

APPEALS COMMITTEE CHARTER

1. Purpose

The purpose of the Appeals Committee is to review and hold hearings, when requested, to consider the facts and circumstances surrounding the issuance of an infraction letter or citation related to TLA's Declaration of Covenants, Bylaws, Architectural Guidelines, Private Property Maintenance Standards (PPMS), Rules and Regulations or Policies.

2. Background

The Appeals Committee was created in May 2015 after a successful covenants vote which enabled The Landings Association to fine violators of established Declaration of Covenants, Bylaws, Private Property Maintenance Standards, Architectural Guidelines and Rules and Regulations. The intent of this committee is to provide alleged offenders the right to appeal the action.

3. Authority

In May 2015, The Landings Association's Covenants were amended with section 11.3.1 which states, The Association has the authority to develop reasonable Rules and Regulations, including Architectural Guidelines and Private Property Maintenance Standards, and to enforce such Rules and Regulations, The Declaration, and Bylaws. The Rules and Regulations shall apply to all owners, occupants, visitors, guests and tenants. These powers, however, shall not limit any other legal means of enforcement by either the Association or, in appropriate case, by an aggrieved owner.

Enforcement authority is obtained from section 11.3.2 of TLA's amended Covenants which states, In the event of a violation of the Declaration of Covenants, Bylaws, or Rules and Regulations (which include Architectural Guidelines and Private Property Maintenance Standards), the Association, by its Board of Directors, shall have the power to take any or all of the following actions separately or simultaneously:

- (a) Suspend all rights to use the Common Property;
- (b) Suspend the voting rights of a violating owner;
- (c) Impose reasonable fines, which shall constitute a lien on the violating owner's Lot;
- (d) Bring an action for damages, permanent injunction, temporary injunction, and/or specific performance to compel the violator to cease and/or correct the violation; and
- (e) Record in Chatham County land records a notice of violation identifying any uncured violation of the Legal Documents regarding a Lot.

The Appeals Committee is a regulatory committee and is empowered by the Board of Directors to affirm, amend, or rescind recommended fines and suspensions of membership privileges.

4. Scope

Committee members shall be charged with determining three elements for each appeal.

1. If a violation of the Covenants, Architectural guidelines, Private Property Maintenance Standards, or Rules & Regulations occurred.
2. If extenuating circumstances existed that would warrant consideration to rescind or modify the recommended penalty. For purposes of Appeals Committee proceedings, extenuating circumstances shall not include issues regarding the appellant's financial position or ability to pay imposed fines.
3. If the application of the applicable Rule was administered fairly and impartially.

5. Appeals Committee Composition

The Appeals Committee will be composed of five Landings residents in good standing with backgrounds and experience in areas such as law, real estate, finance, property development and/or renovation, property management, security, or law enforcement. Potential committee members shall submit a written application to the Board of Directors, who in turn will appoint five candidates. Current TLA Board Members may not serve on the Appeals Committee. Three of the initial committee members will serve three year terms and two members will serve two year terms. After the initial appointment terms, all members will serve two year terms. Committee members may request to be re-appointed by the Board of Directors at the conclusion of their respective term on the committee. All committee members will serve at the pleasure of the Board of Directors and are subject to removal by the Board.

A quorum of the Appeals Committee will consist of three members and is necessary to conduct a hearing. A majority of those present is needed to pass a motion. If for any reason a quorum cannot be established, the appeals will be considered at the next regularly scheduled meeting.

The Chairperson of the Appeals Committee shall be appointed by the Board of Directors. The appointed Appeals Committee members will elect a vice-chairperson, secretary, and vice-secretary.

Subject to Rules of Conduct adopted by the Appeals Committee, the alleged violator shall be given a reasonable opportunity to discuss the violation.

6. Milestone and Schedules

The Board of Directors will receive nominations and appoint Appeals Committee members by November in years of term expirations or resignations. The Board of Directors shall have the sole discretion to appoint Appeals Committee members to fill vacancies.

The Appeals Committee will agree upon monthly dates, times and venues to hold hearings by January 15th of each year. The schedule will be posted on The Landings Association's website (www.landings.org) and also will be available at TLA's administrative office. The Appeals Committee may, at any time and in its sole discretion, call such special meetings as it determines necessary to accomplish the purpose of the Committee.

All decisions shall be in writing and shall be mailed within ten days via U.S. mail.