



FIRST COLONY  
COMMUNITY ASSOCIATION

## Residential Deed Restriction Policy

In an effort to provide Property Owners with a better understanding of the deed restriction process, the following Residential Deed Restriction Policy and Schedule of Fines has been adopted.

Pursuant to Article III, Sanctions Procedure Section, 23 of the Second Amendment to the By-Laws of First Colony Community Services Association, Inc.

1. Upon verification of a violation, a *Courtesy* letter will be sent stating the violation and action required to correct the violation
2. After ten (10) days, or upon next inspection, if the violation is not abated, a *Demand* letter will be issued to the Property Owner or other Occupant stating:
  - (a) (1) the violation;
  - (2) the action required to correct the violation;
  - (3) a statement that if the violation is not corrected within ten (10) days or if there is a subsequent violation of the same rule or any other rule set out in the enclosed Fine Schedule, that it may result in the imposition of a fine as reflected in the enclosed Fine Schedule; and
  - (4) a statement that if a fine is imposed it will result in a lien on the property which may be foreclosed to satisfy the fine.
  - (b) The letter shall be sent by either U.S Mail, postage prepaid, overnight delivery by a private courier, hand delivery or via telecopier or facsimile transmission.
  - (c) At the discretion of FCCA staff, this may be the first letter sent, depending on the severity of the violation and/or the history of the Property Owner.
3. If the violation is not abated within ten (10) days, or if within twelve (12) months of the first demand, there is a reoccurrence of the same violation or a violation of any other rules set out in the Fine Schedule, a *Certified* letter will be sent advising the Property Owner or other Occupant:
  - (a) (1) that a hearing will be held by the Covenants Committee at a particular location on a specified date and time to consider imposing a sanction for violation of the rules;
  - (2) a description of the violation;
  - (3) the proposed sanction to be imposed; and
  - (4) an invitation to attend and produce any evidence on the Property Owner's behalf or to send a written statement, in advance of the meeting, containing any evidence the Property Owner wishes the Committee to consider. The Property Owner has 30 days from receipt of the certified letter, to request to attend the Committee meeting. This request must be written and will be accepted via mail, fax or e-mail.
  - (b) The letter shall be sent by either Certified U.S Mail, postage prepaid, overnight delivery, a private courier or hand delivery.
  - (c) The Covenants Committee meeting is held in executive session. Proof that notice was sent to the Property Owner or other Occupant is required. That requirement shall be satisfied by a written statement from the officer, director, FCCA staff or agent who delivered the notice stating the date and manner of delivery and attaching a copy of the notice.
  - (d) The Covenants Committee may impose fines in accordance with the approved Fine Schedule that accrue not sooner than the eleventh (11th) day after the notice was sent to the Property Owner or other Occupant if it is a first time violation. If it is a subsequent violation, the fine may accrue as of the first (1st) date of the subsequent violation. The fine shall be posted to the Property Owner's account at this time.
  - (e) The Property Owner or other Occupant will be advised in writing of the decision of the Covenants Committee and that he has the right to appeal the decision to the Board of Directors by serving the Board of Directors with a written notice of such within ten (10) days of the date of the notice of the decision of the Covenants Committee.
4.
  - (a) If no appeal is received in the appropriate time and the violation has not been abated within the period decided by the Covenants Committee and/or if the fine (if imposed) has not been paid, a ten (10) day demand letter may be sent by the Association's attorney advising a lawsuit may be filed.
  - (b) If an appeal is received in the appropriate time it will be placed on the Board of Directors meeting agenda for Hearing Appeals.
5. FCCA may authorize its attorney to file suit if no response is received.
6. Should a Property Owner or Occupant become a "recurring violator" or the violation is deemed significant, FCCA staff has the discretion to proceed to the Certified Letter.
7. If a violation cannot be cured within the time specified, a written request for an extension must be submitted to FCCA and approved. No verbal extensions will be given.

8. Nothing in this policy shall be construed to prevent FCCA from proceeding with a suit against a Property Owner or Occupant, without prior notice, to abate a violation, if such immediate action is deemed necessary.

**FCCA RESIDENTIAL SCHEDULE OF FINES**  
(Revised October 2006)

As permitted under Article VI, Section 3, Rules and Regulations, of the Declaration, FCCA has the right to set rules and regulations, and impose fines if necessary to achieve compliance. Below are the fines associated with some common violations. Only the FCCA has the right to impose or waive any of the fines. Fines may be levied upon observance of violation and may continue until problem is corrected. These categories are for reference only and may apply to other situations. All fines are per item.

**Payment of fine amount does not grant a variance for the violation. All violations must be corrected to come into compliance. If there is a subsequent violation of the same rule the fine amount will double with each subsequent violation.**

- \* Certificate of Compliance not requested (prior to the sale of the home).....**One Time Fine** .....\$100.00
- \* Certificate of Compliance not requested (prior to sale of the home) for New Residential Property..**One Time Fine**...\$500.00
- \* Property/street used for storage of unauthorized vehicles or other items (boats, vehicles, trailers, basketball goals, etc.) .....\$25.00/day
- \* Trash cans, recycle bins, lawn bags & newspapers left in public view on days other than designated pick-up days.....\$25.00/day
- \* Livestock or poultry kept on property.....\$25.00/day
- \* Signage (contractor, garage sale, multiple "For Sale", unapproved "Open House").....Per Sign.....\$25.00/day
- \* Lawn maintenance  
(Mowing, edging, weeding, pruning trees, trimming shrubs, fertilizing, watering, treating disease, removing and replacing dead or missing landscaping with same size and type).....Per Violation.....\$50.00/week
- \* Operating a business out of the home .....\$125.00/week
- \* More than 2 household pets .....\$50.00/month
- \* Holiday Decorations - left up after the holiday .....\$50.00/month
- \* Decorative embellishments (statues, sculptures, furniture, etc.) placed in public view without approval .....\$50.00/month
- \* Mildew on property .....\$100.00/month\*
- \* Unapproved exterior lights, or light spilling onto adjacent properties .....\$50.00/month
- \* Exposed holes on bricks or improperly maintained landscape borders .....\$50.00/month
- \* Broken driveways and walkways .....\$100.00/month
- \* Major home repairs (including rotting wood, exterior paint, roof replacement, broken windows, damaged front door, etc.).....Per Violation.....\$100.00/month
- \* Other home repairs (including sagging gutters, damaged garage door, fence and gate repair, torn/missing basketball nets, repair or repaint yard light, etc.).....\$50.00/month\*
- \* Modification not in accordance with approved plans .....\$100.00/month
- \* Major modifications or alterations (pools, room additions, sun rooms, outdoor recreational buildings, vinyl siding, unapproved paint colors, roof replacement etc.) made to the property without approval from FCCA .....\$500.00/month\*
- \* Other modifications or alterations made to the property without approval from FCCA (basketball goal, landscape borders, solar screens, storm doors, patio cover, swing sets and forts, etc.).....\$50.00/month
- \* Outdoor recreational buildings, pools, room additions, sun rooms, etc. built before plans approved .....\$500.00/month\*
- \* Landscaping and/or fencing or gates installed before final approval.....\$500.00/month\*

\*NOTE: These violations may also be subject to additional daily or monthly fines until cured. The daily or monthly fines range in amount (\$25 - \$200) based upon the type of violation, historical information, etc.

This policy was approved by the FCCA Executive Director, on the 24 day of October, 2006 based on authority granted by the Board of Directors. Changes to this policy may be made at any time without prior notice.

  
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Sherrie Knoepfel, Executive Director