

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)

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~~Articles and Bylaws, 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~~30 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~~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 the~~ Covenants, ~~or~~ Rules and Regulations, ~~including~~ Architectural Guidelines ~~and or~~ PPMS Private Property Maintenance Standards has occurred;
- 2) ~~if~~ extenuating circumstances exist ~~that~~ which 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 ~~and~~ Regulations, Architectural Guidelines, or Private Property Maintenance Standards 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)~~ 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~~ TLA's Finance Department will maintain a record of fines outstanding for each property owner as an Accounts Receivable item. -The schedule of fines is as follows:

<u>Description</u>	<u>Cost</u>	<u>Duration</u>
<u>Rules & Regulations or Architectural Guidelines Violations</u>		
<u>- 1st Offense</u>	<u>Notification*</u>	<u>per 1st occurrence</u>
<u>- 2nd Offense</u>	<u>\$15</u>	<u>per 2nd occurrence</u>
<u>- 3rd Offense</u>	<u>\$30</u>	<u>per 3rd occurrence</u>
<u>- Continuing or Repeated Violations</u>	<u>Up to \$250</u>	<u>per occurrence</u>
<u>Short-Term Rental Violations</u>		
<u>- 1st Offense</u>	<u>\$250</u>	<u>per day</u>
<u>- 2nd or Subsequent Offense</u>	<u>\$1000</u>	<u>per day</u>
<u>PPMS Violations</u>	<u>\$25</u>	<u>per day</u>

* Notification is complete upon one or more of the following: placed on vehicle or trailer, placed in TLA mail tube, sent to the email address on file with TLA, verbally given, hand-delivered, or deposited in U.S. Mail.

In accordance with the Covenants, rentals by or through The Landings Club or The Landings Company are not prohibited by Covenant 4.7(k)

which prohibits renting for non-residential, timeshare, fractional ownership or hotel purposes or renting less than the entire dwelling, 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.~~

An owner in violation of any provision of the PPMS shall receive a written letter of notification sent via First-Class Mail as provided by Section 11.2 of the Covenants. The letter will be sent by TLA staff and will inform the owner of the

violation(s) of the Private Property Maintenance Standards on the owner's property. The owner will have 10 days from the postmark date of the notification to contact staff to discuss and submit a reasonable correction plan, correct the violation(s), or file a written appeal to contest the violation(s).

If the owner fails to accomplish one of these actions within 10 days, a second letter shall be sent via First-Class Mail as provided by Section 11.2 of the Covenants and may in addition be sent via Certified Mail or hand delivery. Such notice also shall be deemed given upon mailing or, if by hand delivery, upon receipt. The owner then will have an additional 10 days from the postmark date of the letter to contact staff to discuss and submit a reasonable correction plan, correct the violation(s), or file a written appeal to contest the violation(s). The second notice further explains that a daily fine of \$25 will commence at the end of the 10 days until the violation(s) have been corrected.

If the owner fails to accomplish one of these actions within the additional 10-day period, a third and final letter will be sent via First-Class Mail as provided by Section 11.2 of the Covenants and may in addition be sent via Certified Mail or hand delivery. Such notice also shall be deemed given upon mailing or, if by hand delivery, upon receipt. This letter officially will inform the owner that the fining process has begun. The owner must file a written appeal no later than 10 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. Appeal requests may be submitted online (www.landings.org/appeals-request) or sent to The Landings Association Administration Office (600 Landings Way South, Savannah GA 31411).

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~~

An owner in violation of the Declaration of Covenants and reasonable Rules and Regulations (other than a violation of the Private Property Maintenance Standards) will receive a notice stating the nature of the violation(s). The notice shall be in compliance with the established fine schedule and is considered complete upon one or more of the following delivery methods: placed on the vehicle or trailer in violation, placed in TLA mail tube, sent to the email address on file with TLA, verbally given, hand-delivered, or deposited in U.S. Mail. Owners, occupants, visitors, guests, and tenants receiving the notice shall have

10 days to pay the fine(s) or file a written appeal to contest the violation(s) and resulting fine(s).

If the fine(s) is/are not paid, or a written appeals request form is not received by the Association within ~~fourteen (14)~~10 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~~15 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. All Appeals Committee decisions will be finalized within 10 days of the hearing of the appeal, and a written decision will be promptly sent to the property owner via First-Class Mail.~~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~~10 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. In accordance with the TLA Board Policy Manual, the Board may review the decision based only on the information that was considered by the Appeals Committee at the time of the appeal.