

The Buttes HOAC Resolution for Appeals Procedures

Whereas the Board of Directors of the Buttes Homeowners Association is authorized in the Declaration Article 3 section 3.7, to adopt, modify, and amend rules and regulations governing the Buttes community, the Board of Directors Hereby does adopt the following:

PURPOSE: To establish a standard procedure for homeowners to obtain a hearing by an impartial panel on matters relating to association decisions that they feel are not within the requirements of the governing documents of the association, and/or they feel they were not given due process.

Committee Members

- The committee will consist of not less than three (3) homeowners appointed by the Association Board of Directors. Total number of committee members is determined by the HOA Board and may change from time to time.
- Members are appointed for an indefinite term. Members serve at the pleasure of the Board and may be removed by a majority vote of the HOA Board.
- Membership on the Appeals Committee requires homeownership in good standing within the Buttes HOA Community.

Appeal Request

In an effort to conserve time, energy and monies for The Buttes HOAC, home owner's appeals will only be considered by The Buttes Appeals Committee if they have actually received a fine regarding a violation. All appeals, questions or comments regarding courtesy letters should be addressed directly with the Management (Member Care) Company.

For the convenience of The Buttes Home Owner, The Buttes HOAC has provided two types of appeals. The first is a document review only and the second is a live hearing in front of a committee.

Document Appeal

- Any homeowner may request a Document Appeal on any matter directly affecting their person or property that they feel was improperly applied or enforced.
- Requests must be submitted in writing either by USPS or e-mail to the Management (Member Care) Company. Contact information is listed on the association web site. Verbal or phone requests are not accepted.

- The homeowner will need to send in all the paperwork they would like included in the document review along with a written statement either by scan & email or hard copy mail to Total Property Management.
- Requests must be made within fifteen (15) days of the date of the fine letter.
- Requested appeals are to be scheduled no later than thirty (30) days after receipt of the appeal request.
- All fines applied prior to the request for appeal will remain in a dormant state pending final decision by the Association Board of Directors. No additional penalties *for the same offense* will be applied during the appeal process.

Live Hearing

- Because there is a meeting room fee the homeowner requesting the appeal must pay a Fee for the meeting room what ever that fee is, which will be returned if the appeal is upheld. (If the committee finds against the homeowners appeal, the Fee is retained by the HOA).
- Any homeowner may request an appeal on any matter directly affecting their person or property that they feel was improperly applied or enforced.
- Requests must be submitted in writing either by USPS or e-mail to the Management (Member Care) Company. Contact information is listed on the association web site. Verbal or phone requests are not accepted.
- Requests must be made within fifteen (15) days of the date of the fine letter. Live hearing requests are sent to TPM along with the Fee deposit (made payable to The Buttes HOA).
- Requested appeals are to be scheduled no later than thirty (30) days after receipt of the appeal request. Any deviation from this timeline requires notification to the affected homeowner of the reason and a new date established by the Appeals Committee and the homeowner.
- Homeowner is to be notified by the Management Company (Member Care) of the date, time, and place of the scheduled hearing no less than five (5) working days prior to the hearing.
- The home owner can only miss one meeting & that is only if they call in ahead of time to reschedule. The home owner will only get one reschedule.
- A no-show of a homeowner to a scheduled hearing will result in an automatic dismissal of the home owners' dispute and any fines issued will stand.

- Notification prior to a scheduled hearing of inability to attend by the homeowner will result in re-scheduling during the following thirty (30) day period. Totaling no more than 60 days from the date of the appeals request.
- All fines applied prior to the request for appeal will remain in a dormant state pending final decision by the Association Board of Directors. No additional penalties *for the same offense* will be applied during the appeal process.

Procedure for Committee

- The committee will designate one date each month to hear appeals and may schedule additional dates as needed to meet time line requirements.
- Appeal hearings will be informal and each homeowner will be given the opportunity to present their case in whatever manner they choose, however a time limit may be enforced by the Committee Chairperson.
- The Member Care Representative from the Management Company will schedule all appeals and furnish the committee with all documents and correspondence prior to each hearing.
- Appeals hearings require no less than two (2) members of the committee to be present.
- Committee members will exclude themselves from any hearing that would appear to have a conflict of interest.
- The Committee's evaluation of the appeal is to be completed and forwarded to the HOA Board within fourteen (14) working days of the hearing. Items to be considered by the committee are:
 - Was the proper procedure followed by both the HOA and the property owner.
 - Was the decision rendered by the Association a requirement specified by the CC&R's of the affected area.
 - Was adequate correspondence present between the homeowner and the Association.
 - Was the ruling by the Association consistent with similar rulings within the community.
 - The effect of the request for appeal upon neighboring properties and the community in general.
 - Attempt to arrive at a recommendation that is acceptable to both the homeowner and the Association.
- The committee will record all appeal hearings to serve as minutes of the hearing. Recordings will be held by the committee and will be accessible only to the homeowner, the HOA Board of Directors, the Management Company or as required by law.

- The committee recommendations to the HOA Board are advisory only and the final determination of the appeal is the responsibility of the Association Board of Directors.

Appeal Ruling

- The Board of Directors will evaluate the findings and recommendations received from the Appeals Committee and issue the final ruling to the Management Company. The Board has forty five (45) days to rule. In the event this timeline cannot be met, the homeowner is to be notified of the delay and advised of a probable time for final decision.
- Upon receipt of the final decision from the Association, the Management Company will forward this information and any necessary instructions to the affected homeowner.
- The HOA Board of Directors may modify this Policy and Procedure Document as the needs of the Association change.