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Overview of Complaint Procedures

If you are concerned about a violation of the Rules and Regulations, the Board encourages you to talk to your neighbor first, remembering that your neighbor may have made an honest mistake, may be unable to correct the problem, or may be unaware of the problem.

If a friendly conversation fails to correct the problem, or if you are unwilling to have that conversation for any reason, you may submit a complaint to any member of the Board of Directors. In the complaint, you must provide the address of the property involved and you must say specifically what the problem is. The complaint must be in writing or by e-mail; if you submit the complaint in writing, you must sign it, and if you submit it by e-mail, it must come from an e-mail address already on file with the Association.

Here is a timeline of what will happen if you submit a complaint. The timeline begins when the President and Secretary receive your complaint; if you submit the complaint to another member of the Board, that member must provide copies to the President and Secretary with three days of receipt.

Day 1	**7**	**10**	**20**	**30**	**40**
Secretary, President get copies	**Verification of good standing; inspection**	**Courtesy call**	**Letter**	**Determination of continued noncompliance**	**Full board takes action to enforce compliance**

Within 7 days of receiving your complaint, **t**he Secretary will verify that you are in good standing with the Association (meaning you have paid your dues and any penalties and assessments). If you're not, the complaint will be dismissed. If you are in good standing, the President will inspect the property you complained about and take pictures if possible, and determine whether there's a violation of the rules and regulations.

If the President decides there's no violation, you can submit an appeal to the Secretary, in writing or by e-mail. The Board of Directors will meet within 10 days of receiving your appeal. You and the owners of the property you're complaining about will be invited to attend the meeting, along with any advocates or witnesses you and they want to bring along. The Board will hear evidence and vote on whether there's a violation.

If the President or the Board finds that there's a violation:

Within 10 days of receiving your complaint, the President will make a "courtesy call" to the owners of the property you're complaining about to make sure they're aware of the violation and the need to correct it. The President will ask them to fix the problem within 10 days.

Ten days after the courtesy call, if the violation hasn't been corrected, the President will send a letter to the owners of the property you're complaining about, explaining the problem and the steps needed to correct it. The letter will ask them to fix the problem within 10 days.

Ten days after the letter, if the violation still hasn't been corrected, the President will inform the Board of Directors that the problem still exists. Within 10 days of that, the Board will take the enforcement action it deems fair, equitable, necessary and appropriate to ensure compliance.

If your property is the subject of a complaint, you can request a full hearing with the Board of Directors or a reinspection at any time during the process by contacting the Secretary. The hearing or reinspection will occur within 10 days of receiving your request. If you ask for a hearing, you and the people who complained will be invited, along with any advocates or witnesses you and they want to bring along. The Board will hear evidence and vote on whether there's a violation.

This overview is provided as a simplified explanation of the process for ensuring compliance with rules and regulation established by the Board of Directors of Norton Hills Estates Recrecation Association, Inc. In case of any conflict between this overview and the Resolution on Procedures for Ensuring Compliance with Rules and Regulations, the Resolution shall govern. The full text of the Resolution is available at www.nhera.org or from the association Secretary.

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Resolution on Procedures for Ensuring Compliance with Rules and Regulations

The Bylaws of Norton Hills Estates Recreation Association, Inc., empower the Board of Directors to enact and enforce rules and regulations. To ensure fair, equitable and reasonable treatment of all neighborhood residents, the Board of Directors hereby approves the following Resolution on Procedures for Ensuring Compliance with Rules and Regulations.

1. Guiding Principles

1.1. Any condition considered an imminent threat to the health or safety of persons or private or common property should be reported immediately to the appropriate authorities (police, fire, utility company, etc.); the procedures described in this Resolution do not apply to such conditions.

1.2. The Board of Directors encourages neighbors to work together to resolve concerns wherever possible. We encourage residents concerned about a possible violation of the Rules and Regulations to realize that your neighbor may have made an honest mistake; may be unable to correct a problem due to physical, financial or other constraints; or may be unaware of the problem. Frequently, a neighborly conversation will lead to a speedy resolution and preserve goodwill; such an outcome is in the best interests of all parties and the neighborhood at large.

1.3. The compliance procedures described in this document should be considered a last resort, to be initiated only when neighborly conversations fail to resolve a concern.

1.4. During any compliance proceeding, the Board of Directors collectively and individually will consider neighborhood harmony and goodwill, and not merely conformity to the Rules and Regulations, to be important to the quality of life in Norton Hills Estates.

1.5. Nothing in this resolution shall be construed to deny any party the right to pursue claims in any court of competent jurisdiction.

1.6. If any provision or provisions of this Resolution shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

1.7. In any complaint involving the property or behavior of the President or the Secretary, the Vice President shall assume the duties and powers specified in this resolution for that Officer, without further assuming any other of the duties or powers of that Officer as specified in the Bylaws.

1.8. The shareholder(s) of record whose property or behavior is the subject of a complaint are referred to in this document as the Neighbor(s).

2. Initiating a Compliance Proceeding

2.1. Any shareholder in good standing with the Corporation may initiate a compliance proceeding by delivering a written and signed complaint to any member of the Board of Directors. A complaint delivered by e-mail will be considered written and signed provided that the “From” address matches the shareholder’s e-mail address previously on file with the Secretary. The complaint must specify the nature of the supposed violation and the address of any property involved.

2.2. Except as described in Section 2.1, compliance proceedings shall not begin.

3. Procedures for Responding to a Complaint

3.1. Any member of the Board of Directors receiving a complaint as described in Section 2.1 shall provide a copy of the complaint to the President and Secretary within three (3) days of receipt.
3.2. Within seven (7) days of receipt, the Secretary shall determine whether the complainant is in good standing with the Corporation and shall notify the President of that determination. If the complainant is not in good standing, the complaint shall be dismissed, and the Secretary shall inform the complainant of the dismissal and the reason for it.
3.3. Within seven (7) days of receipt of a complaint from a shareholder in good standing, the President shall inspect the conditions cited in the complaint, and shall obtain photographic evidence of the condition(s) if practical.
3.4. If the President finds no violation, the President shall dismiss the complaint and shall so inform the Secretary and the complainant. The complainant may appeal such dismissal to the full Board of Directors by sending a written request for a hearing to the Secretary, such hearing to be conducted under the terms of Section 6 below.
3.5. If the President finds a violation, the President shall within ten (10) days of receipt of the complaint place a courtesy call, by telephone or in person, to the Neighbor(s). During the courtesy call, the President shall explain the nature of the complaint and the specific item(s) in the Rules and Regulations that have been violated; shall state the remedy or remedies necessary to correct the violation(s); and shall request compliance within ten (10) days of the courtesy call.
3.6. If compliance is not achieved within ten (10) days of the courtesy call, the President shall send a letter to the Neighbor(s). The letter shall state the nature of the complaint; the specific item(s) in the Rules and Regulations that have been violated; and the specific remedy or remedies necessary to correct the violation(s), and shall request compliance within ten (10) days. The letter shall conform in spirit with the sample shown in Appendix 1. The President shall provide a copy of the letter to the Secretary.
3.7. If compliance is not achieved within ten (10) days of mailing the letter, the President shall inform the Board of Directors of the noncompliance. Within ten (10) days of receiving such notice, the Board shall take whatever enforcement action they deem fair, reasonable, necessary and appropriate under terms of the Bylaws.

4. Rights of the Neighbor(s)

4.1. At any time during compliance proceedings, the Neighbor(s) may request one additional inspection by any Officer of the Corporation by contacting that Officer.
4.2. At any time during compliance proceedings, the Neighbor(s) may request one full hearing with the Board of Directors by contacting the Secretary.
4.3. Effective upon receipt of a request for a hearing or inspection, timelines contained within this procedure shall be paused and shall not resume until completion of the hearing or inspection.

5. Reinspection

5.1. Within seven (7) days of receipt of a request for reinspection as described in Section 4.1, the Officer receiving the request shall notify the President and Secretary and shall inspect the conditions cited in the complaint, obtaining photographic evidence of the condition(s) if practical.
5.2. Upon completion of the inspection, the Officer shall inform the Neighbor(s), the President and the Secretary whether the Officer believes a violation exists.
5.3. If the Officer finds a violation, all timelines prescribed in this Resolution shall resume.
5.4. If the reinspecting Officer and the President disagree as to whether a violation exists, a hearing with the full Board of Directors shall be convened as described in Section 6 as if requested by the Neighbor(s).

6. Hearing

6.1. Within ten (10) days of receipt of a request for a full hearing as described in Section 3.4 or Section 4.2, or receipt of notice to the Secretary as described in Section 5.4, the Board of Directors shall convene a hearing. The Secretary shall inform the Directors, the Neighbor(s), and the complainant of the time and place of the hearing at least seven (7) days in advance.
6.2. All provisions of the Bylaws governing Meetings of the Board of Directors shall apply during such a hearing.
6.3. No one other than the Board of Directors, the complainant(s), and the Neighbor(s) shall be present at the meeting, except that any party may if desired arrange for advocates or witnesses, including legal counsel, to be present, at that party's individual expense.
6.4. All parties shall have the opportunity to state their positions relative to the complaint. Discussion of any topics not specifically mentioned in the complaint shall be out of order during the hearing.
6.5. After hearing from all parties and reviewing any relevant evidence presented, the Board of Directors shall, by simple majority vote, determine whether a violation exists.
6.6. If the Board of Directors determines that a violation exists, all timelines prescribed in this resolution shall resume upon adjournment of the hearing.
6.7. If the Board of Directors determines that no violation exists, the complaint shall be dismissed.

7. Notice of Action

7.1. To foster neighborhood harmony and goodwill, no notice shall be published to the shareholders of any complaint resolved without the need for action by the Board of Directors under sections 3.7, 5 or 6 herein unless such notice is requested by the Neighbor(s).
7.2. To encourage compliance with the Rules and Regulations and to ensure that all shareholders are treated fairly and equitably, any action taken by the Board of Directors under sections 3.7, 5 or 6 herein shall be recorded by the Secretary in the Corporation's official records and shall be published in the next association newsletter.

Adopted June 13, 2007

Stan Miller, President

Barbara A. Miesch
Barb Miesch, Block Chair, Dunecrest Dr.

Joe McNarland, Vice President

Sue Schuiteman
Sue Schuiteman, Block Chair, Dunes Pkwy.

Barb Miller, Secretary

Herm Zuidema
Herm Zuidema, Block Chair,
Lower Norcrest Dr.

Stacy Sewick, Treasurer

Patty Robinson, Block Chair,
Upper Norcrest Dr.

Brent McCarthy, Block Chair, Bellaire Ct.

Fern Anderegg
Fern Anderegg, Block Chair,
North Hilltop Dr.

Jenny Opfermann, Block Chair,
Blissfield Ct.

Ken Taylor, Block Chair, Pleasant Hill Dr.

Rachael Ernvall
Rachael Ernvall, Block Chair, Bloomfield Ct.

Deb Minner, Block Chair,
South Hilltop Dr.

Appendix I
Sample Letter

Dear Mr. Smith:

Norton Hills Estates is a wonderful place to own a home.

Well-maintained and attractive properties contribute to the neighborhood experience and protect and enhance property values for yourself and for your neighbors. The Board of Directors of the Norton Hills Estates Recreation Association is responsible for ensuring that all residents comply with the Rules and Regulations, which include requirements that properties be well-maintained.

To maintain the quality and appeal of our neighborhood, it's necessary to enforce those Rules and Regulations. A recent observation noted that plastic lawn furniture is upside down and scattered about your front yard, and that weeds are prevalent in the yard. Please arrange to have the furniture set upright and placed appropriately, and to have the weeds removed, within the next 10 days.

A copy of the Rules and Regulations is enclosed for your reference.

The Association values you as a shareholder and neighbor and is confident in your support in this matter.

Sincerely,

etc.