

# Rules of Enforcement

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Revenue Tax: \$0.00  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2012-00065277

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**Type of Document:**

Delaware Park Condominiums Homeowners Association  
Resolution

Quallen & Bolvel Attorney 319 7th St Suite 400 Des Moines IA 50309

Preparer Information: (Individual's Name, Street Address, City, Zip, Phone) 515-556-5058

Delaware Park Condominiums % Conlin Properties, 319 7th St Suite 500 Des Moines IA 50309

Taxpayer Information: (Individual/Company Name, Street Address, City, Zip, Phone)

**RETURN TO:**

Michael Griffin Conlin Properties 319 7th St Suite 500 Des Moines IA 50309

Return Document to: (Individual/Company Name, Street Address, City, Zip, Phone) (515) 246-8116 ext. 33

**Grantors:**

**Grantees:**

**Legal Description:**

**Book & Page Reference:**

**DELAWARE PARK CONDOMINIUMS HOMEOWNERS ASSOCIATION  
RESOLUTION  
RULES ENFORCEMENT PROCEDURE**

**WHEREAS**, the Delaware Park Condominiums Homeowners Association has a Declaration of Residential Covenants, Conditions and Restrictions, and

**WHEREAS**, Article V, Section 5 of the Declaration empowers the Board of Directors and/or owner to enforce the Declaration of the Association,

**WHEREAS**, it is the intent that these regulations shall be applicable to all owners and tenants, this resolution shall remain in effect until otherwise rescinded, modified, or amended by the Board of Directors or a majority of the owners.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Association and/or Board of Directors hereby adopts the following procedures for enforcement of the Declaration of the Association,

- A. In order to begin the rules enforcement process, an owner must state to the Association and/or Board of Directors (in writing) through the property management company,
- 1) The person making the report must be identified.
  - 2) The person making the report will be called to testify at all hearings.
  - 3) Committees, or groups of owners including members of the board of directors, or residents may also bring reports.
  - 4) Upon request, attempts will be made to keep issues private but no guarantee as certain investigations require certain disclosures.
- B. Upon receipt of an alleged rule violation, a letter will be sent to the alleged violator and the time period during which the alleged violation may be abated without further sanction.
- 1) A copy of this letter will be sent to the person originating the report.
  - 2) If the violation continues or is repeated, notification must be sent to the management company by a reporting owner (not necessarily the first owner who reported), alleging that the violation continues or is repeatedly existing.

C. After the second notice of a report to the property management company,  
1. A second notice will be sent to the alleged violator stating: the nature of the alleged violation; the action requested to cure the alleged violation; a statement that a sanction may be imposed; and the maximum amount of any sanction.

D. The Association and/or Board of Directors will review all written evidence from both sides and then render a decision.

1) Should a fine be imposed, the suggested fine schedule is as follows: first offense: written warning, second offense \$50 fine, third offense, \$100 fine, fourth offense \$200 fine, fifth and subsequent offense, \$250 fine. The amount of the fine shall be in addition to any actual damages caused by the rule violation, such damages shall also be the responsibility of the homeowner. The board shall have the discretion to waive these fines if circumstances so warrant.


2) Should a fine be imposed on the violator, standard collection procedures will be pursued, which include filing a lien on the unit for nonpayment of the fine, use of small claims court and ultimately foreclosure, if necessary. The association may also pursue injunctive relief for rule violations.

E. Should a situation arise that poses an immediate danger to life, health, property, the Association and/or Board of Directors retains the authority to take immediate action to rectify the situation.

F. In the case of non-owner-occupied properties, all residents and owners will be provided copies of all correspondence.

DATE: February 24<sup>th</sup>, 2012

APPROVED:

  
Association President

Brian R. Albright - President of Delaware Park Condominiums

AFFIDAVIT OF TRUE RECORD

The undersigned, as keeper/custodian of records for Conlin Properties, Inc., does hereby state that all documents produced, are, to the best of the knowledge and belief of the undersigned, complete and true and accurate and are unsanitized copies of the actual original record.