



Springhurst Community Association

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## **Covenant Enforcement Policy**

It is the policy of the Springhurst Community Association to enforce its covenants and rules. It is further the policy of the Springhurst Community Association to require approval of its Board before litigation is commenced against a resident. To that end, the Springhurst Community Association, through its board of directors, adopts the following procedures in an effort to facilitate the efficient operation of the Association and to act with uniformity in its enforcement activities.

This Policy and the Procedures hereunder are adopted in addition to all other enforcement means which are available to the Springhurst Community Association through its Bylaws, Articles and Kentucky law. The use of this process does not preclude the Association from utilizing any other enforcement means. Likewise, the Association will not be bound by precedent in any enforcement matters, and the Association's failure to enforce its covenants and rules with respect to any particular resident shall not serve as a defense to enforcement proceedings against another resident. The Association may deviate from the procedures set forth in this Policy if, in its sole discretion, it deems such deviation necessary under the circumstances.

This Policy may be amended from time to time by the Springhurst Community Association Board of Directors.

## **Covenant Enforcement Procedure**

The property manager is responsible to make the initial contact with the resident regarding any financial, covenant, or maintenance violations. The property manager is granted the discretion to make the initial contact with the resident either by telephone, by email or by letter.

All contact with the resident will be documented and tracked on the Complaint / Violation Log, including the date and time the contact was made, the identity of the person contacted, the specific nature of the covenant violation, the resident's response to the contact, the proposed resolution of the covenant violation, and a specific time line for the resident to complete the proposed resolution of the covenant violation.




Copies of violation letters will be placed in the resident's property file, and a copy will be provided to that village's board representative and at-large directors.

The identity of the complainant will not be provided to the resident.

1. Notice of complaint/violation is received by the property manager. Complaint / Violation Log entry is initiated.

2. Property manager will evaluate the complaint within 24 hours. If the violation is unfounded, the complaining party will be given a courtesy notification, and no further action is required.
3. When the complaint is verified as a violation, the property manager will provide the resident with notice of violation by telephone or by friendly letter. The notification will include:
  - A reasonable time with date certain, determined by the property manager, to correct the violation.
  - An excerpt from the specific DCCR violated.
4. The property manager will follow up after the specified time to confirm whether or not the violation is corrected. If the violation is corrected, no further action is required, and the Complaint / Violation Log will be so annotated.
5. If the violation is not corrected after the date specified, a certified letter will be sent to the resident. The second letter will include:
  - A copy of the first notification of violation.
  - Notification of a second opportunity to correct the violation within a reasonable time frame.
  - Notification that if the violation is not remedied within the additional time frame , that the matter will be referred to the SCA Board for decision and possible referral to the SCA attorney for legal action.
  - Statement that the amount of any legal fees will be the responsibility of the resident and charged to the resident's account.
4. Property manager will follow up after second specified time to confirm whether or not the violation is corrected. If the violation is corrected, no further action is required, and the Complaint / Violation Log will be so annotated.
5. If the violation is not corrected, the matter will be referred to the SCA Board for decision on further action, which may include referral to the SCA attorney. All resulting legal fees will be billed to the resident.

## Covenant Enforcement Policy and Procedure

Date	Action by Board	Signature, SCA Officer
3.12.12	Approved.	
11.19.12	Reviewed.	
7-27-15	Reviewed. Revised. Approved.	
10-9-15	Legal review by SCA attorney, Dennis Stilger. No changes recommended.	