

## TURTLE ROCK GLEN COMMUNITY ASSOCIATION

### NEIGHBOR DISPUTE RESOLUTION POLICY

From time to time the Association's Board of Directors is asked by a homeowner to take enforcement action against the owner of a neighboring property, usually based upon reports that the resident(s) of the neighboring property is (are) creating a nuisance of some kind, that a neighbor is violating the side-yard easement provisions of the CC&Rs in some way, or because of some other disagreement or dispute that has arisen between the two neighbors.

All homeowners and residents are requested to be mindful of the following:

Article XI, Section 4 of the recorded CC&Rs prohibits activities which are an "annoyance or nuisance" to the neighborhood, or which interfere with the ability of neighbors to enjoy their properties.

Property owners are responsible for ensuring that they, their family members, their tenants, and their guests comply with this "good neighbor" requirement.

With respect to side yard easements, please refer to Section 8 of Article XIII of the CC&Rs. The easement is for purposes of "landscaping, fencing, drainage, the establishment of a general recreation or garden area and purposes related thereto," subject to the following:

- ▶ The holder of the easement may:
  - ▶ Install and maintain landscaping on the easement (subject to the requirement of obtaining prior Architectural Committee approval to the extent required by the CC&Rs).
  - ▶ Construct fencing across the easement area, provided that nothing may be attached to a neighbor's wall or the neighboring home, and the grading of the easement area may not be disturbed.
- ▶ The holder of the easement may **not**:
  - Attach any object to a neighbor's home or attach any object to a fence or wall belonging to the neighboring owner without the neighboring homeowner's permission.
  - Otherwise act with respect to the easement area in any manner which would damage the lot.
- ▶ The owner of the lot where the easement is located has the right of drainage over, across and upon the easement area for draining water away from his or her home, or for drainage into and through the subsurface drainage facilities located within the easement area.
- ▶ The owner of the lot where the easement is located has a right to enter the easement area at all reasonable times to perform maintenance and repairs to her residence and other improvements on her lot. The CC&Rs state that the owner of the lot where the easement is located agrees to utilize reasonable care not to damage any landscaping or other items existing in the easement area and the CC&Rs also state that the Owner of the lot where the easement is located shall not be responsible for damage to such landscaping or other items to the extent such damage could not be reasonably avoided in connection with such entry upon the easement area for authorized purposes.

While the Association has a duty under California law to reasonably enforce the CC&Rs as the Board of Directors deems necessary and appropriate, the Board of Directors cannot be the arbiter of every dispute or disagreement that might arise between neighbors. Therefore, the following policy shall apply to neighbor-to- neighbor disputes.

Homeowners shall be required to make a good faith effort to resolve disputes themselves prior to requesting Association involvement in the matter.

If homeowners are unable to resolve a dispute themselves, the homeowner making the complaint shall provide to the Board of Directors, in writing, a description of the activity which is the subject of the complaint, a summary of the homeowners' respective positions in the matter, an explanation of the efforts which were made to resolve the dispute, and a description of the agreements, if any, which were reached by the homeowners. Copies of all letters, emails and other materials exchanged between the homeowners shall also be provided to the Board for the Board members' consideration.

Following receipt of the written information and documentation described in the preceding paragraph, if it appears that the activity complained of may be a violation of the CC&Rs, the Board may: a) direct management to write a letter to the owner subject of the complaint requesting their compliance with the applicable CC&R provision; and/or b) invite the homeowner who is the subject of the complaint to a hearing to determine whether enforcement action by the Association is necessary and appropriate based upon the provisions of this Policy and the Association's CC&Rs.

If the Board determines, following notice to the owner of the property subject of the complaint and an opportunity for a hearing, that there has been a violation of the CC&Rs and that enforcement action by the Association is appropriate, the Board may impose a fine, suspend privileges (see Article III of the Bylaws), initiate ADR, initiate legal action, and/or invoke any other remedy available to the Association under the CC&Rs or California law.

If the Board determines at any time during the process that enforcement action by the Association will not be taken, the homeowner who initiated the complaint will be so advised and may, at his or her discretion, choose to pursue the matter with their neighbor directly through voluntary mediation, voluntary arbitration, civil suit, or other means of their selection per Article XVI of the CC&Rs and California law.

