

SCHEDULE 1 TO BYLAWS

THE ESTATES HOMEOWNERS' ASSOCIATION, INC.

Section 1. DEFINITIONS

1.1. INFRACTIONS. Infractions are deviations from the Covenants by a Lot/Dwelling Owner or his/her Lessee that can be corrected by a simple act of the Owner/Lessee. Some examples are: grass cutting, trash, toys.

1.2. VIOLATIONS. Violations are deviations from the Covenants by a Lot/Dwelling Owner/Lessee, including uncorrected Infractions, that may require an outside source, such as the City of Opelika, Police, or the Court system to resolve.

Section 2. INFRACTIONS

2.1. Infractions may be instituted by a Notice of Infraction signed by a Lot/Dwelling Owner/Lessee, or an adult member of Owner/Lessee's household in writing using the form: Notice of Infraction, which shall be mailed to the HOA mailing address or HOA's email address. A statement of the deviation is to be included along with the section of the Covenants broken. A copy of the Covenants can be found on the HOA's website.

2.2. The HOA Board of Directors (BOD) shall send a First Notice to Owner/Lessee within 7 days, describing the deviations, and in a friendly manner, requesting Owner/Lessee to eliminate the deviation within 15 days.

2.3. The Owner/Lessee to whom the Notice has been directed may respond in three ways:

- (a). Correct or eliminate the deviation within the 15 days.
- (b). Request additional time due to hardship conditions. Request must specify the hardship, the length of time requested, and the assured timetable of eliminating the deviation.
- (c) Submit to the BOD a written denial of the Infraction, stating his/her reasons and grounds therefore.

2.4. The BOD will respond to either the written request for extension or written denial within 10 days.

2.5. If the BOD grants an extension, it will be for 10 days.

2.6. At the end of the 10-day extension, or upon the BOD's refusal of Owner/Lessee's written denial, The BOD will send a written Second Notice to Owner/Lessee that same has 5 days to eliminate the deviations.

SCHEDULE 1 TO BYLAWS

THE ESTATES HOMEOWNERS' ASSOCIATION, INC.

Section 3. VIOLATIONS

- 3.1. The BOD shall determine, at its discretion, which deviations from the Covenants constitute a serious deviation subject to the issuance of a Violation. At the end of the 5-day period as defined in Section 2.6 above, an Infraction automatically becomes a Violation, if not corrected.
- 3.2. Violations from Infractions shall not be enforced for a period of 10 days from the automatic conversion to Violation, and if Owner/Lessee corrects the Violation within that 10 day grace period, no charges shall accrue.
- 3.3. Each Infraction which becomes a Violation be assessed a fine of \$50.00 to Owner/Lessee beginning on the day of conversion, and a fee of \$10.00 per day shall be added to said fine until paid, for deviations such as failure to cut grass, failure to remove trash, toys, etc. Correcting the deviation within the 10 day grace period negates the fee and the fine.
- 3.4. Each Infraction which becomes a Violation be assessed a fine of \$100.00 to Owner/Lessee beginning on the day of conversion, and a fee of \$10.00 per day shall be added to said fine until paid, for deviations such as failure to correct deviations such as damage to adjoining Lot/Dwelling Owner by improper drainage, physical item trespass such as a wall or fence, and blocking street view by shrubs. Correcting the deviation within the 10 day grace period negates the fee and the fine.
- 3.5. Each Infraction which becomes a Violation be assessed a fine of \$200.00 to Owner/Lessee beginning on the day of conversion, and a fee of \$10.00 per day shall be added to said fine until paid, for deviations such as erecting a structure without approval, blocking a right-of-way or access. Correcting the deviation within the 10 day grace period negates the fee and the fine.
- 3.6. For each Violation, The BOD shall, directly or through its attorney, provide a Final Notice to the violating owner/lessee, advising them of their obligations to remedy the infraction and pay fees and costs associated with the Violation, pursuant to the Covenants.
- 3.7. For a continuing Violation, the BOD through the President may bring an Injunction enjoining the offending Owner/Lessee from continuing the deviation, or violation of the covenants, and such right shall be governed by the Covenants as to fees, costs, and attorney's fees.
- 3.8. The BOD may, in its discretion, suspend the imposition of fines, fee and deadlines in cases of hardship such as sickness or death, or other equally hardship cases, temporarily, in those cases where fairness, prudence and justice so demands.