



Black Horse Run Board
(Architectural Control Committee)
Covenant Violation Process
May 2019

- I. The Black Horse Run (BHR) Architectural Control Committee (ACC) performs annual inspections of our Community to determine the current state of homeowners' compliance with the sections of the Covenants listed in Book 2197, pages 552 – 555, as filed with the State of North Carolina, County of Wake, in October 1973. The covenants are posted on the BHR website in the ACC section.
- II. The results of these inspections are discussed within the ACC and those violations that are considered actionable violations of our Covenants are provided to the BHR Office Manager with a proposal to contact the resident(s) in question.
- III. Schedule of violation notifications:
 - a. Upon receipt of the list of violations from the ACC, a courtesy call/email will be made/sent to the neighbor to explain the violation. The date of this call will start the clock for future Black Horse Run Board (BHRB) actions. If no immediate resolution within 14 days, then;
 - b. An INITIAL violation notification (60-day violation notice) will be provided to the resident on day 15. This notification will include the minimum requirements for correcting the violation.
 - c. The ACC will provide site visit follow-up to confirm the status of the violation. If no action is taken to correct the violation by the end of 60 days, then;
 - d. A SECOND violation notification (30-day violation notice) will be provided to the resident. This letter must include a notification of an opportunity to be heard and present evidence, in accordance with North Carolina General Statute 47F-3-107.1, at the next scheduled BHRB meeting.
 - e. The ACC will provide site visit follow-up to confirm the status of the violation. If no action is taken to correct the violation by the end of 30 days, then;
 - f. Establish date and time for resident to have an opportunity to be heard by the BHRB, typically at a regularly scheduled monthly BHRB meeting.
 - g. If the violation is not resolved via the BHRB hearing, then the ACC will provide site visit follow-up to confirm the status of the violation.

- h. If violation remains unresolved, then the ACC will recommend to the BHRB that a Final (15 day) Notification of Intent be sent to the homeowner advising our intent to impose a monthly fine. The BHRB will determine the fine amount, based upon cost to resolve the violation and/or any existing fine precedents. The fine may not exceed \$100 for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under North Carolina General Statute 47F-3-1116.
- i. The Office manager will provide the resident a FINAL violation notification (15-day violation notice) of the BHRB's decision, which will be sent via registered mail to the resident.
- j. The ACC will provide site visit follow-up to confirm the status of the violation.
- k. In accordance with the BHRB final decision, impose a fine, if resident has not addressed the violation. All fines will be imposed by the BHR Board and administered by the Office Manager.
- l. The ACC will provide continual site visit follow-up to confirm the status of the violation.

IV. Below is a list of specific violations outlined in BHR Covenants on pages 552-555:

- a. Building a structure or fence or wall without approval of the ACC (i.e.; stable, garage, shed, fence, retaining wall, etc.)
- b. Failure to meet setback requirements (i.e.; 20 feet from side property lines, between 5-6 feet from bridge trails, other setback stated in Covenants)
- c. Unclean, unsightly or unkempt conditions of buildings and fences (i.e.; mold, mildew, moss on houses, buildings, roofs; gutters falling off, etc.)
- d. Non-operating cars, unused objects or apparatus in public view (i.e.; unlicensed cars, tractors, trailers, etc.)
- e. Garbage, junk, trash, debris
- f. Un-mowed or unmaintained lawns/yards
- g. Offensive or noxious activity (i.e.; noise or activities effecting multiple neighbor, etc.)
- h. Temporary units, i.e.; trailer, camper, tent, shack, garage, barn, other out buildings to include PODS.
- i. Signs (commercial) in view of the public (i.e.; signs on buildings, cars, or trucks)
- j. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that horses, dogs, cats, or other pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes
- k. Garbage (trash) receptacles in public view; typically if stored in front of the house.
- l. Fuel tanks or similar storage receptacles in public view (i.e.; propane tanks, diesel, gasoline storage)
- m. More than one horse per ½ acre

4 Attachments:

1. First (60 day) Notification
2. Second (30 day) Notification
3. Final (15 day) Notification of Intent
4. Photo of Violation



DATE:

TO:

SUBJECT: Violation of Black Horse Run Covenants

FIRST (60-Day) NOTIFICATION

The Black Horse Run (BHR) Architectural Control Committee (ACC) recently performed its annual inspection of our Community to determine the current state of homeowners' compliance with the sections of the Covenants listed in Book 2197, pages 552 – 555, as filed with the State of North Carolina, County of Wake, in October 1973 and posted on the BHR website. The following violation(s) was (were) found on your property:

The BHR Property Owners Association provided you a courtesy call on _____ regarding the Covenant violation(s) above. Please contact the BHR Office Manager (Jane Burkey) to discuss your plan of action to correct or remedy the above item(s). In general, we realize that it may take time to arrange for repairs, landscaping work, etc., and it is important that you keep the BHR Property Owners Association apprised of your efforts to correct the violation(s) noted above, via communication with the BHR Office Manager. We recognize that being a homeowner can be overwhelming at times. If you are experiencing a hardship that has prevented you from addressing the above item(s), please let Jane know so that we can work together on an alternative plan of action. Each situation will be handled on a case-by-case basis, and your privacy will be ensured.

You are advised that if you do not address the issues detailed in this letter you can expect a second notice at 60 days from the date of our initial phone call, where you will be provided an opportunity to be heard and to present evidence regarding the violation(s), if you so choose, to the Board. You will then receive a final notice at 90 days from the date of this letter, at which time the ACC will request that the BHR Board assess a daily fine (assessment) for ignoring the upkeep of your property. In either case, an additional 15-day notification of this action will be provided to you. Our authority to impose a fine is provided in [North Carolina General Statute 47F-3-107.1](#). A copy of that Statute is available in the BHR office for your review or at this web address:

www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_47F.pdf. Failure to pay such charges will result in a lien being placed on your property in accordance with the same law.

If for some reason you are unable to correct the above noted conditions by __ ____, __ ____, please contact Jane Burkey in the BHR office: (919) 847-3131 or email BHRPOA@bellsouth.net

Signature



DATE:

TO:

SUBJECT: Violation of Black Horse Run Covenants

SECOND (30 DAY) NOTIFICATION

The Black Horse Run (BHR) Architectural Control Committee (ACC) recently performed its annual inspection of our Community to determine the current state of homeowners' compliance with the sections of the Covenants listed in Book 2197, pages 552 – 555, as filed with the State of North Carolina, County of Wake, in October 1973 and posted on the BHR website. The following violation(s) was (were) found on your property:

The BHR Property Owners Association provided you a courtesy phone call on _____ and a FIRST (60-Day) NOTICE letter on _____ regarding the Covenants violation(s) above. This is our SECOND (30) NOTIFICATION to you regarding this matter, and we encourage you to contact the BHR Office Manager (Jane Burkey) as soon as possible to discuss your plan of action to correct or remedy the above item(s). If you are experiencing a hardship that has prevented you from addressing the above item(s), please let Jane know so that we can work together on an alternative plan of action. Each situation will be handled on a case-by-case basis and your privacy will be ensured.

You are advised that if you do not address the issues detailed in this letter you can expect a final notice at 30 days from the date of this SECOND (30-Day) NOTIFICATION, at which time the ACC will request that the BHR Board to assess a monthly fine (assessment) for ignoring the upkeep of your property. In either case, an additional 15-day notification of this action will be provided to you. Please contact Jane Burkey within 30 days of this letter to schedule a time to be heard and to present evidence, if you so choose, to the Board. Our authority to impose a fine is provided in [North Carolina General Statute 47F-3-107.1](#). A copy of that Statute is available in the BHR office for your review or at this web address: www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_47F.pdf. Failure to pay such charges will result in a lien being placed on your property.

If for some reason you are unable to correct the above noted conditions by __ ____, ____, please contact Jane Burkey in the BHR office: (919) 847-3131 or email BHRPOA@bellsouth.net

Signature



DATE:

TO:

SUBJECT: Violation of Black Horse Run Covenants

FINAL (15 DAY) NOTIFICATION of INTENT

The Black Horse Run (BHR) Architectural Control Committee (ACC) recently performed its annual inspection of our Community to determine the current state of homeowners' compliance with the sections of the Covenants listed in Book 2197, pages 552 – 555, as filed with the State of North Carolina, County of Wake, in October 1973 and posted on the BHR website. The following violation(s) was (were) found on your property:

The BHR Property Owners Association provided you a courtesy phone call on _____; a FIRST (60-Day) NOTIFICATION letter on _____; and a SECOND (30-DAY) NOTIFICATION on _____ regarding the Covenant violation(s) above.

Please contact the BHR Office Manager (Jane Burkey) as soon as possible to discuss your plan of action to correct or remedy the above item(s). If you are experiencing a hardship that has prevented you from addressing the above item(s), please let Jane know so that we can work together on an alternative plan of action. Each situation will be handled on a case-by-case basis and your privacy will be ensured.

You are advised that if you do not address the issues detailed in this letter, you can expect to receive a charge of \$_____ per day, which is an assessment determined by the BHR Board for ignoring the upkeep of your property. Our authority to impose a fine is provided in [North Carolina General Statute 47F-3-107.1](#). A copy of that Statute is available in the BHR office for your review or at this web address: www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_47F.pdf. Failure to pay such charges will result in a lien being placed on your property.

If for some reason you are unable to correct the above noted conditions by __ ____, ____, please contact Jane Burkey in the BHR office: (919) 847-3131 or email BHRPOA@bellsouth.net

Signature

Photo of violation