

Talcott Woods Owners Association, Inc. Compliance Plan of the Association

Background and Introduction

All Owners and lessees in Talcott Woods, “By accepting a deed, lease or other instrument conveying any interest in a Unit, the grantee covenants to observe, perform and be bound by the covenants, conditions and restrictions contained in the Declaration of Protective Covenants, Conditions and Restrictions...”¹. In addition all Owners and lessees are bound by the By-Laws of the Association.

The Declaration and By-Laws specify certain restrictions for all Owners and lessees. Several examples from the Declaration include: Section **7.06** that forbids boat trailers, house trailers to be stored for more than (14) days, and section **7.10** that forbids erecting or using devices to hang clothes or other items. Other sections elaborate on the obligation to pay regular and special assessments, the maintenance of homes, and the absolute authority of the Architectural Committee² to authorize *any* exterior change or alteration to homes and property in Talcott Woods. In total there are over 25 specific restrictions in the Declaration.

The Declaration and By-Laws are posted on the website of the Association and can be downloaded as an electronic or printed document. All residents of Talcott should be familiar with these documents.

Each year some owners change the color of their homes, modify the exterior of their homes, repave driveways, or alter their property and its topography in a significant way. These changes and many others must be presented to the Architectural Committee and approved before *any* work begins. On the website there is a form, **REQUEST FOR ARCHITECTURAL COMMITTEE REVIEW**, that is available and can be downloaded, and must be completed, submitted to the Chair of the Architectural Committee, and approved before *any* changes are made to the exterior of homes or property.

While the vast majority of Owners adhere to all rules and regulations that have been promulgated by the Association and those that exist in the Declaration and Bylaws, some Owners, even after notice to the contrary, ignore the regulations that are created for the benefit of all Owners and the Talcott Community.

It is the responsibility of the Board of Directors, as the elected agent of the Association, to ensure the adherence of the Declaration and other rules of the Association by all residents.

Accordingly, at the last Annual Meeting of the Association, a Compliance Plan was presented. While there was general agreement for the need to fine those who violate the rules, regulations, and the Declaration, there were some concerns expressed about the proposed process. The Board of Directors stated that it would review the plan and make changes as appropriate.

A new plan was drafted, reviewed by the attorney for the Association, and is being presented at this time.

¹ Talcott Woods Owners Association, THE DECLARATION – A SUMMARY, ENFORCEMENT, AMENDMENT, AND DURATION OF PROTECTIVE COVENANTS AND RESTRICTIONS, Taylor & McCullough (New York 1977).

Compliance Plan

1. All restrictions contained in the Declaration will be enforced. If an Owner is in violation of any rule or restriction, the Architectural Committee will advise the Owner in writing of the specified violation (Notice to Cure). If, after ten days after Notice to Cure is sent and there is no cure or commencement of curing, a penalty may be assessed. Such penalties shall not exceed:

\$75.00 per month for the violation of a Rule, until such violation is cured, plus interest on the outstanding amount, at 12% per annum. Such penalties shall be in addition to any expenses the Association may assess to cure any violation, as provided in the By-Laws or Declaration.

2. All pool rules *remain in effect*. Violations of pool rules will result in a warning letter from the Pool Committee. If the violation is repeated, privileges to use the pool may be suspended, and the Architectural Committee may impose a fine as stated in (1) above.
3. Architecture Guidelines delineating the colors that may be used on homes, trim, gutters, decks, and roofing remain in effect. These guidelines are posted on the website. Failure to adhere to these guidelines may result in the imposition of a fine as stated in (1) above.
4. The rule that provided for levying a late penalty on Owners who are late in payment of their regular and special assessments, remains in effect.
5. If new rules are issued, notice will be sent to the community by email and posted on the website with the effective dates clearly stated.

The Board of Directors, consistent with the Declaration and Bylaws, has designated the Architectural Committee as the responsible committee to promulgate rules and levy fines.

The Board of Directors may issue rules (such as it did with respect to late penalties). The Board of Directors will also, in accordance with the Declaration, and acting as an agent of the Association, review decisions, promulgated rules, and levied fines by the Architectural Committee, to make sure they are "reasonable." In this manner clear authority for the promulgation of rules and levying of fines rests with the Architectural Committee and review rests with the Board of Directors.

² A Committee description was created, reviewed and approved by the Board of Directors. Visit the Talcott Woods website for all Committee descriptions.