

PINCKNEY FARM
VIOLATION ENFORCEMENT POLICY



BP1179873

PGS:

3

WHEREAS, Pinckney Farm Homeowners Association (the "Association") has authority pursuant to Article VII of the Declaration of Covenants, Conditions, and Restrictions for Pinckney Farm (the "Declaration") and to Article 6 of the Bylaws to determine, in its reasonable discretion, the manner of remedy for violations of the provisions set forth in the Declaration, Bylaws, Articles of Incorporation, and rules and regulations of the Association (hereinafter, the "Governing Documents"), as that term is defined in the Declaration;

WHEREAS, The Board of Directors of the Association (the "Board") finds there is a need to establish procedures for the enforcement of the provisions of the Governing Documents of the Association and for the elimination of violations found to exist within Pinckney Farm;

WHEREAS, Article 6, Section 6.4 of the Bylaws provides that the Association "shall have the power . . . to impose sanctions for any violation of any duty imposed under the Governing Documents" and that fines "shall be treated as an Assessment subject to the provisions of the collection of Assessments as otherwise set forth in the Declaration."

WHEREAS, Article 7, Section 7.5(a) of the Declaration of Covenants, Conditions, and Restrictions for Pinckney Farm (the "Declaration") provides that the Board "may impose sanctions for violation of any of the Governing Documents after notice and a hearing in accordance with the procedures set forth in the Bylaws."

WHEREAS, Article 7, Section 7.5(a) of the Declaration provides that sanctions include: imposing reasonable monetary fines and late fees which shall constitute a lien upon the violator's Lot, suspending an Owner's right to vote, suspending any person's right to use the common area, suspending any services provided by the Association to an Owner or their Lot if the Owner is more than 30 days delinquent in paying any assessment or other charge to the Association, taking action to abate a violation, requiring an Owner to remove structures or improvements on the Owner's Lot in violation of the Governing Documents and restoring the Lot to its previous condition, and levying Specific Assessments to cover costs incurred by the Association in bringing a Lot into compliance with the Governing Documents.

WHEREAS, Article 7, Section 7.5(d) of the Declaration gives the Board broad authority and discretion to pursue any enforcement action in any particular case as determined in the Board's considered judgment.

NOW THEREFORE, BE IT RESOLVED THAT the following procedures are established for the enforcement of the provisions of the Governing Documents of the Association and for the elimination of violations found to exist on or about any property within Pinckney Farm:

1. Remedies Available. For any violation of the Governing Documents, the Board shall have authority to levy fines until the violation is cured or to take any other action authorized in the governing documents or by South Carolina law.
2. Violation Notice. A Violation Notice will be sent to the Lot Owner informing the Owner of the violation. The Violation Notice shall:
 - a. Identify the nature of the violation;
 - b. Identify what the Owner must do to cure the violation;
 - c. Identify the time period by which the violation must be cured, if applicable*;
 - d. Identify the proposed sanction to be imposed;
 - e. Provide a period of at least 10 days for the Owner to present a written request for a hearing; f. Include a statement that the proposed sanction will be imposed unless a hearing is requested within

10 days of the notice;

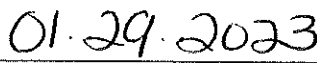
*For some violations, such as parking or trash can violations, no cure period applies and fines may be assessed regardless of whether the violation is cured.

3. Cure Period for Continuing Violations. For those violations that are continuing in nature, fines shall not be applied without granting at least a five (5) day period in which to cure the violation. As described above, violations that are not continuing in nature are subject to immediate fines without a cure period.
4. Fines and Other Sanctions Imposed. If the violation is not cured in the time period specified in the Violation Notice, then the sanction identified in the Violation Notice may be imposed and no further notice need be send to the Owner before adding fines to the Owner's account.
5. Verifying That a Violation Has Been Cured. It shall be the responsibility of the Owner of the Lot to provide evidence of the cure of the violation. Until appropriate evidence is provided any fines or other enforcement action taken shall continue.
6. Suspension of Rights or Privileges. In addition to any fines assessed against the Lot, the Board shall determine whether a suspension of rights or privileges (such as voting rights) should be imposed. If it is decided that a suspension of rights or privileges should be imposed, the suspension may begin after the cure period and shall continue without further hearing until the violation is cured.
7. Limit of Fine Amounts. If it is decided that a fine will be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation. Following the cure period given in the Violation Notice, if any, for each day after the cure period that the violation continues, a daily fine not to exceed one hundred dollars (\$100.00) may be imposed. There shall be no need for further hearing for the same violation.
8. Miscellaneous. Fines may be imposed for first violations and for any subsequent violation by following the procedures outlined above. Suspension of rights may include prohibiting any owner or occupant from using the common areas and any voting rights, but shall not include prohibiting ingress/egress to or from the owner's property.
9. Compliance as Goal; Possible Waiving of Portion of Fines. It is the express intent of this enforcement policy that any covenant violations be cured. The Board may consider waiving fines once any violation has been cured.

IT IS FURTHER RESOLVED THAT this Violation Enforcement Policy replaces and supersedes in all respects all prior resolutions with respect to enforcement of the Governing Documents by Pinckney Farm and is effective upon adoption, to remain in force and effect until revoked, modified, or amended.



President



Date

Pursuant to S.C. Code § 27-30-130(D) the recording of any rules, regulations, bylaws, and any amendments to rules or regulations is not subject to the requirements of witnesses and acknowledgments required under S.C. Code § 30-5-30.

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

LAW FIRM CAROLINAS
 1927 SOUTH TRYON ST
 STE 100
 CHARLOTTE NC 28203

RECORDED		
Date:	May 15, 2023	
Time:	3:27:05 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
1179	873	HOA/Misc
Karen Hollings, Register of Deeds Charleston County, SC		

MAKER:

PINCKNEY FARM HOA

of Sats:

of Pages:

of References:

RECIPIENT:

NA

Note:

Recording Fee \$ 25.00

Extra Reference Cost \$ -

Extra Pages \$ -

Postage \$ -

Original Book:

Original Page:

TOTAL \$ 25.00

Drawer

Clerk



1179
Book



873
Page



05/15/2023
Recorded Date



3
Pgs



Original Book



Original Page



D
Doc Type



15:27:05
Recorded Time