

Alexander Creek Homeowners Association



The guiding principles of the Alexander Creek Homeowners Association (ACHOA) are to foster a thriving and beneficial residential environment, strive to maintain a safe Community, and enhance property values within our Community.

The Board of Directors (BOD) has been duly elected by the Community to assure all Governing Documents are adhered to, and followed in a fair and equal manner. All Board positions are elected volunteers who serve at will and for the betterment of our Community.

The Declaration of Covenants, Conditions, and Restrictions (CCRs) and the Alexander Creek HOA (ACHOA) Bylaws and the Community Wide Standards (CWS), are a part of the Governing laws and supporting Documents of our Association. In addition to the CCRs, ACHOA Bylaws, and CWS, this Fine Policy Declaration defines the Fine process and may be implemented and distributed to all Homeowners through the ACHOA and/or the Young Management Group (YMG) Portal to establish a baseline for conformance.

The Board of Directors of ACHOA and/or the YMG, may make and enforce reasonable rules and regulations governing the use of the Properties, including new construction, which rules and regulations shall be consistent with the rights and duties established by this initial Declaration and any subsequent Supplemental Declarations. Sanctions may include reasonable monetary fines which shall constitute a lien upon the Lot Owner's Property, including the immediate right to serve a Cease and Desist Order on any new construction, suspension of a qualified Homeowner's right to vote, the right to use the Common Ground Properties and/or Facilities, and the right to suspend contracted services.

It is the duty of the Board of Directors to enact reasonable rules and to levy monetary penalties for failure to comply with the Bylaws and CCRs, including the CWS of the Alexander Creek Homeowners Associations. Since membership in the ACHOA is mandatory and not voluntary, all Homeowners are required to comply.

I. FINES

The Homeowners Association BOD has been authorized to review and assess all fine Violators in accordance with the CCRs **Article VI. Rights and Obligations of the Association, Section 6.1 Enforcement** which states, "The Board may impose sanctions for violations" to include, **Subsection a,b,c,d,e** and all said Standards set forth in the Bylaws as outlined below.

All fines will be assessed by the Board of Directors and/or through the YMG and will be added to the Homeowner's assessment account per **Section Article X Assessments of the CCRs**. The Board or YMG may assess fines directly to the Builder or Contractor operating within the Alexander Creek subdivision. The following schedule will apply to all listed responsible parties found violating ACHOA Covenants and Guidelines.

In addition, all new construction is subject to the levy of fines, if found to be in violation of any Covenants and Guidelines of ACHOA and all Governing Documents.

All notices shall include, but not limited to, the following information

- a. Identify the Governing Document provision that has been violated;
- b. Describe the nature of the violation;
- c. Describe the corrective action to be taken by the Member, Owner, Builder, and the time within which it must be done (if applicable);
- e. Describe intended or possible sanction(s).

When the Homeowner's, Lot Owner's, or Contractor/Builder's failure to correct a violation results in the expenditure of funds by the Association to correct the violation, the notice shall state that the Board may vote to levy a Reimbursement Assessment if the Board finds that a violation has not been addressed as outlined below.

Notice of Violation Fine or Action

1st Notice

Courtesy Notification* sent by letter, email, and/or YMG Portal site. **No fine.**

2nd Notice

Warning Letter* Sent via First Class Mail, **Letter to include any reasonable associated cost of notification.** Warning letter will warn of a fine if the violation is not corrected within a reasonable amount of time. Homeowners are given up to ten (10) days to correct a violation, depending on the level of violation.

3rd Notice

Fine letter* Sent via First Class Mail. **Fine to include any associated reasonable cost of notification and any said fine after ten (10) days.** All fines based on the level set forth will be sent via First Class mail or hand delivered, and will include said fine. Homeowners and/or their dependents, Contractors, Lot Owners, Builders, or guests accused may refute the fines through a hearing with the ACHOA BOD, and/or the Boards' appointed representative, and/or the ACHOA attorney.

4th Notice

Noncompliance Notice * Sent via First Class Mail. **Fine to include any associated reasonable cost of notification, all occurred fines, and associated cost of enforcement/compliance.**

Noncompliance Notice

If the Homeowner's, Lot Owner's, Contractor/Builder's failure to correct a violation within the said time of restriction set forth, the notice shall include, but not be limited to, any expenditure of funds by the ACHOA BOD and/or YMG to correct the violation. The notice shall also state that the Board may vote to levy a Reimbursement Assessment if the Board finds that a violation has not been addressed/corrected.

The Violator may refute the fines through a hearing with the ACHOA BOD, and/or the Boards' appointed representative, YMG and/or the ACHOA attorney.

If the Violator is unable to correct the applicable violation within seven (7) to ten (10) days or as noted, they may submit a plan for correction to the Board of Directors for consideration. All responses are to include an update on what is being done to correct the problem or violation.

***If the violation is an Architectural and/or Lot maintenance violation, the letter will provide seven (7) calendar days to correct the violation. If not corrected, the ACHOA BOD will have the authority to have a Contractor enter the property and perform the work regarding any violation, including maintenance or repair at the expense of Homeowners and/or Lot Owner, Contractor/Builder.**

The procedures set forth above shall in no way preclude the Board from pursuing any other solutions available under the ACHOA Governing Documents or under applicable law with regard to enforcement.

**** If the ACHOA BOD determines a violation is a hazard to the health, safety or in violation of the law, legal action may be initiated without prior notice, and an immediate fine up to \$1,000 may be imposed.**

Violation	1st Violation	2nd Violation	3rd + Subsequent
Architectural and Lot	\$100	\$200	\$300
Excessive Noise or nuisance	\$50	\$100	\$200
Misuse of Common Area or Facilities	\$50	\$100	\$200
Pets	\$50	\$100	\$200
Vandalism	\$100	\$200	\$300
Other violations as noted	\$100	\$200	\$300

Any Serious Violation - immediate fine up to \$1,000

- Harassment of HOA Directors (Including all committee members)
- Serious Personal Endangerment
- Serious Health Hazards

Payment of Fines

Fines, also known as "Monetary Penalties" or "Enforcement Assessments," are due when imposed and are deemed delinquent if not paid within fifteen (15) days after they are due. All sums payable hereunder by the Violator shall bear interest at the maximum rate permitted by law commencing on the date the said sums become delinquent. The HOA may commence a lawsuit to compel payment of delinquent fines and to recover attorney's fees and costs of enforcement.

II. APPEALS/HEARINGS

The Violator may send a written appeal directly to **YMG, 10660 Barkley St #200, Overland Park, KS 66212, ATTN: Kyle Blackman**, or to **Alexander Creek Homeowners Association, PO BOX 21, Raymore, Mo 64083**. The Violator shall have the right to submit a written/emailed appeal within thirty (30) days of the date the notice is received. Should the Violator request a hearing with the Board or their representatives, the Violator may send written/emailed request directly to ACHOA BOD **acreekhoa@yahoo.com** for processing as stated in the notice received. The Violator shall have the right

to submit a written/emailed request for a hearing before the ACHOA BOD within thirty (30) days of the date they receive the notice. Failure to retrieve certified mailings from ACHOA BOD at the Post Office is not grounds for an appeal. With the support and cooperation of all Residents, Contractors, and/or Builders, we can continue to keep Alexander Creek Subdivision a safe and beautiful place to live.

To achieve these principles, the Board of Directors (BOD) will uphold and enforce the Rules and Guidelines for the use and good of the ACHOA that are established in the Declaration Of Convents And Restrictions, known as the Conditions, Convents, and Restrictions (CCRs) Including all Governing Documents.

These rules and guidelines will be enforced by the BOD with the help of the management company, Young Management Group (YMG). Any homeowner may report violations through the YMG Portal, or in writing to **YMG, 10660 Barkley St #200, Overland Park, KS 66212**, or by email to Kyle Blackman, **kyle@ymginc.com**, and/or **acreekhoa@yahoo.com** for action without the identity being divulged beyond the Board or Management Company.

NOTE: All Homeowners should have received a set or a copy of the CCRs from either the ACHOA and/or title company. In addition, Young Management Group can provide a copy of the CCRs online at **<https://portal.ymginc.com/home/login>** at no additional cost, with an online account. For a hard paper copy of any or all Governing Documents, there is a fee. In addition, a copy of the ACHOA Bylaws and Community Wide Standards are also available online on the YMG Portal for no additional fee, which outlines ACHOA Covenants and Rules of the Alexander Creek HOA.

You can contact ACHOA at Yahoo Mail acreekhoa@yahoo.com or by mail at PO BOX 21, Raymore, Mo 64083 for more information.

Alexander Creek Homeowners Association
Board of Directors

Date

President	_____	_____
Vice President	_____	_____
Secretary	_____	_____
Treasurer	_____	_____
Assistant Secretary/Treasurer	_____	_____