

BYLAWS
OF
HERITAGE PLACE HOMEOWNERS' ASSOCIATION, INC.

ARTICLE I
Offices

The principal office of the corporation shall be located at Post Office Box 1026 Crestwood, Kentucky 40014, but may be changed from time to time with resolution of the Board of Directors.
[Amended October 12, 2004]

ARTICLE II
Members

The association shall have one class of members. The membership shall be comprised of the owners of the lots within Heritage Place Subdivision. Each member shall have one vote for each lot owned provided that all association fees have been paid at of the time of the vote. A member who owns more than one lot within the development may have the same number of votes as the number of lots owned provided that all association fees are paid for all additional lots from the time of initial ownership of same. In the event a lot is owned by two or more individuals or entities, each shall be members but a single vote of the owners of such lot shall be exercised as they among themselves determine, and in no event shall more than one vote be cast with respect to any lot owned by several members.

The membership rights (including voting rights) of any members may be suspended by action of the Board of Directors if such members shall have failed to pay any assessment or charge lawfully imposed upon such member or any property owned by such member, or if any member shall be in current violation of any rule or regulation promulgated by the Board of Directors regarding the use of any property or conduct with respect thereto.

Annual meetings of the general membership shall be held in the fall of each year at such a time as designated in a notice thereof. The primary purpose of said meeting shall be to elect the directors for the upcoming year. Written notice stating the place, day and hour of the annual meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than five nor more than twenty days before the date of the meeting, either personally or by mail, by or at the direction of the president, secretary or board member, or the person(s) calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at the address as it appears on the books of the association, with postage prepaid thereon.
[Amended October 12, 2004]

Any voting members (one representative per lot owned and for which association fees are paid) representing the ownership of at least twelve (12) lots shall constitute a quorum at the meeting.

ARTICLE III
Directors

(A) General powers

The Business and affairs of the corporation shall be managed by its Board of Directors. The Board of Directors shall have power to:

(a) exercise for the Association all powers, duties and authority vested in or delegated to the Association by law or the Declaration of Restrictions (including any authority under the restrictions reserved to the Developer) and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or by such Declarations;

(b) employ independent contractors as they deem necessary, and to prescribe their duties;

It shall be the duty of the Board of Directors to:

(a) keep a correct and complete record of all its corporate affairs, make such records available for inspection by a Member or his agent, and present an annual statement thereof to the Members;

(b) supervise all officers and agents of the Association and see that their duties are properly performed;

(c) designate depositories for Association funds and designate those officers and/or agents who shall have authority to withdraw funds from such accounts on behalf of the Association membership at large;

(d) hold an Association meeting on the proposed annual budget and approve the annual budget by the Association membership at large;

(e) set the date(s) assessments are due, decide what, if any, interest rate and/or penalty is to be applied to assessments which remain unpaid thirty (30) days after they become due;

(f) send written notice of each assessment to an owner of each lot subject thereto at least (30) days before the due date of the annual assessment;

(g) record and enforce any liens deemed necessary or prudent;

(h) cause the Common Areas, if any, to be maintained;

(B) Number, tenure, and qualifications

The number of directors of the corporation shall be five (5), but may be increased or decreased by amendment of this bylaw. The Board of Directors shall be elected at each annual meeting of members provided however that the first elected Board may be elected at a Special Meeting called for that purpose. Each director shall serve as a director until the earlier of (1) the next annual meeting of members and until his successor has been elected and qualified; or (2) he is removed by a majority of the members, with or without cause. Elections shall be conducted by nominations made from the members entitled to vote with the election to be by secret ballot, unless no more than three (3) member are nominated, in which case the election may be completed by proper acclamation.

(C) Vacancies

Should a vacancy occur on the Board before completion of a term, such vacancy may be filled by the affirmative vote of a majority of the remaining Board of Directors, though less than a quorum.

(D) Annual meeting

The annual meeting of the Board of Directors shall be held without notice other than this bylaw immediately after the annual meeting of members to elect officers of the corporation for the upcoming year and to address any other business as may properly come before the board. The Board of Directors may provide, by resolution, the time and place, either within or without the Commonwealth of Kentucky, for the holding of additional regular meetings without other than such resolution.

(E) Special meetings

Special meetings of the Board of Directors may be called by or at the request of the president, or by a majority of the directors in office. The person or persons authorized to call special meetings of the Board of Directors may choose any place, either within or without the Commonwealth of Kentucky, as the place for holding any special meeting of the Board of Directors called by them.

(F) Notice

Notice of any special meeting shall be given at least five days prior thereto by written notice delivered personally, mailed, or faxed (provided confirmation is obtained that the fax has been received) to each director at his business or other designated address. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with first class postage thereon prepaid. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Any notice required hereunder shall state the time and place of the meeting. Notice of any special meetings shall also state the nature of the business to be conducted.

(G) Quorum

A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors, provided that if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

(H) Manner of acting

The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

(I) Compensation

No director shall receive compensation for his services as director; however, any reasonable expenses incurred by a director related to his or her duties or responsibilities as such, shall be paid by the corporation; provided that nothing contained herein shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefore.

(J) Committees

The Board of Directors shall have authority to establish such committees as it may consider necessary or convenient for the conduct of its business. The Board of Directors may establish an executive committee in accordance with and subject to the restrictions set out in the statutes of the Commonwealth of Kentucky.

(K) Informal action

Any action required or permitted to be taken at a meeting of the Board of Directors, or any action which may be taken at a meeting of the Board of Directors or of a committee, may be taken without a meeting if a consent, in writing, setting forth the action so taken shall be signed by all of the directors, or all members of the committee, as the case may be, and included in minutes or filed with the corporate records. Such consent shall have the same effect as a unanimous vote.

ARTICLE IV
Officers

(A) Classes

The officers of the Corporation shall be a President, a Secretary, a Treasurer and such other officers whose duties may be fixed from time to time by the Board of Directors and who are to be elected in accordance with the provisions of this article.

(B) Election and term of office

Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided. After the initial appointment of officers by the Board of Directors at the corporation's organization meeting, the officers of the corporation shall be elected every year by the Board of Directors at the annual meeting. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as shall be convenient. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. No officer shall be elected or appointed to serve a term of office exceeding three years.

(C) Removal

Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors, with or without cause, whenever in its judgment the best interest of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

(D) Vacancies

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

(E) President

The president shall be the chief executive officer of the corporation and shall in general supervise and control all of the day-to-day business and affairs of the corporation. The president shall perform all duties incident to the office of the president and such other duties as may be prescribed by the Board of Directors from time to time. The President may, but does not have to be Board Member. The President shall coordinate with the Treasurer, Board, Officers and Committee Chairs for the development of an annual Budget. The President shall receive as is feasible, prioritize as necessary and communicate all complaints from the general membership to the Board of Directors. The President shall schedule and establish an agenda for all meetings of the Board of Directors. The President shall provide informational statements of progress and related issues to the general membership through the general membership newsletter(s). The President shall be responsible for establishing the issues to be presented to the general membership in the general membership newsletter(s), coordinate with the Secretary for its development and seek comments from the Board of Directors for the content. The President shall be responsible for reviewing and providing comments in any other correspondence to the general membership, including social newsletter, to ensure the content is consistent with the Subdivision restrictions, Bylaws, policy, budget and positions of the Board of Directors. The President shall perform duties consistent with that of a liaison to the Oldham County Fiscal Court, Judge Executive, departments, staff, etc. *[Amended October 12, 2004]*

(F) Vice-President

In the absence of the president or in the event of his inability or refusal to act, the vice president shall perform the duties of the president and, when so acting, shall have all of the powers and be subject

to all of the restrictions upon the president. Any vice president shall perform such other duties as from time to time may be assigned by the president or by the board of directors. One or more vice presidents may be elected with such titles and with such priority to act for the president as the board of directors may determine.

(G) Secretary

The secretary shall (1) keep the minutes of the members' and the Board of Directors' meetings in one or more books provided for that purpose; (2) see that all notices are duly given in accordance the provisions of these bylaws or as required by law; (3) be custodian of the corporate records; and (4) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the president or the Board of Directors. The Secretary may, but does not have to be Board Member. The Secretary shall be responsible coordinating with the President for development and distribution of the general membership newsletter(s). The Secretary shall perform duties consistent with assistance, as requested by the President, in their role as liaison to the Oldham County Fiscal Court, Judge Executive, departments, staff, etc. The Secretary shall coordinate with the President to prepare a budget for related services, newsletters, materials, etc by July 31st of each year. *[Amended October 12, 2004]*

(H) Treasurer

If required by the Board of Directors, the treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. The treasurer shall (1) have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever and deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of these bylaws; and (2) in general, perform all duties incident to the office of treasurer and such other duties as from time to time may be assigned by the president or by the Board of Directors. The Treasurer may, but does not have to be a Board Member. The Treasurer shall coordinate with the Treasurer, Board, Officers and Committee Chairs for the development of an annual Budget. The Secretary shall coordinate with the President to prepare a budget for related administrative services, insurance, etc by July 31st of each year. *[Amended October 12, 2004]*

(I) Architecture Committee Chair

If required by the Board of Directors, the Architecture Committee Chair shall be responsible for administration and maintenance of the neighborhood association physical plant, infrastructure, entrances, landscaping, etc. in a manner consistent with applicable County, State and Federal laws and regulations. The Architecture Committee Chair may, but does not have to be a Board Member. The Architecture Committee Chair shall coordinate and administer contracts and related outsourced services as necessary to perform the duties described above. The Architecture Committee Chair shall receive, coordinate, prioritize and provide recommendations regarding requests to the Board of Directors from the general membership for approval of fences, outbuildings, landscaping, etc. as includes in all related sections of the Declarations of Restrictions of Heritage Place Section 1 and Section 2. The Architecture Committee Chair shall coordinate with any member requesting assistance with preparation of a related request to the Board of Directors to ensure that the application is complete and proper, but not ensuring approval by the Board of Directors. The Architecture Committee Chair shall coordinate with the President to prepare a budget for related services, activities, materials, etc by July 31st of each year. *[Amended October 12, 2004]*

(J) Social Committee Chair

If required by the Board of Directors, the Social Committee Chair shall be responsible for administration and coordination of the neighborhood association social activities. The Social Committee

Chair may, but does not have to be a Board Member. This may include events, membership services, new-member services and ongoing social groups as directed by the Board of Directors. The Social Committee Chair shall coordinate with the President to prepare a budget for related services, activities, materials, etc by July 31st of each year. *[Amended October 12, 2004]*

ARTICLE V
Finances
[Renamed October 12, 2004]

(A) Contracts

The Board of Directors may authorize officer or officers, agent or agents, to enter into any contract or execute and deliver any instruments in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

(B) Loans

No loans shall be contracted on behalf of the corporation, and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

(C) Checks, drafts, orders, etc.

All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents, of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

(D) Deposits

All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories of the Board of Directors may select.

(E) Gifts

Any director or officer may accept on behalf of the corporation any contribution, gift, bequest, or devise for the general purposes of or for any special purpose of the corporation.

(F) Charitable contributions

No officer shall make charitable contributions in the name of, from the funds of, or on behalf of the corporation without prior authorization by the Board of Directors.

(G) Membership Dues and Fund Balance Cap

Annual membership dues shall be issued from each membership property in the amount of \$100. The Board of Directors may budget and encumber funds for services, materials, activities, etc up to an amount not to exceed the annual revenue and unused funds from previous years. In the event that the unencumbered fund balance reaches or exceeds \$35,000, then membership dues for the next and futures years must be reduced or temporarily eliminated until a time when annual revenue does not cause the fund balance to exceed the cap of \$35,000. If this article is modified to reduce or expand the fund balance cap, then the Board of Directors shall revised and make necessary changes to the bonding limit (insurance) for the Officers and Directors. *[Amended October 12, 2004]*

(H) Procedures and Segregated Responsibilities

- 1) All checks must be signed by at least two people who have been approved by the Board of Directors
- 2) Membership due bills distribution and collection shall be performed by two separate people. For example, the Secretary may develop and distribute the membership dues while the Treasurer may collect the dues.
- 3) Any unbudgeted item must be approved by the Board of Directors. However, a petty cash fund up to \$500 annually in total may be established for not previously approved items. The Board shall be responsible for reviewing the account periodically. This shall be administered for reimbursement of acceptable items.
- 4) The Board shall provide copies of the financial records available to any member who formally requests them, excluding personal information.
- 5) The Board may establish a financial review committee to perform an informal financial review if it deems necessary or is requested by a majority vote at a General Membership meeting. Data reviewed shall exclude personal information.

ARTICLE VI Books and Records

The corporation shall keep correct and complete books and records of the account and shall also keep minutes of the proceedings of its members and Board of Directors, and shall keep at the principal office a record giving the names and addresses of the directors entitled to vote. All books and records of the corporation may be inspected by any director, or his agent or attorney, for any proper purpose at any reasonable time.

ARTICLE VII Fiscal Year

The fiscal year of the corporation shall be January 1st to December 31st.

ARTICLE VIII Waiver of Notice

Whenever any notice is required to be given under the provisions of the articles of incorporation, or under the provisions of the corporation laws of the Commonwealth of Kentucky, waiver thereof in writing, signed by the person, or persons, entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE IX Amendment of Bylaws

These bylaws may be amended, altered, changed, added to, or repealed by the affirmative vote of a majority of the Board of Directors (no lesser quorum being applicable), if notice of the proposed amendment, alteration, change, addition, or repeal be contained in the notice of the meeting to the Board of Directors. All members shall be sent written notice of any amended bylaw within ten (10) days of approval of the amendment by the Board of Directors.

ARTICLE X BLANK

ARTICLE XI
Indemnification

Each person who is or was a director or officer of the Association, whether elected or appointed, including the heirs executors, administrators, or estate of any such person, shall be indemnified by the Association to the full amount against any liability, and the reasonable cost or expense (including attorney fees, monetary or other judgments, fines and excise taxes, or penalties and amounts paid or to be paid in settlement) incurred by such person in such person's capacity as a director or officer or arising out of such person's status as a director or officer; provided, however, no such person shall be indemnified against any such liability, cost, or expense incurred in connection with any action, suit, or proceeding (1) in which such person shall have been adjudged liable on the basis that personal benefit was improperly received by such person, (2) for any transaction in which the director's personal financial interest is in conflict with the financial interests of the corporation, (3) for acts or omissions not in good faith or which involve intentional misconduct or which are known by the director to be in violation of law. Such rights of indemnification shall be a contract right and shall include the right to be paid by the Association the reasonable expenses incurred in defending any threatened or pending action, suit, or proceeding in advance of its final disposition; provided, however, that such advance payment of expenses shall be made only after delivery to the Association of an undertaking by or on behalf of such person to repay all amounts so advanced if it shall be determined that such person is not entitled to such indemnification. Any repeal or modification of this article shall not affect any rights or obligations then existing. If any indemnification payment required by this article is not paid by the Association within 90 days after a written claim has been received by the Association, the director or officer may at any time thereafter bring suit against the Association to recover the unpaid amount and, if successful in whole or in part, such person shall be entitled to be paid also the expense of prosecuting such claim. The Association may maintain insurance, at its own expense, to protect itself and any such person against any such liability, cost or expense, whether or not an Association would have the power to indemnify such person against such liability, cost, or expense under the Kentucky Nonprofit Corporation Acts or under this article, but it shall not be obligated to do so. The indemnification provided by this article shall not be deemed exclusive of any other rights which those seeking indemnification may have or hereafter acquire under any bylaw, agreement, statute, vote of members or Board of Directors, or otherwise. If this article or any portion thereof shall be invalidated on any ground by any court of competent jurisdiction, then the Association shall nevertheless indemnify each such person to the full extent permitted by any applicable portion of this article that shall not have been invalidated or by any other applicable law.

Article XII
Enforcement Policy

[Article Adopted October 12, 2004]

- (A) Introduction
This policy was developed as a guide for the HPHOA and its committee chairs for governance of all properties within the Heritage Place neighborhood. This is done in response to the need for a consistent system to enforce the provisions of the Heritage Place Home Owners Association By Laws and Subdivision Restrictions.
- (B) Enforcement Philosophy
This protocol implements escalating levels of enforcement to achieve compliance. The policy is to be put into action primarily in response to complaints or blatant disregard of subdivision restrictions that the Board of Directors determines is actionable. The initial stages of the policy require a cooperative, tactful and inter-personal approach while later stages rely more on procedures in law.

The following are the levels of escalating enforcement used in this protocol.

- (A) General education and warnings
- (B) Formal violations notices
- (C) Directive administrative actions

- (D) Proceedings in Law (only after due warning)
- (E) Appeals to Board (and Officers in ex-officio)

(C) General Education and Warnings

Examples:

- Article or note as part of regularly scheduled newsletter
- Special notice article, memorandum or newsletter to all members
- Special notice article, memorandum or newsletter to group of members with related issues
- Special notice article, memorandum or newsletter to individual member

These are applied when the HPHOA Board or officers determines that there may be or there is an actionable violation and/or minor inconstancy. These are considered warning notices and can be used as a prompt for more intense enforcement actions, if the lot owner does not respond accordingly. It is important to note that while the intent is to give general notice that any meetings/discussions and warnings should still be documented to support potential future action, but the warning does not have to result in written violation notice or other formal enforcement documents. In this way, enforcement is still achieved while limiting administrative burdens and applying what may be viewed as personal criticism.

It is expected that the HPHOA President (or a committee chair with direct and expressed permission of the HPHOA President) acting on behalf of the HPHOA Board will administer any warnings.

Educational materials, such as a copy of the entire or selected portion of the bylaws and subdivision restrictions, may be distributed to the lot owner in support of activities requested by the Board. The intent is to eliminate any communication gaps or lack of awareness that could result in an inappropriate response by the lot owner.

It is expected that any mailings will express that the information is being distributed according to the HPHOA Board. It may, but does not have to, indicate whether the Board approved with or without dissent.

(D) Formal Violation Notices

Formal violations notices may include:

- Notice of Violation (NOV) from the Board or from representative legal counsel
- Notice of deficiency from the Board or from representative legal counsel
- Notice of Intent to file lawsuit from the Board or from representative legal counsel

In essence, these provide written notice to the lot owner of a violation and provide time for them to implement solutions of their own making.

These are applied when the Board determines that the severity of the violation prompts a more serious response than informal education or warning. Similarly, formal notices are the next step taken when general education and warnings are disregarded, misinterpreted or not adequately addressed. These measures are used to formally advise that a violation or deficiency exists that must be addressed within a defined period, usually ranging from fourteen (14) to sixty (60) days, or other enforcement measures will be applied. This should provide reasonable and sufficient time for the lot owner to develop and implement alternative(s) on their own while avoiding any prescriptive actions by the Board.

It is expected that the HPHOA President will only administer formal violation notices if given a majority approval by the HPHOA Board. It is expected that any correspondence will express that the information is being distributed according to the HPHOA Board. It may, but does not have to, indicate whether the Board approved with or without dissent.

A formal violation notice must describe the process by which an appeal can be made and the time in which it must be received by the HPHOA Board.

(E) Directive Administrative Actions

Directive administrative actions may include:

- Compliance order from the Board or from representative legal counsel
- Order to clean and abate / restore from the Board or from representative legal counsel
- Order to cease and desist from the Board or from representative legal counsel
- Emergency orders and abatements from the Board or from representative legal counsel

In essence, these provide written notice to the lot owner of a violation and prescribe a time for them to implement solutions that the Board determine are appropriate (less discretion is afforded the lot owner).

These are applied when the Board determines that the severity of the violation prompts a more serious response than a formal notice. Similarly, directive administrative actions are the next step taken when formal notices are disregarded or not adequately addressed. These measures are used to specify activities that the lot owner must take to correct a specific violation within a reasonable time period, usually ranging from fourteen (14) to sixty (60) days, or other enforcement measures will be applied. However, it should be noted that some direct administrative actions can stipulate that violations cease immediately if it is reasonable and feasible to do so. For example, if there is a violation relating to the riding of motor bike or a loose dog.

These measures are more severe than formal notices because the lot owner no longer has the opportunity to develop and implement alternative(s) on their own. The lot owner must correct the problem as specified by the Board. In some cases, the specified activities may extend beyond the lot, to areas that have been damaged by the violator.

It is expected that the HPHOA President will only administer actions if given a majority approval by the HPHOA Board. It is expected that any correspondence will express that the information is being distributed according to the HPHOA Board. It may, but does not have to, indicate whether the Board approved with or without dissent.

A direct administrative action must describe the process by which an appeal can be made and the time in which it must be received by the HPHOA Board.

(F) Proceedings in Law

This is the last and most expensive level of enforcement measure. These measures are applied when the Board determines that the severity of the violation prompts a more serious response. Similarly, legal actions are the next step taken when other actions are disregarded. In some cases a legal action is automatically triggered if the provisions of a directive administrative action are not properly implemented within the specific compliance schedule. The nature and similar to administrative actions may warrant that they are applied concurrently. However, this is only after at least one administrative action was applied separately without success.

The Board may institute, through licensed legal representation, appropriate actions or proceedings at law or equity for the enforcement of the Bylaws and/or Subdivision restrictions. This may include petition of a property lien. The Board may request of any court of competent jurisdiction to issue restraining orders, temporary or permanent injunctions, or other appropriate forms of remedy or relief. Nothing herein contained shall prevent the Board from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief and cost recovery.

If a corrective action as deemed appropriate by the Board AND expressed in a timely manner to the lot owner, is not taken in the time specified, the Board may take the corrective action with the intent to file lawsuit for recovery of the cost of the corrective action. However, it should be noted that unless stipulated by a court of law that the cost may in fact not be recovered. In this regard the Board shall not take such actions until it has directly consulted with legal counsel and a reasonable chance of success can be estimated.

Legal action is the last opportunity for enforcement and may only be applied:

1. after a formal violation notice, sent by certified mail or other courier capable of demonstrating delivery, has been transmitted AND the Board determines that a proper response has not been made by the lot owner within thirty (30) days or the time period stated in the notice, whichever is longer;

AND

2. after a Directive Administrative Action sent by certified mail or other courier capable of demonstrating delivery has been made AND the Board determines that a proper response has not been made by the lot owner within thirty (30) days or the time period stated in the notice, whichever is longer.

Any legal action must describe the process by which an appeal can be made and the time in which it must be received by the HPHOA Board.

(G) Appeals

Upon issuance of an enforcement measure described in this policy it shall be conclusive and final unless the accused violator submits a written notice of appeal to the HPHOA Board within twenty (21) days of the violation notice being served.

A Committee composed of the HPHOA Board and ex-officio (non-voting) Officers is charged with addressing appeals to violations and related matters of this policy.

In order to have an appeal considered, the applicant must submit a written request. The Committee shall have the authority to grant appeals to violations of this policy provided they are consistent with the objectives and policies of the HPHOA bylaws and subdivision restrictions. The Committee shall not permit actions by the applicant that are based in lack of proper planning or implementation. In essence, asking for forgiveness for a violation does not in itself constitute a remedy for the violation.

The Committee will be made available to review accepted request(s) for appeals on an as-needed basis. The decisions of the Committee are final and conclusive, but may be reviewed through appropriate court actions. The Committee shall complete deliberation and make its findings known within five (5) business days after the appeal hearing.

The above Bylaws of this Corporation were adopted by the Board of 2003

ATTEST:

SECRETARY
R:\HPHOA\Bylaws.doc

PRESIDENT