

Protective Covenants Guidelines

Foothills of Forest Parks Residential Association (aka Forest Parks 43)



1. **AUTHORITY** - Authority for Protective Covenants is established by the Articles of Incorporation, the Protective Covenants themselves, and by the bylaws of the Forest Parks Residential Association. The Protective Covenants are referenced in every property deed in the neighborhood.
2. **LEADERSHIP** – A Protective Covenants Committee will serve the function of the three-person Architectural Control Committee established in our covenants (Article 25). The HOA Vice-President will head this committee. Other members of this committee are not required to be members of the Board of Directors, but the Board of Directors will approve members of the PCC.
3. **VIOLATIONS** – There are two types of violations. A **Named Violation** is one which is specifically listed in our Protective Covenants. A **Nuisance Violation** is one covered by Paragraph 17, stating that no conduct or activity should be an annoyance or nuisance to other residents. As nuisance violations may be subjective, all three members of the Protective Covenants Committee should agree that a registered complaint qualifies as a nuisance before proceeding with notification of the homeowner. Members of the PCC should inspect the neighborhood on a regular basis. Should the Board deem it advisable, an outside inspector or firm may be employed.
4. **ENFORCEMENT** – Although, in our opinion, the HOA is not authorized to place liens on property or to levy fines, there are a number of ways the Protective Covenants (PC) are either enforced or in which violations result in negative consequences for the homeowner.
 - a) Legal Action - The Protective Covenants specifically authorize any neighbor to bring legal action (Article 28). The records of the HOA may be offered as evidence in regard to any legal action.
 - b) Real Estate Closings - Whenever a home is sold in the neighborhood, the HOA is typically contacted by the Closing Agent with two questions: a) “Is the property in compliance with the Protective Covenants?” and b) “Is the homeowner current in his HOA dues, and if not, what is the balance?” The HOA began keeping account of past due balances in 2018, and these are reported at closing along with any compliance issues. Past due balances may be collected then, but more significantly, compliance issues may hinder the sale of the property.
 - c) Mortgage Company Notification - The mortgage company may be notified. Mortgage contracts require that borrowers remain in compliance with property covenants and restrictions.
 - d) Municipal Authorities - City and county codes may also come into play, and the HOA reserves the right to notify any other appropriate bodies able to assist with enforcement.
5. **PROCESS** – The following details outline the complaint and notification process.
 - a. **Initial Report of Possible Violation** – All concerns, whether initiated by any neighbor or the Protective Covenants Committee (PCC), will be processed through the website via an online form.

b. **Inspection & Confirmation** – Member(s) of the PCC will inspect the property following the expressed concern. As stated above, one member may substantiate Named Violations. All three members must confirm a Nuisance Violation in order for the process to proceed.

c. **Wait Period** – As some violations may occur due to a temporary state of neglect, which we all are subject to, a wait period of 30 days will be given prior to notification. Often the homeowner is aware of the issue and makes corrections within the 30 days.

d. **First Notification to Resident** – After that period, a letter will be sent to the homeowner, serving as notification of the issue and providing any needed clarification. The resident is invited to respond to the letter via the website.

e. **Response** – The resident in violation is expected to take action to remedy the violation within 30 days. In some cases, depending on the violation, a longer or shorter time may be determined by the PCC. The resident may respond via the website with any clarification or intended response.

f. **Second Notification** – Should no action or response be undertaken by the resident in violation, the PCC will send a second letter following the 30-day remedy and response period. This point is now 60 days past the initial report of violation.

g. **Third Notification** – At 90 days, a third notice will be sent to the resident. This time, the mortgage company, if any, will also be included in copy. (See information in the Enforcement Section above.)

h. **Continuing Notification** – Following these actions, residents in violation will receive additional notices at least twice a year, and other actions or consequences outlined in the Enforcement Section above may result.

6. **UPDATES** – Persons seeking information on the status of potential violations and any actions taken by the PCC should email the request to ForestParksHOA@gmail.com.
7. **ALTERATION & ADDITION INQUIRY** – Any changes or alterations to any Lot shall be reviewed by the Protective Covenants Committee and shall be presented through the contact information on the HOA website, ForestParksHOA.com.
8. **CHANGES TO GUIDELINES** – Once approved, dated components of this guideline will be removed. The Board may approve other changes to these guidelines according to our Bylaws. All residents have input to the guidelines at our Annual Meeting each January.