

# TRI-PAR ESTATES PARK AND RECREATION DISTRICT POLICY AND PROCEDURE MANUAL

## ITEM: 5:33 VIOLATIONS OF DEED RESTRICTIONS FOR CONDITION OF PROPERTY

***Each step must be completed fully and documented in detail, as these actions could potentially result in litigation between District and the property owners.***

1. Upon receipt of complaint or observation of possible violation, Park Manager or a Trustee will travel to property to inspect. If violation exists, a report showing detailed findings of the inspection will be prepared. Digital photos to show and document conditions will be taken, printed and dated, and attached to report (file). At the same time, a written Violation Notice will be attached to the property on the front or side door. This written notice is considered the 1<sup>st</sup> Notice in notifying of a deed restriction violation.
2. Staff will determine ownership of property and review history of prior violations. Park Manager will then contact owner by telephone if possible, giving details of violation, and requesting correction within 3-30 days depending on the severity of the violation. At the same time, he/she will explain our policy and costs if violation is not corrected by owner in a timely manner.
3. If no contact has been made by the owner, or the violation has not been corrected within the specified timeframe, the Park Manager will follow up with a letter outlining the violation as a 2<sup>nd</sup> notice. This letter will give a short timeframe to correct the violation and warn that if not corrected further action may be required.
4. After follow-up on the property violation, and if corrections have not been completed within the specified timeframe, the Park Manager will consult with the Board Chair and/or Deed Restriction Trustee in order to move forward. The property can then be presented to the Board of Trustees for Fines and Suspensions (see Item 5.34).
5. For violations, the District may correct itself, a Final Notice with a 72-hour notification will be posted on the property. If the violation still exists after the 72 hours, the Park Manager will get a quote from a maintenance contractor to complete the required corrective work. The work will be completed by the maintenance contractor and the invoice will be paid by Tri-Par Estates. If projects that need to be corrected are unable to be done by the District by hiring a Contractor, legal action may be considered as an alternative by vote of the Board of Trustees.
6. Once the corrective work is completed, staff will prepare a detailed invoice, including a 10% overhead charge, and send same to owner at the property address. Invoice(s) are required to be paid within 30 days. Invoices not paid within 30 days will accrue interest at the rate of 18% per annum and will be added to any estoppel or closing statements. Invoices not paid within 60 days may become a lien against the property. At Tri-Par's fiscal year end, a statement will be sent to the owner at the property address reflecting the total amount remaining due including accrued interest. If amount owed becomes excessive, the Park Manager or Board Chair may recommend that legal action to collect the debt be started. The Board of Trustees will be required to have an affirmative vote to proceed with legal action.

Adopted 10/20/2020

## SECTION 5: POLICY AND PROCEDURE