

PROCEDURES FOR NON-COMPLIANCE

Covenants, Deeds and Restrictions or By-Laws

Nantucket Preservation Association

Nantucket Rural Subdivision

The Nantucket rural subdivision is governed by the Covenants, Deeds and Restrictions and By-Laws of the Nantucket Preservation Association (NPA), both of which were given to each home/lot owner at closing. The governing body is the elected Board of Directors. It is incumbent on the Board of Directors that the Covenants, Deeds and Restrictions or By-Laws are followed in order to safeguard the home/lot owners and their property values. The Board of Directors does not want to become the "watch dog" of the subdivision, yet the Board of Directors is obligated to assure that the Covenants, Deeds and Restrictions or By-Laws are followed, especially when an infraction is brought to their attention. The Board of Directors has decided on the following procedure to enforce the Covenants, Deeds and Restrictions or By-Laws. The Board of Directors will try not to micromanage the enforcement of every minor infraction of the Covenants, Deeds and Restrictions or By-Laws, but rather will try to address those infractions that may significantly affect the quality of life in the subdivision and property values.

Procedure for Non-Compliance

- A)** An infraction of a Covenants, Deeds and Restrictions or By-Laws is brought to the attention of any member of the Board of Directors, Architectural Control Committee (ACC) or Property Management firm.
- B)** The Board of Directors or ACC will investigate the possible infraction.
 - If the complaint appears to have validity, two negotiators will be appointed. Preferably, one Board member and one ACC member.
 - The negotiators will communicate with the person(s) filing the complaint, if needed.
 - The negotiators will visit with the home owner not in compliance.
 - If a resolution can be reached, then the issue is resolved.
 - If a resolution is not reached, the negotiators will file a report and recommendation with the President, NPA.
 - A recommendation to resolve the issue will be developed by the President, Board and ACC.
- C)** The Board of Directors or the ACC will send an initial letter to the home/lot owner that is not in compliance. The letter will state the complaint or infraction of the Covenants, Deeds and Restrictions or By-Laws, the action that needs to be taken by the home/lot owner to comply and a possible time line or date for compliance.
- D)** If the situation persists, a second letter will be sent to the home/lot owner reiterating the infraction, and stating that if the infraction is not resolved in a timely manner, the matter will be turned over to an attorney representing the NPA for further action.
- E)** If the situation still persists, then the attorney representing the NPA will send a letter to the owner specifying the legal action to be taken.
- F)** If the situation is still not resolved, then NPA will seek legal action against the home/lot owner for non-compliance of the Covenants, Deeds and Restrictions or By-Laws.
- G)** The legal action allowed by the Covenants, Deeds and Restrictions or By-Laws are:
 - a) Correct the infraction at the expense of the home/lot owner, or
 - b) Place a lien on the property until the infraction is rectified.
 - c) Commercial Activity restrictions violations are subject to specific legal action and specific daily monetary assessment until corrected and certified by the Board and/or HOA Board attorney. For clarification see Bylaws - Policy Statements for Commercial Activity Restrictions Section XXI.