

Covenant and Rule Enforcement Policy of Montgomery Lake at Timm Creek POA

The purpose of this policy is to enforce the guidelines in the Montgomery Lake Subdivision and to protect the value and enjoyment of the properties. To this end, the goal of adopting this policy for violation notification is to make homeowners aware of ongoing problems that affect their neighbors and the overall quality of the neighborhood. The violation process includes an initial notification, ample time to take corrective actions, fair enforcement, and an appeal process. The fining policy provides an incentive for homeowners to address problems that are going uncorrected. Refusal to take such action when notified of violations will be followed up with a monetary penalty, which will be put into the general fund of the POA. This policy was adopted by the Board of the Montgomery Lake at Timm Creek Property Owners Association and becomes effective on July 15, 2024. It is not the intent of the policy to place undue hardship on residents. Extenuating circumstances that impact a resident's ability to comply may be considered by the Board of the ML@TCPOA on a case-by-case basis. As a rule, consideration will be in the form of an extension of time, not an exemption.

POLICY

All properties should be kept neat and well-maintained at all times.

VIOLATIONS: LANDSCAPING AND YARDS

Yard Maintenance: Yards must be maintained frequently enough to preserve an overall well-kept appearance. This includes:

- **Mowing:** Front yard and side yard of corner lots.
- **Edging:** Sidewalks, driveways, and curbs.
- **Weed control:** Flower beds, lawn areas, cracks in sidewalks, and driveways.
- **Vegetation requirements:** The majority of the front yard will consist of grass or short-maintained vegetation or ground cover. No hard-packed earth or barren spots. Gravel and loose stones cannot be used in lieu of vegetation, except as Lawn Accents.
- **Yard debris:** including lawn clippings and tree and shrub trimmings, must be removed from view after maintenance until trash day. Blowing, raking, or sweeping clippings and leaves into the street is not acceptable.
- **Pruning:** Trees must be pruned at least 10 feet above sidewalks and streets. Shrubs may not extend over paved areas and must be neat and pruned. Dead plants, shrubs, and trees must be removed in a timely fashion.
- **Grass should be watered** often enough to prevent unseasonal discoloration or barren spots (without violating local watering restrictions).
- **Up keeping of Lot:** Areas visible from the street should be picked up and kept clear of miscellaneous items not meant to be permanently placed in the yard.

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Office of REGISTER OF DEEDS, SPARTANBURG, S.C.

Ashley B. Williams, Register Of Deeds

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EXTERIOR HOME MAINTENANCE

- **Exterior home maintenance:** Home siding and trim must be maintained frequently enough to maintain an overall well-kept appearance. This includes:
 - **Siding:** Regular painting, repair, or replacement of worn or damaged siding, and removal of unsightly stains and mildew.
 - **Trim:** Regular painting, repair, and/or replacement of worn or damaged siding.
- **Mailboxes:** Mailboxes must conform to the Montgomery Lake design and be kept in presentable condition.

FENCES

- Fences must be kept in good repair. Missing boards, mildew, and severely aged wood must be corrected. Rusted and bent fencing must be replaced or repaired.

WINDOW COVERINGS AND TREATMENTS

- All COVERED windows that can be viewed from the street must have fitted window coverings and must be in good condition—no bent/broken slats, no tattered/torn edges. Blinds must be kept in good condition, and windows cannot be covered with foil, reflective film, blankets, sheets, or paper (except paper blinds can be used temporarily).

UNAPPROVED EXTERIOR CHANGES

- All STRUCTURAL changes to the exterior of THE HOUSE, the addition of any structure SUCH AS DECKS AND STORAGE BUILDINGS, fence replacement or installation, painting, roof replacement, a change in roofing, and major landscape modification and installations must be pre-approved in writing by the ARC.

VEHICLES

- No cars shall park on the streets of the subdivision aside from temporary guests.
- Vehicles may not be parked on the grass or sidewalks at any time.
- No vehicles without a current license plate. Derelict (inoperable), junk, or racing vehicles shall not be located on any lot temporarily or permanently. Vehicles in disrepair shall not be stored within the subdivision. Inoperable vehicles include, but are not limited to, expired registration, elevated for some period of time, without a current license plate, missing components, flat, or missing tires. RVs, boats, campers, and similar vehicles shall not be kept on any lot longer than 48 hours. Removal of such vehicles for short periods shall not affect the running time period set out here.

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- Recurring events at a resident's home shall not have numerous non-residents parking on the street. The pool parking lot may be used to avoid congested streets caused by excess vehicles.

TRASH RECEPTACLES

- Trash receptacles must be kept out of sight from the street, except during collection hours.

BASKETBALL HOOPS

- Portable basketball hoops need to be moved near the house or garage when not in use. They may not be stored in the street.

ANIMALS

- All animals must be under the control of the handler at all times. Leashes should be used outside of the owner's lot. Dogs, cats, or any other animals must not be allowed to cause a nuisance. Pets may not foul another owner's property. If an accident occurs, the pet's owner must immediately remove the feces (POOP) from the property. This also applies to the Association's common areas. No animals are allowed, except for typical household pets, such as cats, dogs, rabbits, hamsters, and caged birds, and these must be in reasonable numbers and kept as pets.

OTHER VIOLATIONS

- The Covenants include some specific violations, which have been included in this list, and from time to time, the Association Board may amend this list to include other activities prohibited by the Covenants, particularly when such situations affect the quiet enjoyment of the neighborhood by other owners. All lots are for single-family residential use only.

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NOTICES AND FINES

The Board is given express authority in the Association Covenants to adopt and publish rules and regulations to enforce the protective Covenants. In order to enforce these rules, the POA Board has also adopted a notification and fining policy to address violations. The Board may amend the initial fine schedule from time to time.

If a violation is corrected and remains “cured” for 180 days, the process will begin again as a 1st notice violation for future violations of the same type. When a fine is assessed, the homeowner will receive the notice along with an invoice. The homeowner will be allowed an opportunity to contest any fine that is assessed, and the process will be included in the notice. All fines will be added to the general account of the Montgomery Lake at Timm Creek POA.

The nature of violations and the fines and grace periods for each are included in the following schedule:

VIOLATIONS

Violation Notices will reference the type of violation present. This normally will include a photograph. The violations will be categorized as one of the following:

- **Nuisance Violations:** Items in the yard, which are generally corrected easily by removing to an inconspicuous location.
- **Vehicle Violations:** Parking on the grass, derelict cars on lot, prohibited vehicles left beyond 48 hours.
- **Landscaping Violations:** Overgrown lawns (a height of not more than three inches), excessive weeds, trees, or vegetation needing trimming.
- **Maintenance Violations:** Worn paint on siding or trim, fencing needing repair or re-staining, roof needing repair of shingles, mailbox needing maintenance, etc.
- **Abuse of Association Property**

1st Notice: Mailed to the homeowner with the date, type, and number of the violation. Compliance within a specific time is required to avoid a fine following the 1st notice of violation:

- Nuisance violation: 30 days
- Landscaping violation: 30 days
- Vehicle violation: 30 days
- Maintenance violation: 30 days

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None of these first notices will result in fines.

2nd Notice: Will be mailed to the homeowner and will include the avoidable fine for continued or repeated non-conformance. The timeframe to correct the violation for the second notice is the same as for the 1st notice (see above), but the 2nd notice will include a fine in the following amounts:

- Nuisance violation: \$25
- Landscaping violation: \$25
- Vehicle violation: \$25
- Maintenance violation: \$25

3rd, 4th, etc. Notices: Will be mailed to the homeowner and will include a larger fine for continued or repeated non-conformance. The timeframe to correct the violation for these notices is the same as for the 1st notice (see above).

- Nuisance violation: \$50
- Landscaping violation: \$50
- Vehicle violation: \$50
- Maintenance violation: \$50

Late payments will incur a \$5.00/month fee beyond 60 days.

Abuse of Association Property shall include any or all of the following:

- May be subject to a police report and criminal prosecution
- A fine of \$100
- The homeowner is responsible for replacement and repair of property

Late payments will incur a \$5.00/month fee beyond 60 days.

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Board of Directors Resolution

The Board of Directors of Montgomery Lake at Timm Creek Property Owners Association hereby adopts this covenant and rule enforcement policy. The 31 day of August, 2024.

SIGNED SEALED AND DELIVERED
in the presence of:

Seth Capen 7/31/24
Witness

Seth Capen 7/31/24
Witness

Seth Capen 7/31/24
Witness

Witness

Witness

**MONTGOMERY LAKE AT TIMM CREEK
PROPERTY OWNERS ASSOCIATION**

By: [Signature] President

Print Name: Jacqueline Piccirilli

By: [Signature] Treasurer

Print Name: Michael Pullon

By: [Signature] Secretary

Print Name: Jennifer Moore

By: _____

Print Name: _____

By: _____

Print Name: _____

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of Montgomery Lake at Timm Creek POA

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

ACKNOWLEDGEMENT

IN WITNESS WHEREOF, Montgomery Lake at Timm Creek Property Owners Association has
by its duly authorized officer set its hand and seal this 31 day of July, 2024,
and by doing so certifies, acknowledges, and affirms that the Board of Directors has adopted and
validated the documents as of the date set forth above.

Witness my hand and official seal this 31 day of July, 2024.

Barbara Ann Light
Notary Public for South Carolina
My Commission Expires: 12-10-2025

