



President's Report – March 2016

The developers of Martin's Point created the Martin's Point Homeowners' Association for the benefit of all who would buy property here, namely, to help maintain property values, resident safety and quality of life. To guide the Association in achieving these goals they created a "Declaration of Covenants, Conditions and Restrictions (CC&Rs) that are attached to the deeds of all Martin's Point property. Martin's Point property owners became bound by these CC&Rs when they signed the deed to obtain ownership of their home or lot.

One of the most important responsibilities of the HOA is to uphold the CC&Rs. Your HOA, through its governing body the board (and the HOA's agent, Seaside Management), has regularly taken steps to do so. We have been guided by information contained in the governing documents about how to go about this process. In part, it states that we..."*must attempt to resolve alleged violations informally, without the imposition of penalties.* And further, "*...the Board may, after notice and an opportunity to be heard, impose reasonable fines...*".

The governing documents give broad discretion to the HOA about how to go about enforcing the CC&Rs. Up until now there has never been a written, board-approved document that outlines the specific policies, actions and timelines for CC&R enforcement in Martin's Point. At our last meeting, the Board remedied this situation by adopting new policy resolutions guided by provisions in the governing documents. Their purpose is to ensure we have a *fair, reasonable, and systematic* method for enforcing the CC&Rs that will work to the benefit of all Martin's Point residents.

The *Covenant Enforcement Protocol* details the process of enforcement including weekly inspections (or more frequently when a violation is observed), maintenance of a written log and use of photographs of the alleged violation, and all telephone and written correspondence with the property owner.

The *Covenant Enforcement Procedures* contain a series of steps that will be taken if an alleged violation is observed. They include observation to see if the violation self corrects within seven days followed by a phone call to the property owner if the violation continues. (If the property owner can't be reached by phone they will receive initial contact via mail.) If this is unsuccessful in resolving the violation the property owner will receive a follow up letter.

If these repeated attempts are still unsuccessful the property owner will be sent a notice of hearing during which they will have an opportunity to be heard and to present evidence to the board. Unless the violation is corrected or the board determines there are extenuating circumstances, fines will be imposed for each violation for each day that the violation continues, beginning five days after the hearing. (For details, please visit the "Documents" section under "Community Governance" on our website to access the CC&Rs, and the *Covenant Enforcement Procedures and Protocol.*)

Fortunately, Martin's Point does not have a major problem with covenant violations. Of the small number who violate a covenant, many are unaware that they have done so and readily correct their violation when so informed. The board does not want to impose fines. However, it will do so as a last resort when a property owner chooses to ignore repeated requests to "cure" a violation. Monetary penalties are essential as their proper use allows the board to carry out its fiduciary duty to enforce our governing documents.

Martin's Point is a beautiful, safe community that offers a compelling place to live. I am confident that the board's responsible actions on covenant enforcement will help keep it that way and maintain our place as the "crown jewel" of the Outer Banks for years to come.

Happy spring!