

**THE LANDINGS ASSOCIATION, INC.**  
**APPEALS COMMITTEE POLICIES AND PROCEDURES**  
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**I. INTRODUCTION**

Overall, the Charter and this document will set forth and establish the policies and procedures to be followed by the The Landings Association Appeals Committee in hearing an appeal of a notice of violation of the Declaration of Covenants and reasonable Rules and Regulations, including Architectural Guidelines and Private Property Maintenance Standards. This document will include reference to directives approved by the Board of Directors of The Landings Association (“Association”) that provide the authority to establish and enforce the Declaration of Covenants and Rules and Regulations, including Architectural Guidelines and Private Property Maintenance Standards. These documents shall be readily accessible to The Landings property owners during standard business hours and available online through The Association’s website ([www.landings.org](http://www.landings.org))

The Appeals Committee shall periodically review policies and procedures herein including those affecting fines, suspension of membership privileges, and the appeals process and make recommendations to the Board of Directors as to the addition, deletion, or alteration of policies and procedures set forth herein.

**II. AUTHORITY**

The Appeals Committee was created in May 2015 after a successful Covenants modernization vote which enabled The Landings Association to fine violators of established Covenants, Bylaws, Private Property Maintenance Standards (PPMS), Architectural Guidelines and Rules and Regulations.

Section 6.3.4 of The Compiled General Declaration of Covenants and Restrictions for The Landings states, “The right of the Association, as provided in its articles and by-laws, to make reasonable rules and regulations with respect to the use of the common properties and to suspend enjoyment rights of any

member for any period during which any assessment against such member remains unpaid, and for any period not to exceed thirty days for any infraction of its published rules and regulations.”

Section 11.3.1 of The Compiled General Declaration of Covenants and Restrictions for The Landings states, “The Association has the authority to develop reasonable Rules and Regulations, including Architectural Guidelines and Private Property Maintenance Standards (PPMS), and to enforce such Rules and Regulations, the Declaration, and Bylaws, as provided herein. 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 an appropriate case, by an aggrieved Owner.”

### **III. TYPES OF ENFORCEMENT**

The Appeals Committee will review the enforcement actions taken for violations of non-compliance. In accordance with Section 11.3.2 of the Declaration of Covenants, in the event of a violation of the Declaration, Bylaws, Rules and Regulations, the Association, through 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 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 violations; and
- e. Record in the Chatham County land records a notice of violation identifying any uncured violation of the Legal Documents regarding a Lot.

### **IV. COMMITTEE ORGANIZATION AND SCOPE**

The Appeals Committee is comprised of five Landings residents in good standing appointed by the Board of Directors. Current Board members may not serve on the Appeals Committee. The Board of Directors shall appoint the Chairperson of the Committee and such other positions as the Board deems necessary at its sole discretion. Appeals Committee members serve at the pleasure of the Board of Directors and may be removed by the Board.

After the initial 2016 appointment terms, all members will serve two year terms, and committee members may request for re-appointment at the conclusion of their respective term on the committee.

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 appeal will be rescheduled and considered at the next regularly scheduled meeting.

The Appeals Committee’s scope shall be limited and shall extend only to confirming:

- 1) if a violation of the Declaration of Covenants or Rules and Regulations, including Architectural Guidelines and PPMS has occurred;

- 2) if extenuating circumstances exist that would warrant consideration to rescind or modify the recommended fine or penalty. For purposes of the 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 Declaration of Covenants or Rules was administered fairly and impartially.

## **V. SCHEDULE OF MEETINGS**

Meetings of the Appeals Committee are to be scheduled during the first two weeks of each month, as determined by requests for appeals. Property owner shall not wait longer than sixty (60) days from the date of their written request for an appeal to be heard.

Appeals hearings are closed but may include the property owner, neighbors of the property owner, complainant, witnesses, Covenant Compliance Officer and other Association staff members.

## **VI. SCHEDULE AND APPLICATION OF FINES**

Fines collected will be applied as revenue to The Association's operating budget. The Association's Accounting Department will maintain a record of fines outstanding for each property owner as an Accounts Receivable item. The schedule of fines is as follows:

### **Private Property Maintenance Standards Violations**

- Fines not to exceed \$25/day

### **Other Violations**

A. For violations of The Landings Association Covenant 4.7 (k) prohibiting renting for non-residential, timeshare, fractional ownership or hotel purposes or renting less than the entire dwelling, violators will be fined \$250 for each day of the rental. Renting for hotel purposes means renting for a period of less than thirty (30) days. In accordance with the covenant, rentals by or through The Landings Club or The Landings Company are not prohibited by the covenant.

B. Other violations (other than violations of Private Property Maintenance Standards or violations under subparagraph A. immediately above) shall be subject to:

- First offense receives a notice of violation (warning)
- Second offense is subject to a fine not to exceed \$15
- Third offense is subject to a fine not to exceed \$30 for each day of the violation

- In the case of continuing or repeated violations, fines up to \$250 for each day of the violation may be assessed at the sole discretion of the TLA Board of Directors.

## **VII. APPEALS PROCESS**

### **1) PRIVATE PROPERTY MAINTENANCE STANDARDS (PPMS) VIOLATIONS**

An owner in violation of any provision of the PPMS shall receive a notice from TLA staff stating the nature of the violation(s). The owner will have fourteen (14) calendar days from the postmark date of the letter to correct the violation, submit a plan of action to the Association for approval, or file an appeal. If the owner fails to accomplish one of these actions, a second letter shall be sent.

The owner will then have an additional fourteen (14) calendar days from the postmark date of the second letter to correct the violation, submit a plan of action to the Association for approval, or file an appeal. If the owner fails to accomplish one of these actions, a third letter shall be sent. This letter will announce the imposition of fines and the owner will have fourteen (14) calendar days from the postmark date of the letter to file a written appeal request.

The appeal request must be in writing and filed and received by the Appeals Committee no later than fourteen (14) calendar days from the postmark date of the third letter. Appeal requests received after this date will be conclusively deemed to be untimely filed and will not be considered by the Committee. Requests must be sent to The Landings Association, 600 Landings Way South, Savannah GA 31411, and directed to the Appeals Committee.

### **2) OTHER VIOLATIONS**

An owner in violation of the Declaration of Covenants and reasonable Rules and Regulations (other than a violation of a Private Property Maintenance Standard) will receive a notice stating the nature of the violation(s). The notice shall be in compliance with the established fine schedule, and Owners, occupants, visitors, guests and tenants receiving the notice shall have fourteen (14) calendar days to accomplish one of the following:

- a. Pay the fine
- b. Submit a written appeals request form

If the fine(s) is/are not paid or a written appeals request form is not received by the Association within fourteen (14) calendar days of receipt of notice, the fine(s) will be considered unpaid debt and shall be processed in accordance with the Association's collection policies, up to and including reasonable late fees, interest charges, and attorneys' fees.

The decision of the Appeals Committee regarding the Declaration of Covenants and reasonable Rules and Regulations shall be final except that the property owner may opt to appeal to the Landings Association Board of Directors as set forth in Article VII 4.

### **3) THE WRITTEN APPEAL AND HEARING**

The Appeals Committee relies heavily on the owner's written appeal. The owner is required to submit a comprehensive written appeal that includes a statement of the owner's reasons for appeal and why the Appeals Committee should grant the appeal. The documentation accompanying the owner's written appeal will be the primary basis upon which the Committee will deliberate and upon which it will base its decision.

Should the owner wish to have a witness speak on the owner's behalf at the Appeals hearing, the owner shall include with the appeal request a written statement signed by the witness and describing in detail the substance of the matters as to which the witness will testify at the hearing. The purpose of the statement is to alert Committee members as to the nature of the testimony and to permit the Committee to be prepared to question the witness regarding the testimony given.

The purpose of the hearing is to permit the property owner, guest or tenant to appear before the Appeals Committee and to orally present the reasons for the appeal set forth in the written appeal request and to present oral arguments convincing the Committee to rule in the owner's favor.

The owner shall have a reasonable amount of time, typically up to fifteen minutes, to present their case to the Appeals Committee. While the owner has a right to make an oral statement, such statement is not necessary. The owner may rely solely on the written statement submitted. The Committee, at their sole discretion, may grant the owner additional time under appropriate circumstances, such as additional time required for witness testimony. The Committee may ask questions of the owner and any witnesses.

### **4) THE DECISION OF THE APPEALS COMMITTEE**

Upon conclusion of the hearing the Appeals Committee will adjourn to discuss the evidence and formulate a decision. A decision shall be finalized no later than ten (10) calendar days after the appeals hearing. The Committee will promptly notify the owner of its decision via first class mail to the address provided by the owner.

The property owner may, within fourteen days of the date of the notice, opt to file a final request to have the Appeals Committee's decision reviewed by the Landings Association Board of Directors. If the Board determines, at its sole

discretion, that the request has merit, the Board will consider the matter in their next regularly scheduled executive session.