

Town and River Civic Association
Deed of Restrictions Committee
Architectural Review Protocol and Procedure

The fiduciary duty of directors extends to their application of rules. The enforcement of these rules must be strict and consistent because the rules are there to protect the quality of life of the member residences and/or their property values. If there is a violation, on behalf of all the members, the board must follow the prescribed procedure expressly made in the governing documents to encourage compliance, whether that be fining the violating homeowner (under the rental policy and State Statute 720) or the more extreme option of bringing legal action against the homeowner.

In addition, the interpretation of the rules by the directors must be reasonable and uniform. It is impossible to draft rules so that there is absolutely no scenario where the text will be seen as ambiguous. In cases where the rules are subject to interpretation, the directors has adopted a consistent process of consideration, in writing, that all members can consult. The final and definitive answer coming from the Association's attorney.

The T&R By-Laws Revised 2012 have been in force since that time. The T&R by by-laws provide for a Deed of Restriction Committee. The following protocol and procedure document directs the activities of that committee as the Board may dictate in accordance with the by-laws and Deeds of restriction.

Committee Members:

A member of the Board of Directors shall serve as Chairman and shall be responsible for the actions of the committee. The Chair shall have at least one or more members that may be a Board member, or an owner in the community that is current in their paid dues and has a construction, development or otherwise appropriate experience or background as

deemed by the Board. The term of the Chair and or committee members is not set or limited but determined by the Board.

Construction and/or Renovations Compliance with Deeds of Restriction

The Committee shall:

1. Provide guidance to owners, contractors, realtors and other party's seeking information for any such project within the existing and applicable Deed of Restriction (DOR).
2. Review any and all plans as required by applicable DOR's *prior* to the commencement of any construction or renovation project within the DOR.
3. Seek to be as prompt as possible and work to minimize any delays in response to an owner seeking to commence a project. Formal approvals and communication must be via Board archived webmail.
4. Communicate any and all requests for approval of any project to the other members of the committee as promptly as possible. The chair shall oversee any discussion and ensure all members are communicated with. The chair shall be responsible for providing the owner/contractor or other interested party with the committee's decision including requests for further information and/or consultation with the committee.
5. Ensure the posted DOR's on the Associations website are complete and current at all times.

Violations

The committee shall act on behalf of the Board in regards to violations of the DOR's. Committee members should be aware of current complaints.

The Board has established a procedure where:

1. A complaint form specifying the identifiable violation will be filed with the committee and,
2. The appropriate Director will make first contact with the owner.
3. The follow on procedure if initial the contact and a second personal contact fails to rectify the complaint will be to send the violator a formal

- letter from the Board addressing the violation and providing a reasonable time period to correct the violation.
4. Should the first letter fail to resolve the violation a second letter from the Board, certified, return receipt requested again providing the violator with a reasonable time to correct their violation will be sent.
 5. The final step if the previous Board actions fail is to contact the Associations' attorney and have him forward a letter on behalf of the Association and Board requiring compliance before legal action is taken.
 6. The full Board will decide, in consultation with the Associations attorney, what future actions will be taken.

Deed Consolidation and Revision

The Committee shall help guide the Board in any revision of the applicable DOR's. The effort should ensure efficient enforcement of rules that are designed to benefit owners. Application of such rules must be uniform, equal and in keeping with the Board fiduciary responsibility to the members of the Civic Association.

Civic Association Attorney

The Committee and the Civic Association Board shall seek the guidance of the Association's attorney in any matter where members have disagreement or the President deems it necessary to ensure the Association shall not incur legal jeopardy.