

Rules & Regulations

Administrative & Enforcement

Adopted by the Board of Directors
12/13/2023



Regency at the Woods of South Barrington Association

Administrative Rules and Regulations and Enforcement

General Information

The Rules and Regulations developed for Regency at the Woods of South Barrington are based upon the following principles:

- a. To provide maximum usage and pleasure for Regency residents and guests.
- b. To collectively maintain and protect the common-usage areas, as well as homeowners' property values.
- c. To encourage consideration toward others and towards the collective use of the Clubhouse and common areas.

The Board of Directors reserves the right to amend or modify all Rules and Regulations, as it deems necessary without a vote of the members. The Board of Directors will notify all homeowners of any change(s).

Violation of the Rules and Regulations will be enforced and may result in a fine and/or termination of the Homeowner's access to the clubhouse in accordance with the Association's adopted Enforcement Policy as stated below.

Administrative Rules & Regulations

1. Annual Age Compliance Audit Census

In order to comply with the requirements of the Fair Housing Amendments Act of 1988, all homeowners must complete the annual Age Compliance Audit Census by the deadline established by Property Management. Failure to complete and submit the Age Compliance Audit Census with the required documentation to Property Management by the established date may result in a fine of up to \$100 per month.

2. Semi-Trucks Entry to/Exit from the Community

All semi-trucks must use the North Gate to enter/exit the community. All other gates are closed to semi-truck traffic. It is the homeowner's responsibility to notify all vendors to enter and exit at the North Gate, and to verify they are entering at the North Gate before giving access to the community. Violators may be subject to fine and truck operators may be ticketed. Any damage to landscaping, curbing, and/or mailboxes shall be the responsibility of the contracting homeowner.

3. Estate Sales

Homeowners may host estate sales under the following rules:

- a. All estate sales must be conducted online, either by the Homeowner or by an estate sale contractor.
- b. Homeowners must notify Property Management of the date(s) of the online sale prior to the estate sale and when the sale is completed.
- c. Written Board approval is required prior to the beginning of the estate sale.
- d. In order to minimize congestion on the seller's street, individual pick-up times for all buyers must be prearranged.
- e. Signage is not permitted on the homeowner's lot or on any part of the common area.

Enforcement

The Association is responsible for enforcing rules and regulations and may do so, if necessary, through legal action. The Association also furnishes recommended forms relating to the enforcement of these rules and regulations through its management agent. All forms are available upon request.

Section 1 - INTENT

- A. The purpose of the Enforcement Policy is to provide a governing mechanism that establishes the due process rights of an Owner and a set of procedures that will enable the Board of Directors to reach decisions which will promote the common good of the Association.
- B. The Board reserves the right to consider mitigating circumstances when enforcing the Declarations or Rules and Regulations. However, the integrity of the rules process requires that exceptions be few in number and their basis well documented. Such exceptions shall not constitute a waiver of the Association's right to enforce the Declaration and the Rules and Regulations in their entirety in the future.

Section 2 - NOTICE OF HEARING PROCEDURE

- A. Any complaint which alleges a violation of the Declaration, By-Laws or Rules and Regulations shall be made in writing and shall contain substantially the same information as that set forth in the Witness Statement attached hereto as Exhibit A-1.

At a minimum, the complaint shall set forth:

1. The name, address and phone number of the complaining witness.
2. The Owner's name and address of the Owner or Resident being cited.
3. The specific details or description of the violation, including the date, time and location where the violation occurred.

4. A statement by the complaining witness that he or she will cooperate in the enforcement procedures and will provide testimony at any hearings or trial which may be necessary.
 5. The signature and address of the complaining witness and the date on which the complaint is made.
- B. When a complaint is made pursuant to the above, the Owner shall be notified of the alleged violation by the Association or its duly authorized agents. The notification shall be in a manner prescribed by the Board in a form similar to that which is attached hereto as Exhibit A-2 (hereafter "Notice of Violation").
1. In the event the alleged violation is not the first violation by the Owner, or in the event the violation is such that serious, immediate or irreparable consequences may occur by delay, the Board may elect to forward the matter to the Association's attorney for appropriate action. All legal expenses and costs incurred will be assessed to the Owner's account, if the Owner is found guilty of the violation.
 2. The Association's attorney, if contacted regarding the violation, shall send such notices, make such demands or take such actions as are necessary to protect the interests of the Association in accordance with the provisions of the Declaration, By-Laws or Rules and Regulations of the Association.
- C. If any Owner charged with violation believes either that no violation has occurred or that he has been wrongfully or unjustly charged hereunder, the Owner must proceed as follows:
1. Within twenty-one (21) days after the Notice of Violation has been served on the Owner pursuant to the provisions herein, the Owner must submit, in writing, a request for a hearing concerning the violation. A hearing may be requested by completing the Request for a Hearing form, which is attached hereto as Exhibit A-3, and by returning it to the Association.
 2. If a request for a hearing is filed, a hearing on the complaint shall be held before the Board of Directors at the next regularly scheduled Board of Directors meeting or by special arrangement with the Board of Directors.
 3. At any such hearing, the Board of Directors shall hear and consider arguments, evidence or statements regarding the alleged violation, first from any person or persons having direct knowledge of the alleged violation and then from the alleged violator and any witnesses on his behalf. Following a hearing and due consideration, the Board of Directors shall issue its determination regarding the alleged violation. The decision of the Board of Directors shall be

made by majority vote, whose decision shall be final and binding on the Owners and the Association.

4. Payment of any violation(s) assessments, charges, costs or expenses made pursuant to the provisions contained herein shall not become due and owing until the Board of Directors has completed its determination. Notification of the Board of Director's determination shall be made in a form similar to that which is attached hereto as Exhibit A-4.
- D. If no request for a hearing is filed within twenty-one (21) days, a hearing will be considered waived, the allegations in the Notice of Violation shall be deemed admitted by default, and appropriate sanctions shall be imposed. The Owner shall be notified by the Association of any such determination using the same form and in the same manner as if a hearing had been conducted by the Board of Directors.
- E. If an Owner is found to have violated personally or is otherwise liable for a violation of any of the provisions of the Declaration, By-Laws or Rules and Regulations of the Association, the following shall occur:
1. If found guilty of a first violation of a given provision of the Declaration, By-Laws or Rules, the Owner shall be notified of the finding by the Association or its duly authorized agents that a first violation has occurred. The first violation, at the discretion of the Board of Directors, may be considered a warning that, if any further violations occur, a fine for the violation will be imposed. In the alternative, the Board of Directors may elect to assess a fine, after considering factors, including but not limited to, the length of time the violator has resided on the property, and if not, the extent of control the Owner had or should have had over the violator's conduct, the familiarity of the violator with the regulation, the severity of the violation and other appropriate factors. In addition, any legal expenses incurred by the Association or any actual damages repaired at the Association's expense may be imposed.
 2. If found guilty of a second or continuing violation of the same provision of the Declaration, By-Laws or Rules, the Owner shall be notified of the finding by the Association or its duly authorized agents. The Owner may also be assessed a fine.
 3. Fines, fees, and other costs and expenses may be assessed against individual Owners for various reasons as provided herein. Fines shall be paid with the first monthly assessment due after notice of the fines.
 - a. 1st offense – warning letter only
 - b. 2nd offense – fine of \$100.00
 - c. 3rd offense – fine of \$250.00

- d. 4th offense – fine of \$500.00
 - e. 5th offense – proceed with legal action to enjoin violation
4. If found guilty of any violation, including a first violation, the notice of determination may also require the Owner to correct any damage or any unauthorized condition on the Property for which the Owner has been found responsible, to pay the costs of any repairs which have previously been made, or to pay any legal expenses and costs incurred by the Association as a result of the violation.
 5. In the event any violation has resulted in damage to any Common Area, which has not yet been repaired, or has resulted in any damage or any unauthorized condition on the Property, the Owner will be given two (2) Notices of Violation to correct the damage or architectural violation. If the damage or violation has not been corrected within fourteen (14) days after a finding of guilty has been made on the second violation, or by special arrangement approved by the majority of the Board of Directors, the Association will proceed to have the violation corrected, and the Owner will be assessed for the full cost of required labor and materials.

In order to encourage Owners to correct violations in their own time and at their own expense, in addition to the foregoing assessment the Owner will be responsible for compensating the Association for any additional expenses accrued due to the necessity to intervene, such as but not limited to, administrative expenses involved in obtaining and supervising any such correction.

- F. Any Owner assessed hereunder shall pay any charges imposed within thirty (30) days of notification that such charges are due. Failure to make the payment on time shall subject the Owner to all of the legal or equitable remedies necessary for the collection thereof. All charges imposed hereunder shall be added to the Owner's account, shall become an obligation of the Owner personally, a lien against the Lot of the Owner and shall be collectible as a Common Expense in the same manner as any regular or special assessment against the Lot.
- G. Time is of the essence. Notices are deemed served either:
 1. By personal delivery at the time of delivery; or
 2. By mail following two (2) days after deposit in the United States Mail, provided that the notice has been sent both by regular first class and by certified mail - return receipt requested, postage prepaid, to the Owner at the address, or to such other address as the Owner shall have previously filed with the Board of Directors, and further provided that either the return receipt has been signed and returned or that the notice sent by regular mail has not been returned to the Association undelivered. For Lots held in trust, the

notices may be sent either to the address of the trustee, or to such address as has been provided to the Association by the trustee or the beneficial Owner of the trust; or

- H. The remedies hereunder are not exclusive, and the Board of Directors may, in addition, take any action provided at law, in equity, or in the Declaration and By-Laws to prevent or eliminate violations thereof or of the Rules and Regulations of the Association.

RESOLUTION

BE IT RESOLVED that the following shall be the procedures employed by the Association, its managing agent, its accounting/auditing professionals, and Association counsel concerning the election or appointment of Association members to the Association's Board of Directors and the reporting of personal identification information of Board members:

1. Board Seating Procedures

Only those candidates who are elected and qualified, or appointed and qualified, to serve on the Board of Directors shall be seated on the Board of Directors. If a candidate is duly elected or appointed to the Board of Directors pursuant to Illinois law and the Association's Governing Documents, but is not qualified, then that candidate shall not be seated on the Board of Directors until they become qualified. If they fail to become qualified within thirty (30) days after their election or appointment, then a different candidate may be elected or appointed to the position. If the unqualified candidate was elected and fails to become qualified within thirty (30) days following their election, then the candidate in such election who received the next highest number of votes shall be deemed elected.

2. Required Information

The following information shall constitute "Required Information":

- a) Full legal name
- b) Date of birth
- c) Current address
- d) Passport or driver's license number, or other government-issued identification number
- e) Copy of documentation of government issued identification.

3. Board Qualification

All calls for candidates or requests for individuals to serve as member of the Board of Directors, either by election or pursuant to appointment, shall include the following statement, the terms of which shall apply to all candidates for the Board of Directors:

DISCLOSURE: The Corporate Transparency Act requires that all members of the Board of Directors (considered "beneficial owners") must provide the following information: names, address(es), date of birth and some form of identification such as a passport/drivers' license number. All of this information must be submitted, and kept updated, on the Beneficial Ownership Information Report. If you are considering running for or serving on the Board of Directors and if you are unable or unwilling to provide this information you should not run or serve. Failure to provide the above information may result in individual liability in the form of daily fines of \$500, a maximum fine of \$10,000, and two years in prison. By signing and submitting an application to appear as a candidate on the ballot for the election, you agree to provide the information required by the Corporate Transparency Act.

Only those candidates who provide the Required Information for compliance with the Corporate Transparency Act within thirty (30) days of election or appointment shall be qualified to serve on the Board. In the event that a candidate does not agree to provide the information for compliance with the Corporate Transparency Act as described in the Disclosure set forth herein, that candidate's name shall not be included on any ballots or proxies issued by the Association, nor shall that candidate be qualified to serve on the Board.

4. Reporting Requirement

Once elected or appointed, a Board candidate shall provide the Required Information within thirty (30) days of their election or appointment for the purpose of reporting such information to the U.S. Department of the Treasury in compliance with the Corporate Transparency Act. Individuals serving on the Board at the time this policy is adopted shall provide the Required Information within thirty (30) days from the date this policy is adopted. Individuals who do not provide the Required Information in a timely manner shall be deemed unqualified to serve on the Board.

5. Indemnification

Any penalties or fees assessed to the Association due to a Board member's refusal or failure to provide the Required Information in a timely manner shall be the sole responsibility of the refusing Board member. The Corporate Transparency Act currently imposes a civil penalty of up to \$500 per day of noncompliance, as well as a criminal penalty of up to \$10,000 and up to two (2) years in prison. By accepting a position on the Board, each Board member agrees to indemnify the Association for any and all damages caused by or resulting from that Board member's willful or negligent violation of the Corporate Transparency Act.

END OF TEXT OF RESOLUTION

VIOLATION COMPLAINT - WITNESS STATEMENT

PLEASE PRINT OR TYPE. Complete all known information; if unknown, so state. Attach additional sheets if necessary.

INFORMATION CONCERNING WITNESS (ES) TO VIOLATION:

Witness's Name Phone No.

Witness's Address

INFORMATION CONCERNING VIOLATOR:

Violator's Name

Violator's Address

INFORMATION CONCERNING VIOLATION:

Violation Date Time Location

Section(s) of Declaration, By-Laws or Rules & Regulations violated

Witness' Observations: _____

Were any photographs or sound recordings made? Yes No By whom?

Include all tapes and photographs with this form or forward as soon as possible. Include the name of the person who made the tape or photograph, the date it was made and the name of anyone else who was present.

I HAVE MADE THE ABOVE STATEMENTS BASED ON MY PERSONAL KNOWLEDGE AND NOT UPON WHAT HAS BEEN TOLD TO BE. I WILL COOPERATE WITH THE ASSOCIATION AND ITS ATTORNEY TO PROVIDE ADDITIONAL STATEMENTS OR AFFIDAVITS, AND IN THE EVENT A HEARING OR TRIAL IS NECESSARY, I WILL APPEAR TO TESTIFY AS A WITNESS.

_____, 20____
Signature Date Signed

NOTICE OF VIOLATION

TO: _____ DATE: _____

_____ TIME: _____

SEND: CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Violation of Declaration, By-Laws or Rules and Regulations

You are hereby notified, as the Owner of _____, _____, Illinois that you are charged with a violation of the Association's Declaration, By-Laws or Rules and Regulations. The actions which caused this complaint occurred on or about _____, 20____, and are described as follows:

The Association is governed by the Declaration, By-Laws and various Rules and Regulations which you are charged with violating. You must take the action explained in the Association's Policy and Procedures section in the Rules and Regulations if you believe the charges are unjustified. UNDER THE RULES, IF YOU FAIL TO REQUEST A HEARING WITHIN TWENTY-ONE (21) DAYS OR FAIL TO APPEAR AT A HEARING (PER YOUR REQUEST) ON THESE CHARGES, YOU WILL BE FOUND GUILTY BY DEFAULT, AND FINES, CHARGES, COSTS, EXPENSES AND LEGAL FEES MAY BE ASSESSED AGAINST YOU AND ADDED TO YOUR ACCOUNT.

IF A VIOLATION EXISTS WHICH HAS NOT ALREADY BEEN CORRECTED, AND YOU FAIL TO MAKE A CORRECTION, YOU WILL RECEIVE ONE NOTICE OF VIOLATION, AFTER WHICH THE ASSOCIATION WILL CORRECT THE VIOLATION AT YOUR EXPENSE, WITH AN ADMINISTRATIVE CHARGE IN A MINIMUM OF \$100.00. Please consult the Associations Rules for further details.

You may request a hearing by signing, dating and returning the attached Request for a Hearing form to the Association at the address listed below. The request MUST be received within twenty-one (21) days.

REGENCY AT THE WOODS OF SOUTH BARRINGTON ASSOCIATION

BY: _____ ADDRESS: _____

TITLE: _____

cc: Regular Mail

REQUEST FOR A HEARING

TO: _____ DATE: _____

I hereby request a hearing on the charges made against me as contained in the Notice of Violation dated _____, 20____, alleging a violation of the Declaration, By-Laws or Rules and Regulations of the REGENCY AT THE WOODS OF SOUTH BARRINGTON ASSOCIATION.

Owners Signature

Owners Printed Name

Address City State Zip

Phone Date

NOTICE OF DETERMINATION REGARDING VIOLATION

TO: _____ DATE: _____

On _____, _____, you were notified of a violation of the Declaration, By-Laws or Rules and Regulations of the Association. Pursuant to the Association rules:

- A hearing was held at your request
- You have admitted to the violation by DEFAULT and waived your right to request a hearing regarding the alleged violation. After considering the complaint, the following determination has been made and the following action(s) will be taken:
- You were found not guilty and no action will be taken.
- A _____ violation of the Association's Declaration, (1st, 2nd, etc.) By-Laws or Rules and Regulations has occurred and a fine in the amount of \$_____ is now due.
- Damages, expenses and administrative charges in the total amount of \$_____ have been incurred and are now due.
- Legal expenses in the amount of \$_____ have been incurred by the Association and are now due.
- Damages have occurred or an architectural violation exists, as charged in the complaint, and you are ordered to have the damages or violation corrected or repaired at your own expense.
- As a result of a second or subsequent violation, we have instructed our attorneys to inform you that legal proceedings will be instituted if further violations occur, and the expenses incurred will be assessed to you.

REGENCY AT THE WOODS OF SOUTH BARRINGTON ASSOCIATION

BY: _____ ADDRESS: _____

TITLE: _____