

RIVERWIND HOMEOWNERS ASSOCIATION INC.

RULES AND REGULATIONS

PROBLEM RESOLUTION PROCESS

The goal of the Riverwind Problem Resolution Process is to give any and all residents the opportunity to express a complaint in a forum that will give a fair and objective review of the problem and, ideally, result in an informal resolution by the Board of Directors that will serve the best interest of all homeowners.

Any homeowner who has a problem that is personal to him, or her, should first attempt to resolve the issue informally without the assistance of the RHOA Community Relations Director.

In the event of an emergency, call 911.

If this issue **cannot** wait until the Compliance Officer can receive your form, you may contact them directly.

Using the initial complaint form, the homeowner should reduce the facts to writing and submit it to the Community Relations Director for further assistance. The Director will then conduct a thorough investigation of the facts of the case. If it cannot be resolved with the Director's assistance, the case will be prepared for presentation to the BOD. This process should be accomplished within 30 (thirty) days from the receipt of the complaint. The BOD will consider the problem, determine if additional inquiry is necessary, and issue a decision.

The homeowner, upon receipt of the BOD's written decision, will have 15 (fifteen) days to submit any new or additional information that was not considered in the original complaint and investigation.

The Board will have an additional 15 (fifteen) days after receipt to determine whether a revised decision should be issued or to let the original decision stand.

Any owner that has gone through the established complaint process and disagrees with the Board's decision can seek adjudication in one of two methods.

- 1. Arbitration** - This process enlists the service of a nonpartisan professional arbitrator that is not a member of the Board or a member of the Association. Both parties (Board member and complainant) must agree to the final judgment of the arbitrator. Final judgment shall entitle the plaintiff to recover costs and reasonable fees for services rendered in this enforcement.
- 2. The Courts** - Any court action required to enforce the Covenants shall entitle the plaintiff to recover court costs and reasonable legal fees for services rendered in this enforcement.

This process is further covered in §47F-3-107.1 of NCPA (of the NC Planned Community Act).

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PROBLEM RESOLUTION PROCESS (cont.)

INITIAL COMPLAINT FORM

This form is found on our [website](#).

Complainant:

Address: _____ Phone: _____

Violator's Name: _____

Address: : _____ Phone: _____

Specific section of the Covenants/By-Laws/Rules and Regulations being violated:

Objectionable activity including date(s) and location(s): (use another sheet of paper if needed).

Steps complainant has taken to resolve the problem:

Signature of Complainant _____ Date _____

Documentation of Complaint Follow-Up

Date: _____

Action taken by RHOA Community Relations Director: _____

Date: _____

Recommendation to BOD: _____

Signature of Community Relations Director _____ Date _____

Date: _____

BOD Action: _____ Date: _____

Complainant and Violator informed of BOD Decision and the right to provide any further information.

Signature of Board President _____ Date _____

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COMPLAINT AND GOVERNANCE DOCUMENT VIOLATIONS PROCESS AND PROCEDURES

After the complainant has made an initial contact to attempt to resolve the issue with the person who is violating the Covenants or Bylaws, a complaint form can be filled out, signed, and turned in to the Board by the person making the complaint. Upon initial notification, the person in charge of Compliance for the HOA will send a letter signed by the President of the RHOA to the person being accused which states:

1. The nature of the complaint.
2. The expectation of how to resolve the issue.
3. An invitation to talk in person or on the phone.

If there is no response to the initial letter, a second letter signed by the President of the RHOA will be sent inviting the person to meet with the HOA Board of Directors to discuss ways to resolve the issue.

If, after two attempts at contact there is no response, a certified letter from the RHOA Board will be sent along with a schedule of fines, beginning at \$50 and increasing as follows:

- One month - \$50
- Two months - \$100
- Three months - \$250
- Four months - \$500

If, after four months, the issue has not been resolved the following will occur:

- If it involves pets - Hendersonville Animal Control will be notified to step in.
- Without any resolution of the Violation– a Lien will be placed on the property by the HOA Board.

Approved by the RHOA BOD May 2024 RIVERWIND HOMEOWNERS ASSOCIATION, INC.