

**BOULDER RIDGE HOMEOWNERS' ASSOCIATION
BREACH AND REMEDY PROCEDURE GUIDELINES**

Level 1

Breach	Paragraph of Covenants	# of Notices	Days to Remedy	Appeal	Extension	Fine
Yard light inoperative	12	2	10/5	N	Y	\$50
Address not displayed on mailbox and dwelling	14	2	10/5	N	N	\$50
Signs	15	2	10/5	N	N	\$50
Trash & recycling bins stored in a visible location ¹	18	2	10/5	N	N	\$50
Trash left curbside ¹	18	2	10/5	N	Y	\$50

¹ Paragraph 18 stipulates 15 days to remedy this breach

Level 2

Breach	Paragraph of Covenants	# of Notices	Days to Remedy	Appeal	Extension	Fine
Storing materials on property	19	2	30/15	Y	Y	\$75
Street sight line obstruction	20	2	30/15	Y	Y	\$75
Trailers, boats, RVs, etc.	22	2	30/15	Y	Y	\$75
Sidewalk & driveway repair	23	2	30/15	Y	Y	\$75
Inoperative vehicles	24	2	30/15	Y	Y	\$75
Dumping material in vacant lots, easements, etc.	24	2	30/15	N	N	\$75

Level 3

Breach	Paragraph of Covenants	# of Notices	Days to Remedy	Appeal	Extension	Fine
Easement obstruction	5	2	30/30	Y	Y	\$100
Temporary structure used as a residence	9	2	30/30	N	Y	\$100
Oil & mining operations	16	2	30/30	N	Y	\$100
Animals, poultry, livestock	17	2	30/30	N	Y	\$100
Septic systems & wells	21	2	30/30	N	Y	\$100
Hazardous waste	32	2	30/30	N	Y	\$100
Drainage swale obstruction	33	2	30/30	Y	Y	\$100

Note: City of Champaign will be immediately notified of any Level 3 breach.

Special Cases (SC)

Breach	Paragraph of Covenants	# of Notices	Days to Remedy	Appeal	Extension	Fine
Breach of ACC Guidelines ¹	2	TBD	TBD	TBD	TBD	TBD
General nuisance ²	24	TBD	TBD	TBD	TBD	TBD

¹ Architectural Control Committee (ACC) Guidelines regulate changes to the exterior of dwellings and properties.

² Paragraph 24 defines nuisances as "noxious or offensive activity" which is an "annoyance or nuisance to the neighborhood." Activities will be deemed a nuisance if complaints are received from residents and/or the activity is deemed detrimental to the neighborhood. If necessary, the City of Champaign will be notified.

Authority

The Rules Committee (the "committee"), acting on behalf of the Boulder Ridge Homeowners' Association Board of Directors, is solely responsible for notifying residents in breach, hearing appeals and requests for extension, ensuring breaches are remedied in a timely manner, and assessing penalties.

Breach Notices

First notices state the breach, remedy and timeframe. Subsequent notices state the breach, remedy, timeframe and penalty the HOA will impose if the breach is not remedied by the deadline. In the case of breach by renter, notices are sent to the tenant, property manager (if known) and the property owner.

Suspension of Voting Rights

Voting rights are temporarily suspended for homeowners in breach. Voting rights will be reinstated once the breach has been remedied and any outstanding fines paid in full.

Appeals & Extensions

Appeals and requests for extension are allowed in some cases (see tables above). A decision will be made by majority vote within 10 days or the resident will be informed the matter is under review and a decision is pending. No action will be taken against the resident in breach during the review period. Appeals and requests for extension will not be heard from non-members (i.e. renters) or members whose accounts are not in good standing (e.g., unpaid assessments or breach penalties). Residents who wish to dispute a breach may file a written appeal by email or certified letter stating in detail the reason for the appeal, supporting arguments and evidence, and applicable precedents. Appeals must be received at least 10 days prior to the deadline of the final breach notice. In lieu of a written appeal, residents may request a hearing before the committee. Residents requiring more time to remedy a breach may file a written request for extension by email or certified letter stating in detail the reason for the request, the proposed remedy, and the date by which the breach will be remedied. Requests for extension must be received at least 10 days prior to the deadline of the final breach notice.

Fines

A resident still in breach after the deadline of the final notice will be assessed a fine (see table above). In the case of breach by renter, fines will be assessed against the property owner or the property manager if they have informed us they pay all HOA expenses on behalf of the property owner.

A resident in breach will be given 10 days to remedy the breach once a fine has been assessed. No appeals or requests for extension will be heard during this time. For every day thereafter, the resident will be assessed an additional 10% of the original fine, in perpetuity, until the breach is remedied. If the breach is not remedied in a timely manner, the city will be notified and additional legal action will be considered. Where reasonable, and if no private property would be damaged in any way, the HOA may hire a third party to remedy the breach and bill the property owner for the cost plus a 20% administrative fee. Such action will be considered on a case-by-case basis only after the deadline of the final breach notice and after consulting with legal counsel to ensure it is lawful to enter the property in order to remedy the breach.

Once the breach has been remedied, the outstanding balance is due within 30 days. After 30 days, interest charges of 18% per annum will begin to accrue. After 60 days, the account will be considered delinquent and will be turned over to the Board of Directors who may choose to hire a collection agency or file a property lien in the amount due plus the cost of the lien, all filing and release fees, and attorney fees and costs. Delinquent accounts have no voting rights in HOA matters. Voting rights will be reinstated once the account is in good standing.

Special Cases (SC)

Special cases require additional review by the committee and may require review by legal counsel, HOA Board of Directors and City of Champaign and/or a public hearing in order to determine the seriousness of the breach, how and when the breach should be remedied, whether appeals and requests for extension will be heard, applicable fines and what legal remedies, if any, will be pursued. Special cases will be reviewed by the committee and a decision will be made by majority vote within 10 days.

Right to Amend

The committee reserves the right to amend these guidelines by majority vote at any time. Timelines may be accelerated or extended and fines may be increased or decreased, especially if there are extenuating circumstances such as numerous complaints by neighbors, resident in breach is a repeat offender, breach is deemed detrimental to the safety of the neighborhood, or illegal activity is taking place on the property.