

# MULBERRY TERRACE HOA

## STEPHENS CITY, VA 22655

### **Mulberry Terrace Homeowners Association, Inc. Common Ground Rules and Regulations**

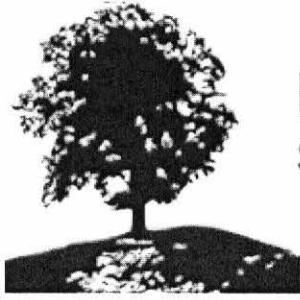
1. Purpose:
  - a. The Mulberry Terrace Homeowners Association Board of Directors, at its sole discretion, has the power to adopt, publish and enforce common ground rules and regulations as required in the By-Laws, section 1, line (d).
  - b. The Board may change or modify these regulations in writing at any time so long as these modifications are published and distributed to each member.
  
2. Permitted activities:
  - a. Each member and his guest(s) have the right to enjoy the common ground areas for recreational purposes.
  - b. Beautification and cleanup of the common ground areas are permitted, although pre-approval is necessary to remove or add anything from the premises except as specifically permitted in item 4.
  
3. Restricted activities:
  - a. It is prohibited to dump anything (including grass clippings) on common grounds, whether biodegradable or otherwise.
  - b. It is prohibited to add or remove anything from common grounds without pre-approval by the Board of Directors except as specifically permitted in item 4 regarding maintenance.
  - c. Campfires are prohibited on all common grounds.
  - d. Reckless and/or inconsiderate behavior shall not be permitted.
  - e. Any restrictions not specifically mentioned herein shall be decided on an as-needed basis by the Board of Directors.
  
4. Common ground maintenance:
  - a. The Board of Directors encourages all members to regularly maintain the common grounds in and around one's own home.
  - b. Typical upkeep that does not require pre-approval includes: mowing of grass or weeds, picking up of trash, debris or fallen branches, sawing up and removal of fallen trees, and planting of flowers.
  - c. The Board shall contract out certain maintenance items such as grass mowing, landscaping and tree removal as necessary.

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**Brian Sison, President**

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**Date**



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## STEPHENS CITY, VA 22655

### **Guidelines for Enforcement of Covenants, Resolutions and Common Ground Rules and Regulations**

1. Upon awareness by the Board of Directors of a potential violation, the Board shall first determine whether a violation has occurred. The initial determination can be made by any active member of the Board. If there is a disagreement on this determination by any of the Board members, a Board vote will be required.
2. Once it is determined that a violation has occurred, a letter will be sent to the member by the President explaining:
  - a. The details of the violation with supporting documentation, if necessary
  - b. What actions are necessary to comply with the Covenants or Restrictions
  - c. A contact point to discuss or appeal the violation with the Board of Directors
3. It is the responsibility of the member to notify the Board when in compliance. If the violation is not corrected within 24 hours after receipt of the first notice letter, a second notice will be sent including:
  - a. Label of "2nd Notice"
  - b. The details of the violation with supporting documentation, if necessary
  - c. What actions are necessary to comply with the Covenants or Resolutions
  - d. The penalty or fine that will be imposed for non-compliance
4. The Board shall investigate the violation once again within 24 hours after receipt of the second notice. If the member is still not in compliance, a fine will be imposed and will continue to increase with interest over time until the member is in compliance. The fine invoice will be mailed either with delivery confirmation, return receipt or in-person.
5. The fine for each violation shall be \$10 per day plus postage and enforcement expenses. The fine will accrue from the date of the first notice letter and continue until the member is in compliance. Unpaid fines shall accrue at 24% APR compounded monthly until settled. A lien shall also be attached to the property for unpaid balances or continued violations beyond 90 days. Other legal remedies may also be available beyond 90 days.
6. For purposes of clarification, first and second notice letters are considered received upon hand delivery, email or at 8:00 p.m. on the day after being mailed by the U.S. Postal Service (excluding Sundays). Also, because certain

architectural violations may take more than 24 hours to correct, a “corrective action” with a specific completion date will be considered as satisfying the request of the Board.

7. Should a member continue to violate the same Covenant, Resolution or Common Ground Rule on multiple occasions after receiving prior notice of the violation, the fine may be imposed immediately as stated in Item #5.
8. Failure to obtain advance written approval for architectural projects by the Board is also a violation of the Covenants. Approvals may be given after the fact, although any changes or modifications necessary to comply with approval shall be at the sole expense of the member. Approval for architectural projects does not waive the responsibility of the member to obtain a Frederick County, VA permit or other requirements that may be necessary by any governing body.
9. The enforcement duties of the Covenants, Resolutions and Common Ground Rules will be implemented by the President or a person designated by the President.
10. The Board, by majority vote, may alter or waive fines at its discretion or amend these guidelines in writing at any time. Any amendments must be published and distributed to all members within 30 days of such action.
11. Covenant, Resolution or Common Ground violations that pose a threat to the safety of any individual may require immediate action by the Board including, but not limited to, reduction of the 24 hour time limitations, increased fines, or actions taken by the Board to correct the violation at the sole expense of the member.
12. All costs associated with the enforcement of Covenant, Resolution or Common Ground violations shall be at the sole expense of the member including, but not limited to, liens, postage and supplies, legal representation on behalf of the Board, and legal actions taken against the member.

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**Brian Sison, President**

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**Katherine Kuchyt, Vice President**

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**Cynthia Russell, Treasurer**

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**Karen Stogsdill, Secretary**

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**Josh Barsanti, Board Member**

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**Date**