

Incorporation of the Association, and this Declaration, all of which provisions irrespective of where set forth or classified shall have equal status and shall be enforceable and binding as a covenant, condition, restriction or requirement running with the land and shall be binding on and enforceable against each and all Lots and the Owners thereof and their respective assigns, leasees, tenants, occupants and successors in interest.

Section 2. No Lot shall be used for any purpose other than for single-family residential purposes, except for rights of Declarant as provided in Articles II, Section 2(e) hereof.

Section 3. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot except that dogs and cats weighing less than 25 pounds at full growth may be kept, provided that they are not kept, bred or maintained for any commercial purposes. The Association may, by rules and regulations, prohibit or further limit the raising, breeding or keeping on any Lot, frontlot, or rearlot of any pet. Any person owning or keeping a pet dog or cat shall be responsible for and shall at all times clean up any waste or excrement from such pet(s) on the common areas. Failure to do so in a prompt or responsible manner shall result in a fine or special assessment by the Association against such unit.

Section 4. No noxious or offensive activities not involving the maintenance of Lots or Common Area shall be carried on upon any Lot nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the neighborhood; nor shall any Lot be used for any unlawful purpose. Nor shall any Owner cause, or suffer or harbor the source of, any noise or activity which disturbs the peace, comfort and quiet enjoyment of other Owners or those claiming under or through other Owners.

Section 5. The Owner of each Lot shall keep the same free of weeds and debris.

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1829  
KB



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Recorded: 06/07/2007 at 08:55:41 AM  
Fee Amt: \$12.00 Page 1 of 2  
Revenue Tax: \$0.00  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2007-00103884

BK 12227 PG 956-957

**RETURN TO:**

Preparer: When recorded, Return to Conlin Properties, Inc., Attn: Alex 319 7<sup>th</sup> Street, Suite 500, Des Moines, Iowa 50309 246-8016

**WEST COVE HOMEOWNERS ASSOCIATION  
RESOLUTION**

**RULES OF ENFORCEMENT PROCEDURE**

WHEREAS, the West Cove Homeowners Association has a Declaration of Residential Covenants, Conditions and Restrictions, and

WHEREAS Article XIV, Section 16, 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 (preferably 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, as well as groups of owners 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, stating the alleged violation 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 is \$500 per occurrence and/or \$20 per day (whichever is appropriate to the violation).
  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.
- 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.

APPROVED:

Coleen Phillips  
Association President

DATE May 30, 2007

**AFFIDAVIT OF TRUE RECORD**

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

Alvendon Hernandez  
Association Manager for Conlin Properties, Inc.

Subscribed and sworn to before me, the undersigned, a Notary Public in and for the State of Iowa.

Michelle A. Smith  
My commission expires 2-22-08

