

COMPLAINT PROCEDURES

I. Purpose

- A. These procedures provide an outline showing how the Board of Directors (Board) and Management Company (Management) of the Shalimar Gardens Homeowner's Association, Inc. (Association) intend to proceed when a complaint is filed by a member of the Association alleging that another member of the Association has violated the restrictive covenants.
- B. These procedures serve as a guide to assist the Board and Management in promoting consistency in the enforcement of the Association's restrictive covenants, and to inform the Association's membership how the Board and Management intend to proceed when complaints are filed.

II. Enforceability

- A. **These procedures are an outline and guide only, and thus are not to be considered mandatory.** As a mere outline of how the Board and Management intend to proceed when a complaint is filed, these procedures should not be construed to convey any legal rights whatsoever. Although the Board and Management intend to follow these procedures under normal circumstances, the Board and Management retain the right to exercise their discretion to deviate from these procedures however and whenever they deem appropriate.

III. Definitions

- A. The definitions provided in the By-Laws of the Shalimar Gardens Homeowners Association, Inc. shall be used for purposes of these complaint procedures.

IV. Filing A Complaint

- A. In order to initiate a complaint, a member of the Association must complete the Complaint Form titled "Shalimar Gardens Homeowners Association, Inc. Complaint Form For Violations of the Restrictive Covenants." After completing the form, the member must submit the form by mailing it to the following address: "Shalimar Gardens Homeowner's Association, P.O. Box 1035, Columbia, MO 65205 or by submitting it via email to board@shalimargardens.org
 - 1. The Complaint form is available on the Association's website (www.shalimargardens.org), by mailing a request for copies of the form to the above address, or by contacting a Board member or Management representative.

- B. Upon receipt of a Complaint, at least one Board member and/or one Management representative will go to the location of the alleged violation to investigate. The Board member(s) and/or Management representative will make an initial determination of whether the complaint has sufficient validity to warrant further action.
- C. If the investigating Board member(s) and/or Management representative disagree on whether there is/has been a violation of the covenants, or if it cannot readily be determined whether there is a violation, the matter will be brought before the full Board at a meeting.
 - 1. A meeting to determine whether a complaint is substantiated or not can be called at any time by any Board Member.
 - 2. Such meetings shall be held no more often than once a week, at which time all complaints received by 3:00 pm on the preceding Monday shall be reviewed.
 - 3. If the Board members determine that there has been a violation, the same process will be used as if the two investigators had agreed that there is reason to believe a violation of the covenants has occurred.
 - a. The vote to decide whether the Board members believe a violation has occurred requires a majority vote of those members present. The quorum for such a meeting is two Board members.
 - 4. If the Board members determine a violation has not occurred, or that the matter is inconclusive and the complaint will not be pursued by the Association, written notice of the decision will be mailed to the member who filed the complaint and to the member alleged to have violated the covenants within five (5) business days.
- D. As part of the written notice stating that the Association will not pursue enforcement of the alleged violation, the member who filed the complaint will be informed that he or she may be able as a member of the Association to pursue enforcement action against the other member that is believed to be in violation of the covenants. However, the member pursuing the action will be urged to seek legal counsel on this matter, and he or she will bear the costs of any such enforcement action, which will not be reimbursed by the Association.
- E. If the investigators agree that there is reason to believe a violation of the covenants has occurred, the Association's officers will send a letter to the alleged violator stating that it appears a violation has occurred, and what action must be taken to

- correct the violation. The alleged violator will be requested to remedy the violation or provide an explanation as to why they are unable or unwilling to do so.
- F. When a reply to the complaint is received, or when no reply is received in the time frame provided, the matter will be brought before the Board members at a meeting. At the meeting, the Board members will determine whether to proceed with further action on the alleged violation. If a determination is made not to pursue the alleged violation any further, both the complaining party and the alleged violator will be notified in writing of the decision.
1. A meeting to determine whether further action should be pursued on a complaint once a reply is received can be called at any time by any Board member.
 2. The quorum for such a meeting is two (2) Board members.
 3. A decision to pursue further action on a complaint requires a majority vote of the Board members present.
- G. If the officers Board members decide to pursue further action on the alleged violation, a letter will be sent to the alleged violator informing the member of the decision and making a final request that the violation be corrected within a set time period.
- H. If the violation is not corrected within the time frame provided, or the violator has not made arrangements with the Association to provide an acceptable solution or timetable, the matter will be turned over to the Association's legal counsel to institute legal proceedings against the violator.

Approved by the Board of Directors at its meeting held June 14, 2010.