

A Message from the ACC and the SPCE HOA BOARD:

Recently, several instances have occurred where a minority of owners have made modifications to their property without the prior approval of the ACC, and/or have altered and then executed prior approved plans, without the further review and approval by the ACC. This disregard for the Covenants and Restrictions and for the Design Guidelines is not only an affront to every other resident, but also consumes much more time on the part of the volunteer members of the ACC and the HOA Board. These actions divert HOA funds for additional and unnecessary administrative costs and potential legal expenses. The Board and the ACC have agreed that, when such violations of the Covenants and Restrictions and/or the Design Guidelines have occurred, a substantial increase in the fees required is in order for all such projects.

BACKGROUND

Section 8.02 (Construction of Improvements) of the Covenants and Restrictions states:

“Before anyone shall commence on any lot within the Subdivision the installation of, construction of, remodeling of, addition to, or alteration of any Improvement...and before anyone shall paint, texture, repaint or retexture the exterior surfaces of any Improvement, there shall be submitted to the Committee, by hand delivery or certified mail... plans and specifications...”

“No Improvement of any kind, installation, painting or texturing, shall ever be, or permitted to be, erected, constructed, installed, placed or maintained on any Lot within the Subdivision, unless and until the final plans, specification and elevations therefore shall have received written approval of the Committee.”

Section 1.11 (Improvements) of the Covenants and Restrictions defines:

“The term ‘Improvements’ shall include, without limitation, buildings, out-buildings, (including sheds and storage buildings), roads, driveways, parking areas, fences, retaining walls, privacy walls or fences, subdivision exterior walls or fences, stairs, decks, windbreaks, poles, antennas, signs, utility or communications installations (whether above or underground) and any structure and excavation of any type or kind.”

PREFACE to the Design Guidelines states:

“The Architectural Control Committee (ACC) strongly urges owners, prior to commencing the design phase of a project, to have their architect, designer and/or builder contact an ACC representative, so the owners may gain a complete understanding of the Design Guidelines.”

Section 5.6 (...CHANGES) of the Design Guidelines states:

“Any changes to the approved drawings before or during the construction of an Improvement, must first be submitted in writing for approval by the ACC.”

RESOLUTION

The ACC Fee Schedule (Revised 4/14/2011) is hereby modified as follows:

*In the event that any **Improvement**, requiring a Fee, which has been **started** prior to the written approval by the ACC, then, ANY and ALL such applicable project fees due to the ACC will be **increased, as follows:***

- a. If the owner submits the proper Forms and Fees within 15 days of written notification by the ACC, there will be no Fee increase.*
- b. For the first violation (not covered in ‘a’ above) all applicable Fees will be doubled*
- c. For the second and all subsequent violations, all applicable Fees will be tripled.*

*A project will be considered to have “**started**” when there are visible signs of construction activity or changes to the exterior appearance of the property.*

8/22/2012