

8/18/10

Abbe Springs Ranches HOA, Inc. Rules and Regulations

Abbe Springs BOD Procedures for Handling C&R Complaints

The following is a guideline for the Board of Directors (BOD) regarding its responsibility to enforce the Abbe Springs HOA Declaration of Covenants, Easements & Restrictions (C&Rs). These procedures are intended to outline the steps the Board will follow with all C&R complaints brought to its attention. This document has been developed to assure all Members that the BOD will handle C&R complaints in a consistent, fair and equitable manner. Please note it is not the Board's intention or responsibility to 'police' and/or find C&R violations; however, a complaint can be brought to the BOD as outlined below. These procedures are subject to revision by the BOD.

- There are three avenues by which a C&R complaint may be brought against a Member.
 1. Member(s) can take legal action against another Member without involving the Board.
 2. Socorro County can take legal action against a Member without involving the Board.
 3. The Board can take legal action against a Member.

- Procedural Guidelines for Complaints Brought to the Board of Directors (Option 3 above)
 - All C&R complaints must be presented to the BOD in writing. Written notice must be in the form of a USPS letter or an e-mail to any Board Member.
 - Written notice to the Board must include:
 - Full name, address, e-mail and phone number of the complainant
 - Abbe Springs HOA lot number(s) of complainant
 - Abbe Springs HOA lot number(s) where the alleged violation exists
 - The section(s) of the Abbe Springs HOA C&Rs under which the complaint falls
 - A detailed description of the alleged C&R violation(s)
 - If the information is incomplete the BOD will return the complaint and request additional information. The Board will not initiate any action without full information as outlined above.
 - If the information received by the BOD is complete the Board will take the following action:
 - Determine if the stated violation falls under the noted C&R Section
 - Review the violation statement
 - A simple majority vote of the BOD will determine if the Board concurs there is a violation
 - If the BOD has voted that, in its opinion, a violation does not exist it will notify the complainant in writing. The BOD's decision does not preclude the Member from initiating his or her own action (Option 1)

- If the BOD agrees that a C&R violation exists it will:
 - Notify the complainant in writing that it agrees with his/her observation
 - Contact the Member in violation in writing to discuss the complaint
 - The BOD will work closely with the Member to find a remedy for the violation
 - If a remedy is not reached the BOD will present one or more compromises in writing
- If a remedy or compromise is not reached the Board will consult the HOA's attorney
 - Non-compliance could result in the Board pursuing legal action
 - The BOD will take the HOA's costs into consideration in determining an appropriate course
 - Legal fees from BOD initiated legal actions may not be reimbursable to the HOA
 - BOD legal action against a Member may result in a Special Assessment levied on all Members

Approved 8/18/10 BOD Meeting
Amended 10/21/11 BOD Meeting