account. During the mowing season, the maintenance of the lawns will be verified during a community drive through.
2. In accordance with County ordinances, trash containers should be put curbside after 7:00 p.m. the evening before pick-up. Removal should be before 7:00 p.m. the day of pick-up.
3. Trash, furniture, appliances, etc. to be discarded should not be placed or stored in driveways or on the property. Trashcans and or bags may only be stored in a homeowner's back yard or inside their garage.
4. Delivered mulch or building materials shall be distributed and removed from the driveway or lawn within ten (10) days of delivery.
5. Portable basketball goals are not to be left unattended in the street or at the curb of your property; this is in accordance with Guilford County Ordinances. They need to be appropriately stored after each use.
6. Shutters, siding, shingles, fascia boards, windows, gutters or permanently attached light fixtures that are missing, damaged or falling off of your home or your outbuilding are considered a violation.
7. Any incomplete, unsafe or falling down fences, outbuildings or other structure on a homeowners' property are in violation.
8. Any mailbox, which is missing components, is falling down, leaning over or completely missing is in violation.

NEW FINE VIOLATION SYSTEM TO ENFORCE BROOK RUN RESOLUTIONS AND RESTRICTIVE COVENANTS

The Board of Directors of Brook Run Homeowners Association is concerned with keeping the community a pleasant place to live, along with protecting everyone’s property value. By working together and enforcing these Resolutions, Covenants and By-laws, we will protect property values. By enforcing the rules we also reduce operating costs through the prevention of lawsuits against homeowners who choose not to comply with these Resolutions.

The Board of Directors under the North Carolina Planned Community Act may impose a fine for violations of the Associations Covenants and By-laws.

The Board of Directors has chosen to act on the Planned Community Act, allowing them to take action against homeowners who violate the Association Covenants and By-laws. A recourse the Board of Directors has is to fine the homeowner under the Community Act, or to file a lawsuit to enforce the Covenants and By-Laws. Brook Run Board of Directors has determined that it is in the best interest of the Association to impose a fine system; this should reduce the Associations legal cost.

Following are the steps, which will be taken under the fine system:

1. The homeowner will receive a letter indicating that they have been found in violation and they will be given thirty (30) days to correct the violation (with the exception of lawn care and trash cans).
2. If the violation has not been corrected at the end of thirty (30) days, a second letter will be sent to the homeowner, the letter will specify, if the violation is not corrected within ten (10) days from the date of the second letter, a hearing will be scheduled by the Directors to determine if the fining process is to commence.
3. If the violation does not get corrected within ten (10) days after receiving the second letter, the homeowner receives a certified letter from the Management Company the letter advises the homeowner of the hearing date when they will appear before the Associations hearing board. At the hearing the homeowner will have an opportunity to set forth all facts in their attempt to show compliance with the Covenants or By-laws, or a valid reason for an exception to them.
4. The Hearing Board reviews the homeowner’s reason(s) for the exception; the hearing board will in turn make a determination as to fining. Should the homeowner fail not to appear at the scheduled hearing, the fining process will begin automatically.
5. The homeowner will receive a letter explaining the hearing board’s findings. If the hearing board determines that a fine is to be enacted, then the following takes place:
 - a. A fine of \$25.00 per week is assessed for four weeks;
 - b. If the violation has not been remedied within four weeks, the fine increased to \$40.00 per week, until the time when homeowner complies with the Covenants, By-Laws and Community Rules.
6. The homeowner may appeal an ad judicatory panel’s decision the appeal will be made to the Executive Board by delivering written notice of appeal with fifteen days of the hearing boards decision. The Executive Board may affirm, vacate or modify the hearing boards decision.
7. Unpaid fines will be handled in the same manner as regular monthly assessments. When the homeowner has accumulated \$100.00 in fines, a lien will be placed on the property. The Board will have the option to proceed with foreclosure of the owner’s home or file for a judgment against the homeowner in small claims court.
8. The homeowner will be responsible for any legal fees associated with collection of unpaid fines.

This fine system will affect those homeowners who refuse to fulfill their obligations to our community. The Board of Directors does not feel it is fair for a majority of homeowners to carry the financial burden of the Association and for them to sustain the property value pitfalls resulting from those in the community who refuse to live by the Covenants, By-laws and Rules, which keep our neighborhood a pleasant and safe place to live.

Adopted by the Board of Directors this ____ of _____ 2009.

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_____/_____/_____