

PROCEDURES FOR ENFORCEMENT OF AGE & ARCHITECTURAL VIOLATIONS

Submission of Complaint – The Bay Village Homeowner’s Association Board (specifically the Architectural Committee and if authorized by the Architectural Committee, the Violations Committee) responds to complaints from homeowner’s concerning alleged violations of age and architectural violations of the Association’s governing documents (Declaration of Restrictions recorded in Book 2342 beginning at page 248 of the official Records of the Santa Cruz County Recorder’s Office (“Declaration of Restrictions”) and Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions recorded in Book 3979 beginning at page 478 of the official Records of the Santa Cruz County Recorder’s Office (CC&R’s). All complaints must be in writing on the complaint form available from the Bay Village Homeowner’s Association.

COMPLAINT INVESTIGATION AND ENFORCEMENT PROCESS.

First Step – The Architectural Committee will review complaints received at its next scheduled meeting.

Second Step – The Architectural Committee will send a “Notice of Receipt of Complaint and Request to Meet and Confer” in the following form to the homeowner at the address for the homeowner in the Association’s records:

NOTICE OF RECEIPT OF COMPLAINT
AND REQUEST TO MEET AND CONFER

Via Certified Mail, Return Receipt Request and Via First Class U.S. Mail

Owner

Address

Date

Dear

The Architectural Committee of the Bay Village Homeowners Association has received a complaint that you are violating the Bay Village Conditions, Covenants and Restrictions (CC&Rs). Specifically, the complaint alleges that:

In accordance with the authority given to the Architectural Committee by the CC&R's, the Architectural Committee has authorized the Violations Committee to investigate the Complaint.

Meet and Confer Request

- The Violations Committee would like to have two members of our committee visit your home to investigate this complaint. Please call the Bay Village phone number and leave a message offering three convenient dates and times between 9:00 a.m. and 5:00 p.m.) for such a visit and a member of the Violations Committee will contact you to confirm a date and time for the visit.
- The Violations Committee would like to call you at a convenient and specific time to discuss this with you. Please call the Bay Village phone number and leave a message giving the committee a convenient date and time between 9:00 a.m. and 7:00 p.m. to call.
- The Violations Committee would like you to meet with the committee to discuss this complaint. Please call the Bay Village phone number and leave a message offering three convenient dates and times between 9:00 a.m. and 7:00 p.m. for such a meeting, and a member of the Violations Committee will call you to confirm a date and time for such meeting.

The telephone number for Bay Village is 831-457-6646.

The Bay Village Architectural and Violations Committees take all complaints seriously and endeavor to resolve them as quickly and efficiently as possible. Selecting one of the three options above is our first step in this resolution process. If the Violations Committee cannot achieve resolution with this first step the committee will be forced to begin the next three steps of the Association enforcement process. If you do not respond to the above request within fifteen (15) days of the date of this letter, or if the Violations Committee determines there is a violation and the complaint is still not resolved after conferring with you, the Architectural Committee will be forced to consider taking legal action against you. Should legal action be taken and should the Architectural Committee be the prevailing party, California Law and the Bay Village Association CC&R's, allow the Architectural Committee to recover from the violator the attorney fees and legal costs it has incurred, Please know that it is the policy of the Architectural and Violations Committee to deal with homeowners in a respectful manner and to investigate all complaints with care and diligence.

We look forward to hearing from you at your earliest convenience.

Sincerely,

_____ [name]
Member of the Bay Village Violations Committee

Version date: 05/06/05

Third Step - If the violation is age based, the Violations need to verify whether all occupants are either "qualified residents" or "qualified permanent residents". See the "Enforcement Procedure For Age Violations", which is provided herewith for the procedure that the Architectural Committee will follow to investigate and determine whether there is an age violation.

If the violation is architectural based, the Architectural Committee will determine if the violation falls into paragraphs 4, 5, 6, 7, 8, 9, 10, 11 or of the Declaration of Restrictions.

Fourth Step - If the Architectural Committee, after investigation, determines that an age or architectural violation exists and it is not resolved after the initial investigation, the Architectural Committee will send the First Notice (entitled "Notice of Violation") in the following form to the homeowner.

Bay Village Homeowners Association

P.O. Box 986

Watsonville, CA 95077-0986

Via certified mail return receipt requested and via First Class U.S. Mail

NOTICE OF VIOLATION

To: _____ *[name of owner]*
_____ *[owner address]*

Re: _____ *[address of violation]* _____ *[type of violation]*

Dear _____ *[name of owner]*;

On or about _____, a member of the Bay Village Homeowner's Association Violations Committee sent you a Notice of Receipt of Complaint and Request to Meet and Confer, which advised you that that the Bay Village Architectural Committee had received a complaint that you are committing the above-referenced violation of the Bay Village CC&R's.

Because you did not respond to the request to meet and confer within the time limit specified and have not cured the violation, - or - the complaint has not been resolved, though you have been given a reasonable time to do so after meeting and conferring with a representative(s) of Violations Committee, you as the owner of the above-referenced property located in the Bay Village are hereby notified that the Violations Committee, after investigating a complaint received on _____ [date of receipt of complaint], has determined that you are in violation of the Bay Village CC&R's.

The particular violation of the CC&R's is described as follows: _____

_____ [describe and cite applicable provision in CC&R's]. Said violation occurred on or about _____, 20____, and is continuing and ongoing.

You are hereby notified that said violation must be corrected on or before _____, 20____ [30 days from date of letter] by _____ [describe the action required to cure the violation].

If you fail to correct this violation on or before _____, 20____ [30 days from date of letter], you will be sent a Request for Resolution in accordance with Civil Code Section 1369.510; and, if the violation is still not resolved, you will be mailed a final notice. If you still do not cure the violation, the Architectural Committee will be forced to consider submitting the matter to its attorney for appropriate legal action.

If you contend you are not in violation of the CC&R's, please submit a written request to the Bay Village Violations Committee at the above address, no later than _____ [15 days from the date of letter], providing three dates and times between 9:00 a.m. and 7:00 p.m. that you would be available to meet with the Violations Committee. If the Bay Village Violations Committee does not receive a request from you to meet and confer by that date, and you have not corrected the violation by the date specified above, the Violations Committee will proceed as indicated above.

Dated: _____, 2005

Bay Village Homeowners Association

By: _____
_____ [name],
Member, Bay Village Violations
Committee

CC Occupant of _____ [violation address – if not owner occupied]

Fifth Step - If the homeowner either does not request to meet and confer with the violations committee and does not cure the violation; or meets with the committee, but

does not cure the violation, the Architectural Committee will send a Request for Resolution to the homeowner in the form required by Civil Code Section 1369.510 *et seq.*

Sixth Step - Finally, if there is no response to the Request for Resolution, or there is a request, but the process fails, the Architectural Committee will send a Final Notice in the following form to the homeowner:

Bay Village Homeowners Association
P.O. Box 986
Watsonville, CA 95077-0986

Via certified mail return receipt requested and via First Class U.S. Mail

FINAL NOTICE

To: _____ [name of owner]
_____ [owner address]

Re: _____ [address of violation] _____ [type of violation]

Dear _____ [name of owner];

Notice of Violation - On or about _____, a member of the Bay Village Homeowner's Association Violations Committee sent you a Notice of Violation concerning the above-referenced violation. The Notice of Violation indicated that if you disputed the violation, you should send a written request to the Association within fifteen (15) days of the date of the notice to schedule a meeting with the members of the Violations Committee for the purpose of meeting and conferring in an attempt to resolve the matter.

Request for Resolution – The Violations Committee did not receive a written request for such a meeting within fifteen days of the date of the Notice of Violation and you have not corrected the violation - or – After meeting with you and hearing your explanation of your position, members of the Violations Committee found that you are in violation of the Bay Village Homeowners Association Declaration of Restrictions as amended and you have not corrected the violation. Thus, the Violations Committee mailed you a Request for Resolution in accordance with Civil Code Section 1369.510 *et seq.* In accordance with the Request for Resolution and Civil Code Section 1369.530, you had 30 days from the receipt of the Request for Resolution to accept the Violations Committee's

offer to settle this dispute by alternative dispute resolution. To date the Violations Committee has not received any response to the Request for Resolution. Thus, in accordance with Civil Code Section 1369.530, the Violation Committee's offer for alternate dispute resolution is deemed rejected. – or - An attempt to resolve this matter through alternative dispute resolution was not successful.

Final Notice – You are hereby given final notice that if the violation of the Association's _____ restriction is not cured by _____ [*action required to cure violation*] by _____ [*date 30 days from date of final notice*], the Architectural Committee will have no choice but to consider referring this matter to the Association's Attorney to take immediate legal action against you.

Dated: _____, 2005

Bay Village Homeowners Association

By: _____
_____ [name], Member Bay Village
Violations Committee

CC Occupant of _____ [*violation address – if not owner occupied*]

Seventh Step - If the violation is not cured within the time specified in Final Notice, the Architectural Committee shall determine whether legal action should be initiated.