

3 CHERRY WAY
VIOLATION COMPLIANCE AND ENFORCEMENT
POLICY AND PROCEDURES



1.0 Purpose

The purpose of this policy and procedure is to describe the 3 Cherry Way Homeowners Association Violation Compliance and Enforcement process. The process covers all matters for which violations of the Covenants, Conditions and Restrictions (CCR's), Bylaws, Rules and Regulations (R&R), Architectural Standards and Guidelines (ASG) and the Landscape Standards and Guidelines (LSG) of the 3 Cherry Way Homeowners Association as set forth in Section 10.13 Fines, of the CCR's. All legal actions are per Chapter 47F-3-107.1 of the North Carolina Planned Community Act. This document does not apply to late fees associated with unpaid assessments.

2.0 Revision History

01/01/2025
06/17/2025
07/22/2025

3.0 Persons Affected

This policy impacts all 3 Cherry Way Homeowners Association Members and Residents.

4.0 Policy

All written Violation Notices shall be conducted by the Management Company. Notices will be delivered by hand, mail, or by electronic means to an Owner and a copy to the Resident, if different than the owner.

- A. All compliances within the allotted remedy time frame will be verified by a dated inspection conducted by the Management Company and entered into a database maintained by the Management Company.
- B. Determination of the date a fine is paid will be by USPS post mark or digital records of the date a payment was issued.
- C. All fines are payable to the Management Company.
- D. Owners are responsible to contact the Management Company after the completion of the remedy for inspection.
- E. See Fees/Fines Schedule for fine definition located at [3cherrywayhoa.com/More/3CW Members Area/3CW BOD Actions/3CW Financials/Fees & Fines](http://3cherrywayhoa.com/More/3CW%20Members%20Area/3CW%20BOD%20Actions/3CW%20Financials/Fees%20&%20Fines).

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Notice Types	Notice Delivery Schedule/Associated Fine
Courtesy Notice	Mailed and emailed when a violation is noted; no fine is administered
Violation Notice	Mailed and emailed thirty (30) days after the Courtesy Notice is sent; no fine is administered
Final Violation Notice	Mailed and emailed thirty (30) days after the Violation Notice is sent; no fine is administered
Hearing Notice	Mailed and emailed ten (10) days after the Final Violation Notice is sent; no fine is administered
Hearing Results Notice	Mailed and emailed within five (5) business days after hearing; a daily fine of \$25 will be administered ten (10) days after the Hearing Results Notice is mailed if homeowner is found to be out of compliance, Possible liens against the property and any attorney fees if applicable per N.C. law.

5.0 Violation Compliance and Enforcement Procedures

- A. A potential violation is observed by an association member, or the management company representative.
- B. A Complaint Form to Report a Potential HOA Violation is filed with the Management Company. The Complaint is entered into a database with a date stamp of when the complaint was filed, and a case number is assigned.
- C. The Complaint is then transmitted to the 3 Cherry Way Board of Directors (BOD) for review and determination if any further action is required.
 1. Potential CCR's, Bylaws, and R&R violations are reviewed by the BOD.
 2. Potential ASG and LSG violations are reviewed by the BOD and the Architectural Control Committee.
 3. A determination is made by the BOD to issue a Courtesy Violation Notice or to close the case. The BOD decision is sent via email to the Management Company to enter into a database.
 - a) If it is determined there is no violation, the case is closed.
 - b) If it is determined there is a violation, a Violation Notice is issued.

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- D. **Courtesy Notice:** This is an informal communication to remind an individual about a potential violation.

Owner Response to a Courtesy Notice:

1. Remedy potential violation within the time frame. Management Company inspection and database entry will reflect remedy was completed and the date the violation case was closed.
 2. Disregard the Courtesy Notice, incurring a Violation Notice.
 - a) If it is determined there is no violation, the case is closed.
 - b) If an owner is found in violation and the violation issue has not been resolved within the Violation Notice time frame to remedy, a Violation Notice will be sent to the Owner in violation.
- E. **Violation Notice:** This is a warning notification. It will reference the HOA governing document(s) violated, appropriate action to remedy, and a time frame the remedy must be completed within.

Owner Response to a Violation Notice:

1. Remedy violation within the time frame. Management Company inspection and database entry will reflect remedy was completed and the date the violation case was closed.
 2. Disregard the Violation Notice, incurring a Final Violation Notice.
 - a) If it is determined there is no violation, the case is closed.
 - b) If an owner is found in violation and the violation issue has not been resolved within the Violation Notice time frame to remedy, a Final Violation Notice will be sent to the Owner in violation.
- F. **Final Violation Notice:** This is a warning notification. It will reference the HOA governing document(s) violated, appropriate action to remedy, and a time frame the remedy must be completed within.

Owner Response to a Final Violation Notice:

1. Remedy violation within the time frame. Management Company inspection and database entry will reflect remedy was completed and the date the violation case was closed.
2. Disregard the Final Violation Notice, incurring a Hearing Notice.
 - a) If it is determined there is no violation, the case is closed.
 - b) If an owner is found in violation and the violation issue has not been resolved within the Final Violation Notice time frame to remedy, a Hearing Notice will be sent to the Owner in violation.

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- G. **Hearing Notice:** This letter serves as notice of hearing to be held before the Board of Directors/Adjudicatory Panel of 3 Cherry Way Homeowners Association, pursuant to the provisions of NCGS 47F-3-102(12) of the North Carolina Planned Community Act, on a specified date and time identified by the Board of Directors. The hearing will determine if a resident has violated the governing documents for 3 Cherry Way Homeowners Association.

Owner Response to a Hearing Notice:

1. Remedy violation within the time frame. Management Company inspection and database entry will reflect remedy was completed and the date the violation case was closed.
2. Disregard the Hearing Notice.
 - a) Failure to appear at the hearing will not prevent the Board/Adjudicatory panel from levying a fine or taking other appropriate action authorized by the Covenants or state law.

- H. **Hearing Results Notice:** This letter summarizes whether certain alleged violations of the Association’s governing documents occurred. It outlines the specific “Findings” and the “Action” the Board of Directors will pursue until such violation is resolved.

Owner Response to a Hearing Results Notice:

1. Remedy violation within the time frame. Management Company inspection and database entry will reflect remedy was completed and the date the violation case was closed.
2. Disregard the Hearing Results Notice.
 - a) Failure to appear at the hearing will not prevent the Board/Adjudicatory panel from levying a fine or taking other appropriate action authorized by the Covenants or state law.

6.0 **Hearing Process** per Chapter 47F-3-107.1

- A. After determination by the BOD as to available dates for a Hearing, notice shall be served digitally or by mail to the defaulting Member. The notice will specify the time and place for the hearing to be held.
- B. The BOD may hear the defense or at its discretion may appoint an Adjudicatory Panel to hear the Member’s defense of the specified violation, in a closed meeting. If an Adjudicatory Panel is appointed, it shall be composed of Association Members who are not part of the BOD.
- C. If an owner fails to appear for a scheduled Hearing for their appeal to a violation, the owner is automatically in violation.

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- D. A Member may appeal the decision of the Adjudicatory Panel to the full BOD by delivering written notice within 15 days after the date of the decision, to the BOD. The BOD will have the final decision on the issue.

Note: The BOD will not deliberate at a Hearing the potential action to be taken to remedy the violation. The Management Company will notify the resident of the BOD's decision within 72 hours after the hearing.