



MASTER ASSOCIATION (BFMA) Rules and Restrictions Handbook

**As Authorized by the Master CCR's, Exhibit C, as Amended
March 18, 2014, for Brunswick Forest Residential Properties**

Approved & Adopted by the BFMA Board of Directors:

12/31/15

BRUNSWICK FOREST MASTER ASSOCIATION, INC.

Residential Property Owners' Rules and Restrictions Handbook

PREFACE

The Brunswick Forest Master Association's (BFMA's) governing covenants, Rules and Restrictions are intended for the mutual benefit, safety and welfare of each and every Residential Property Owner and resident in the Brunswick Forest Master Association, Inc. Membership compliance with said governing documents is an essential key to promoting harmony between neighbors, as well as, maintaining the overall aesthetics of the community.

This Rules and Restrictions Handbook was compiled by the Brunswick Forest Master Association ("BFMA") for the purpose of providing the Residential Property Owners with an easy to understand document. The basis for the Rules and Restrictions and the authority for enforcement are contained in the Master Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "CC&R's") for BRUNSWICK FOREST MASTER ASSOCIATION, INC. These limitations, restrictions, covenants and conditions are binding on all parties having acquired any right, title or interest in property within Brunswick Forest.

Please read the Rules and Restrictions carefully and be sure your family, tenants, and guests understand them fully. Ignorance or unfamiliarity of the Rules and Restrictions is not an acceptable reason for non-compliance. For information regarding the current Board of Directors or any other questions, please contact the CAMS Community Manager at the CAMS Management Office or email cs@brunswickforestmaster.com.

I. GENERAL INFORMATION

All Residential Property Owners should be provided copies of the CC&R's, the By-laws, and the Rules and Restrictions at the time of purchase or closing. As a Residential Property Owner, you are urged to read all of these documents since they set forth, in complete and detailed form, the rights, duties, and obligations of each Residential Property Owner and are the official governing documents which cover these rights. If you are an owner and renting your unit, you must provide a copy of this handbook to your tenants and ensure they fully understand all Rules and Restrictions.

Observing the provisions contained within this booklet is the responsibility of every owner, whether a resident or a nonresident, tenant and/or guest.

Copies of the above documents are available on the BFMA website at www.brunswickforestmaster.com. The Brunswick Forest Master Association falls under the jurisdiction of the State of North Carolina, Brunswick County, and all ordinances and codes apply.

Brunswick Forest Master Association
c/o CAMS
1612 Military Cutoff Road, Suite 108
Wilmington, NC 28403
Tel: (910) 256-2021
Email: cs@brunswickforestmaster.com

And a local 'on site' office:

BFMA / CAMS Community Manager
Brunswick Forest Commercial Center
1174 Turlington Ave, # 202
Leland, NC 28451
Tel: (910) 256-2021
Email: cs@brunswickforestmaster.com

II. RESIDENTIAL PROPERTY OWNERS

Residential Property Owners named in the recorded deed automatically become members of BFMA. Relatives whose names are not on the deed are neither Residential Property Owners nor considered members for the purposes of these Rules and Restrictions.

Mailing addresses and phone numbers of the Residential Property Owner must be filed with the BFMA office within ten (10) days of recording the Title Deed, so that official notices can be mailed to the Residential Property Owner and contact can be made in case of an emergency. It is the responsibility of each Residential Property Owner to notify the BFMA office of any change in their mailing address, telephone number or residency status (i.e. renting their property).

III. VIOLATION OF RULES AND RESTRICTIONS

Each Residential Property Owner is encouraged to report observed violations either by calling the CAMS office at (910) 256-2021, emailing the CAMS office at violations@brunswickforestmaster.com or writing to the BFMA Office, c/o CAMS, 1612 Military Cutoff Road, Suite 108, Wilmington, NC 28403. A Rules Violation Report may also be submitted (please see **Violation Reporting Process**, in this Handbook for further details).

Each Residential Property Owner is responsible for the conduct of and any violations by such owner's family members, guests, agents, contractors and tenants, and for the family members, guests, agents and contractors of any tenant.

Should a violation be reported, BFMA's Management has been instructed to do any or all of the following;

- A. Note the nature of the alleged violation, obtain the name and address of violators, and forward the information to the appropriate BFMA committee.
- B. In the case of children, every reasonable and responsible effort should be made to contact the parents, guardian, or host immediately, prior to taking further action.
- C. Call upon a law enforcement agency for any assistance, if necessary.

The most current version of the Brunswick Forest Community Wide Standards includes additional rules, violations, and authority for enforcement and fines. These are defined in Article II and as referred to in Article V of the Master Declaration of Covenants which is available online at www.brunswickforestmaster.com.

IV. RULES ENFORCEMENT

BFMA's Rules and Restrictions Committee, chartered and established by the Board of Directors defines the process by which the Rules and Restrictions are to be enforced.

Any Residential Property Owner, resident, guest or tenant violating these Rules and Restrictions may be subject to corrective action.

Notice of actual violations will be brought to the attention of the Residential Property Owner or tenant, either by a courtesy phone call or in writing, by the Rules and Restrictions Committee or designee.

Failure to correct the violation by the Residential Property Owner or tenant may result in the levy of fines, suspension of facility use and/or legal action. Any cost for such required actions to obtain compliance will be the responsibility of the Residential Property Owner.

V. DISCLAIMER

The material in this Handbook is not intended to be a substitute for the stipulations contained in the CC&R's or for the services of an attorney. The law and its interpretation are constantly changing. Please consult your professional advisor regarding your involvement, obligations and rights of Residential Property Ownership in this common interest community association.

VI. RESIDENTIAL PROPERTY OWNER'S GUIDELINES FOR PROPOSING RULES AND RULE CHANGES

The input of Residential Property Owners for proposing rules changes is encouraged. Residential Property Owners seeking new rules or changes to existing rules should contact any member of the Rules and Regulations Committee and provide a written proposal, including justification. The Rules and Regulations Committee will conduct the following on any proposed change requested:

- A. The Rules and Restrictions Committee will determine if the proposed rule comes within the purview of Rules and Regulations Committee. If not, they will refer the suggestion to the appropriate jurisdiction.
- B. Review the proposed rule change for its impact on the entire community.
- C. Determine if the proposed rule is enforceable, if violated.
- D. If the Rules and Regulations Committee approves the proposed change for consideration, a recommendation will be made to the BFMA Board of Directors for their approval.

The Residential Property Owner will be advised of the actions taken and ultimate disposition of the suggestion.

RULES AND RESTRICTIONS

The following is the adopted Rules and Restrictions of the BRUNSWICK FOREST MASTER ASSOCIATION, INC. ("BFMA"). The Rules are presented by category. Following the Rules, this Handbook contains BFMA's "due process" Rules Hearing Committee Procedures which will be utilized for the settlement of any Rule disputes. For reference to specific rules, please see the Index of Rules at the back of this document.

GENERAL

I. USE OF MOTORIZED VEHICLES, PARKING & STREETS

A. Motor Vehicles

1. All definitions in this section shall be the definitions of the North Carolina Motor Vehicle statutes.
2. All vehicles within the community must be continuously titled, licensed, inspected, registered and insured as required by state statutes.
3. All motor vehicles must be driven in a safe and reasonable manner, driven only on designated roadways and observe all posted traffic signs, including speed limits. Only licensed drivers shall operate any motor vehicles within the community. Operation of Golf Carts is strictly limited to the confines of the Cape Fear National Golf Course cart paths. Golf carts may not be operated within the Brunswick Forest residential development or roads.
4. Unlicensed vehicles ARE permitted only within the confines of a Residential Property Owner's garage. No unlicensed, junked, wrecked or stripped vehicles of any kind are allowed on any Residential Property Owner's lot, BF property, street or right-of-way.
5. Vehicles are only allowed to be regularly parked in garages or on Residential Property Owner's paved driveways and may not extend within the Common Right-of-Way (Sidewalk).

B. Parking and Streets –

1. Vehicles are only allowed to be regularly parked in garages or on Residential Property Owner's paved driveways and may not extend within the Common Right-of Way (Sidewalk).
2. There shall be no storage or overnight parking of any mobile home, trailer (with or without wheels), motor home, tractor, truck (other than pick-up trucks), commercial vehicles of any type, camper, motorized camper or trailer, recreational vehicles, boat or other watercraft, boat trailer or any other related forms of transportation devices upon any portion of the community, without prior approval of the BFMA.
3. Most streets in Brunswick Forest are public. Parking and speeding is enforced by the Town of Leland. With regard to 'on street parking', the Town of Leland Code Ordinance states: *"No person shall park any vehicle in the right of way of any public street, alley or bridge in the town except as permitted in this Code."* Please refer to the Town of Leland Ordinance.
4. A **short-term visitor parking pass** is permitted within the town on town-maintained rights-of-way in residential areas upon display of a short-term visitor pass. Passes are available from the Leland Police Department. If residents are having guests for an event (dinner, party, etc.) and cannot accommodate all of the guests' vehicles on the residents' property, contact the Town of Leland online at <http://www.townofleland.com/parking-permit-application> to obtain a (temporary) parking permit. It takes approximately 5 business days to process the application, so plan ahead!
 - a. Have guests park on only one side of the street – not both!
 - b. Contact CAMS and let them know when the event is taking place so that the roving security patrol is also aware of this temporary on-street parking.
 - c. If contractors or deliveries are being made to a residence, the expectation is that these vehicles will be parked either on the street or in the driveway for a brief and reasonable period of time and never overnight.

5. Portable storage containers (PODS) may be temporarily placed on Residential Property Owner's property for the purpose of temporary storage of the homeowner's household property. Such containers must be removed within five (5) days, unless prior approval of BFMA management has been obtained. Please notify CAMS of the temporary storage dates prior to the POD being delivered.
6. Moving vans/trucks and recreational vehicles (i.e., motor homes, campers, etc.) may be temporarily parked on homeowner's property for the purpose of moving into or out of a residence or loading/unloading. Such moving vans/trucks or recreational vehicles must be removed within forty-eight (48) hours, unless prior approval of BFMA management has been obtained.
7. No stripped, partially wrecked or junk vehicle or part thereof shall be parked or kept on any property, street or street right-of-way within Brunswick Forest. Such vehicles ARE permitted only within the confines of the Residential Property Owner's garage.

C. "Rules of the Road"

1. All vehicles are to be driven at or below the posted speed limits within Brunswick Forest.
2. Speed Limits
 - a. Within the RESIDENTIAL Neighborhoods, the speed limit is **25 MILES PER HOUR unless otherwise posted**. Thoroughfares such as Brunswick Forest Parkway and Low Country Boulevard have posted speed limits.
 - b. Drivers are required to observe the posted speed and stop signs for the safety of everyone, including numerous walkers, joggers, bicyclists, dog walkers and other vehicles.

D. Rules Specific To The Walkways and Trails

1. Paved walkways, trails and bridges / connectors throughout Brunswick Forest are intended for the use of pedestrians and bicyclists. Vehicles are not permitted. Vehicles on the roadway shall yield right of way at crosswalks.

II. SOLICITATION

- A. No 'door-to-door' solicitation is allowed within the boundaries of Brunswick Forest
 1. Signs are posted at the entrance to the property as the official notice of the intent to exercise the right to refuse solicitation.
- B. Exceptions to this Solicitation Rule are
 1. Any Residential Property Owner, acting as a representative of any charitable or nonprofit organization, when members are unpaid for such services, may request, for example, approval to use of the Fitness and Wellness Center as a 'collection location' for gifts for needy children / families, stocking local charitable food pantries, etc.
 2. Electronic solicitation of residents to participate in fund-raising efforts for resident families facing catastrophic / extraordinary circumstances (i.e., long-term illness, hospitalization, etc.).

PROPERTY USE & MAINTENANCE RESPONSIBILITIES

The Master Declaration of Covenants, Conditions and Restrictions (“CC&R’s”) governs the use and maintenance responsibilities of the property. Residential Property Owners are urged to refer to the CC&R’s Article IV “Architecture and Landscaping” and Article V “Maintenance and Repair” for the specific stipulations relative to property use and maintenance concerns. Residential Property Owners should also be aware of the possibility of additional provisions regarding property use and maintenance that can be incorporated through Supplemental Declaration amendments, such as Exhibit C. The BFMA Rules and Restrictions listed here are stated in “layman’s” terms and are intended to function as a quick reference for the benefit of the Residential Property Owner.

I. PROPERTY USE and MAINTENANCE

- A. **Residential Use** All residences shall be used for single family living.
1. Timesharing, fraction-sharing or similar programs whereby the right to exclusive use of the Unit rotates among participants in the program on a fixed or floating timeframe schedule over a period of years is prohibited, except that the Declarant and its assigns may operate such a program with respect to Units which it owns.
 2. Subdivision of a Unit into two or more Units, or changing the boundary lines of any Unit after a subdivision plat including such Unit has been approved is prohibited.
 3. Conversion of any carport or garage into finished space for use as an apartment or other integral part of the living area on any Unit is prohibited.
- B. **Detached Structures** No permanent or temporary detached structures shall be placed on any residential lot without the prior approval of the Architectural Review Committee (“ARC”). Portable storage containers may be temporarily parked on a homeowner’s property for the purpose of moving into or out of a residence. See USE OF MOTORIZED VEHICLES, PARKING & STREETS, Section I, B, 2-5.
1. Residents may not construct, erect, place or modify anything permanently or temporarily, on the outside portions of the Unit, whether such portion is Improved or Unimproved without prior approval from the Architectural Review Committee (“ARC”). This includes: signage, basketball hoops, swing sets and similar sports and play equipment, flagpoles, clotheslines, garbage / trash / recycling containers, woodpiles, above-ground swimming pools, docks, piers and similar structures, dog runs, animal pens, and ‘unpermitted’ antennae.
 - a. Antennae include those which receive: direct-to-home satellite services, video programming services via multipoint distribution services and television broadcast signals. All must be one meter or less in diameter and located to minimize obtrusiveness as viewed from the street or adjacent property.
 2. Display of signage, with the exception of Political Signs (not to exceed 2’x3’ in size, double faced and located no closer than 10 feet off the edge of a roadway’s paved surface and not displayed sooner than 45 days prior to and no later than 7 days following the election), is strictly prohibited.
 - a. Advertising, billboards, ‘For Sale’ or ‘For Rent’, ‘Available’, ‘Open House’, Realtor or balloons, decorations or ‘Take One’ tubes and boxes are not permitted in any Common Areas or on streets or units / lots.

3. The American Flag and / or the North Carolina Flag, having the maximum dimensions of four feet by six feet (4' x 6') may be displayed on a resident property owner's unit. Any flags will be displayed in accordance with traditional rules and patriotic customs set forth in 4 U.S.C. §§5-10, as amended, governing the display and use of the American Flag. Displays may require an ARC Submittal, as specified, in the Community-Wide Standard.
4. Structures, equipment, or other items on the exterior portions of a Unit which have become rusty, dilapidated, or otherwise fallen into disrepair are prohibited.

C. Quiet Enjoyment All Residential Property Owners, tenants and guests are expected to act with respect and regard toward all members of the community. No obnoxious, vulgar, offensive, or illegal activities shall be tolerated within the confines of Brunswick Forest or common facilities.

1. Plants, animals, devices, or other items of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of Brunswick Forest, is prohibited.
2. Any activity which emits foul or obnoxious odors outside the Unit *or* creates noise *or* other conditions which disturb the peace or threaten the safety of the occupants of other Units is prohibited.
3. Outside burning of trash, leaves, debris or other materials is prohibited, with the exception of gas or wood-burning fireplaces and firepits.
4. Any activity that violates local, state or federal laws or regulations will be enforced by the agency with jurisdiction.
5. Dumping grass clippings, leaves or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond, lake or elsewhere within Brunswick Forest is prohibited and violates local, state, and federal laws and will be enforced by the appropriate agency with jurisdiction.
6. Pursuit of hobbies or other activities that tend to cause an unclean, unhealthy or untidy condition to exist outside of the enclosed structures on the Unit are prohibited.
7. Rubbish, trash, garbage and / or recyclables must be kept only in approved containers and such containers may not be visible from the street. Containers must be placed at the end of the residential driveway no sooner than the night before the day of collection, and removed from the street the day of collection, unless conditions dictate otherwise.
8. Use or discharge of any radio, loudspeaker, horn, whistle, bell or other sound device so as to be disruptive and /or offensive to other occupants of other Units, except for alarm devices, is restricted. A Noise Ordinance is enforced by the Town of Leland.
9. Noxious or offensive activities that are reasonably determined to cause embarrassment discomfort, annoyance or nuisance to persons using the Common Areas or to occupants of other Units are restricted.
10. On-site storage of gasoline or other fuels is prohibited, except that a reasonable amount of fuel may be stored in each Unit for emergency purposes and operation of lawn mowers or similar tools.

D. Restricted Activities The following activities are prohibited within Brunswick Forest, unless expressly authorized by BFMA and subject to any conditions imposed by the Board;

1. Discharge of Firearms, use and discharge of Firecrackers or Fireworks
2. Activities, which materially disturb or destroy the vegetation, wildlife, wetlands, water or air quality within Brunswick Forest or result in unreasonable levels of sound, or light pollution
3. Obstruction or rechanneling drainage flows after location and installation of drainage swales, storm sewers, or storm drains
4. Any business, trade, garage sale, moving sale, rummage sale or similar activity is restricted. However, a Residential Property Owner or a tenant residing in a home may conduct business activities within the home so long as
 - a. The existence or operation of the activity is neither apparent nor detectable by sight, signage, sound, or smell from outside the home
 - b. The business activity conforms with all zoning requirements of Brunswick Forest
 - c. The activity does not involve door-to-door solicitation of other residents of Brunswick Forest
 - d. The activity does not generate a level of vehicular, pedestrian traffic or a number of vehicles being parked which is noticeably greater than that which is typical of said Unit
 - e. The activity is consistent with the residential character of Brunswick Forest and does not constitute a nuisance, hazardous or offensive use, or threaten the safety of other residents of Brunswick Forest, as may be determined at the sole discretion of the BFMA Board of Directors

E. Hunting / Trapping

1. Capturing, trapping, hunting / killing of wildlife within Brunswick Forest, except in circumstances posing an imminent threat to the safety of persons using Brunswick Forest is prohibited.
2. Do not attempt to rescue or capture an injured animal. For injured cats and dog, please contact:

Animal Control (dogs, cats)
Contact: (910) 371-0562

For injured wildlife, please call 911

F. Swimming, Boating and Fishing

1. All Residential Property Owners and their guests are permitted to fish in the 'Catch and Release' pond, located behind The Community Commons. Fishing is allowed only from the fishing deck and not from any other location. Fishing from any other bodies of water within Brunswick Forest may be allowed, subject to rules issued by the BFMA. Residents are required to obtain Fishing Licenses and comply with local laws.
2. Swimming, boating or use of personal flotation devices or other active use of lakes, ponds or bodies of water within Brunswick Forest is prohibited unless otherwise specified by the BFMA.
3. The Master Association shall not be held responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of rivers, lakes, ponds, streams, or other bodies of water within or adjacent to Brunswick Forest.

- G. **Garbage, Trash and Recycling Disposal** - Residential Property Owners shall be responsible for the proper disposal of all garbage, trash and recycling. Each Residential Property Owner shall utilize the receptacles provided by Brunswick County. Garbage, trash and recycling must be placed at the end of the residential driveway no sooner than the night before the day of collection, and removed from the street the day of collection, unless conditions dictate otherwise. Trash and debris shall not be placed in the street, street right-of-way or on any undeveloped property. Residential Property Owners shall not develop any unclean or unkempt condition of the buildings or grounds within their residential home site.
- H. **Sprinkler or irrigation systems** or wells of any type which draw upon water from lakes, creeks, streams, rivers, ponds, wetlands, canals, or other ground or surface waters within Brunswick Forest shall only be permitted to the Declarant and the BFMA, its successors and assigns.
- I. The BFMA has the exclusive right and easement to retrieve golf balls from bodies of water within the Common Areas and to draw water from lakes, ponds, and streams within Brunswick Forest for the purposes of irrigation and such other purposes as the BFMA shall deem desirable.

II. PETS

All pets must be kept and maintained in a manner that does not damage any private or common property nor disturb the peace.

- A. Only ordinary domestic pets such as dogs, cats, aquarium fish, and birds or usual and common household pets may be kept within a residential unit, provided they are not kept, bred or raised for commercial purposes.
- B. No animals such as livestock or poultry may be kept, raised or bred within any residential unit or anywhere on Brunswick Forest property.
- C. Unattended pets may not be loose outside the confines of any residential lot or in any of the common areas.
- D. Residential Property Owners shall make every effort not to allow pets to defecate or urinate on grass, plants, trees or shrubs situated on another Residential Property Owner's property or designated common areas within the Brunswick Forest Community. In the event of an accident, defecation should be removed immediately by the pet owner and disposed of properly.
- E. Appropriate governmental ordinances regarding leash laws are in effect and enforced within Brunswick Forest. All dogs must be on a leash at all times and under the control of the pet owner when outside the confines of the pet owner's private property. All pets must be registered, licensed and inoculated as required by law.
- F. Fencing, including electronic fencing, must be in compliance with the stipulations of the CC&R's and approved by the ARC prior to installation.
- G. Pets are not permitted within the confines of the Common Facilities' buildings. The exception to this rule is a Service Animal, assisting a person using a facility.
- H. If a Residential Property Owner, tenant, or guest is bothered, disturbed or threatened by a pet within Brunswick Forest, he/she should first contact the owner of the pet in an effort to resolve the issue. If this proves unsuccessful, then he/she should call the local Animal Control office to formally register a complaint. Additionally, if the Residential Property Owner is in violation of the Rules and Restrictions regarding pets, a complaint can be registered as outlined in this handbook.
- I. Pets permitted to roam free, or, endanger the health or safety of the occupants of other Units shall be removed by Animal Control.

- J. Dogs kept or maintained in a Unit or within Brunswick Forest that bark excessively, continuously or in a manner that constitutes a nuisance, the Board may require the Unit Owner to employ a collar or other device designed to reduce or control such excessive barking.
- K. Residential Property Owners, tenants and guests shall be held responsible and liable for any personal injury and/or property damage due to the actions of their pets.

III. TENANTS

For the purpose of these Rules and Restrictions, a tenant shall be defined as anyone in possession of a Residential Property Owner's home in exchange for any sort of consideration.

- A. Tenants, unless Residential Property Owners, are not members of BFMA. However, they are subject to the CC&R's, the By-laws, the Rules and Restrictions, and policies that govern BFMA and its common areas.
- B. The Declarant currently prohibits rentals of units for any periods of less than 12 months. The Declarant may vary that requirement from Neighborhood to Neighborhood and if the requirement is varied from the 12 month minimum requirement that will be specifically stipulated in the respective Neighborhood's governing documents. This restriction is not applicable to Declarant owned units.
- C. Notice of any lease, together with such additional information as may be required by the BFMA, shall be provided to the BFMA by the Unit Owner within ten (10) days of execution of the lease.
- D. The Owner must make available to the lessee / tenants copies of the Declarations, By-Laws, and the Rules and Restrictions.

VIOLATION REPORTING PROCESS

When an alleged violation occurs, the person observing the alleged violation **may** contact the alleged violator and provide the person with the specific rule violated. If the alleged violator does not respond or if the person observing the alleged violation prefers, follow the process outlined below.

I. **Alleged violation is observed and alleged violation is:**

- A. Discussed between observer and alleged violator - **OR**
- B. Reported by observer to CAMS, via telephone call or email

II. **Violation is REPEATEDLY observed after initial discussion or report:**

- A. Observer completes the **Violation Report Form** and forwards to CAMS, via email, violations@brunswickforestmaster.com
- B. Upon receipt, CAMS will log the Violations Report and forward to the appropriate Enforcement Entity:
 - 1. ARC
 - 2. Rules and Restrictions Enforcement Committee

III. **Enforcement process begins**

- A. Investigation
- B. If appropriate, enforcement commences in accordance with the Rules Enforcement Policy which follows:

RULES ENFORCEMENT POLICY

- I. **PURPOSE:** This Policy is established for the purpose of defining the process by which the Rules of the BRUNSWICK FOREST MASTER ASSOCIATION, INC. (“BFMA”) will be enforced and has been approved by the Board of Directors in accordance with the Master Declaration (“CC&R’s”) and the By-Laws of the Association.
- II. **SCOPE:** The Rules Enforcement Policy applies to all Residential Property Owners, tenants and guests of Brunswick Forest and shall be enforced in a consistent and impartial manner. Each Residential Property Owner is responsible for the conduct of and any violations by such owner’s family members, guests, agents, contractors and tenants, and for the family members, guests, agents and contractors of any tenant.
- III. **PROCESS**
 - A. **Discovery of Violation**
 1. A violation is defined as an act in conflict with the CC&R’s, the By-Laws, or the Rules and Restrictions Handbook.
 2. Any alleged violation of the above mentioned governing documents of BFMA will be processed according to the procedures outlined below.
 3. BFMA will log all violations discovered or reported by telephone, email or repeated violations through the use of the “Rule Violation Report” (available from CAMS at the BFMA office or at www.camsmgmt.com).
 - B. **Enforcement Procedures**
 1. The Residential Property Owner **may** receive a “Good Neighbor Call” (telephone call from CAMS, BFMA Management or designee), but this is not required. Any such notice is considered a courtesy.
 2. CAMS will log the Rule violation in the Rule Violation Record for the particular property.
 3. A **First Notification of Rule Violation** Letter (aka, ***The Courtesy Letter***) defining the:
 - a. Date of the violation
 - b. Specific rule violated
 - c. Request to reply within ten (10) business days of the date of the letter to indicate action taken / to be taken to correct the violation by the Residential Property Owner, using the Homeowner Response Form. Delivery shall be defined as the “mailing” of the letter, with appropriate postage affixed, to the address then currently listed in the records of BFMA for the property in question.
 4. After the First Notification of Rule Violation letter has been delivered, the Residential Property Owner, resident, guest, or tenant has ten (10) business days, from the date of the letter to correct the condition. Failure to correct the violation within the ten (10) business days, or, if the Residential Property Owner expresses hardship in his / her reply and requests an extension of the date to correct the violation and fails to do so, will result in a Second Notification of Rule Violation (aka, ***The Warning Letter***).
 5. A **Second Notification of Rule Violation** Letter (aka, ***The Warning Letter***) states:
 - a. Previous notice had been sent (referencing ***The Courtesy Letter***)
 - b. Specific rule violation
 - c. Continued non-compliance

- d. Request to reply within five (5) business days of the date of the letter to indicate action taken / to be taken to correct the violation by the Residential Property Owner, using the Homeowner Response Form.
 - e. Warning that if violation persists, CAMS, BFMA or the Enforcement Entity designee may schedule a hearing regarding the violation
6. If the violation persists and the Residential Property Owner has not responded to any of the previous correspondence, the Enforcement Entity will schedule a hearing and send to the Residential Property Owner a **Notification of Rule Violation Hearing** (aka, **The Hearing Letter**), which states:
- a. Continued non-compliance
 - b. Date of Scheduled Hearing
 - c. Request to reply if Residential Property Owner is planning to attend and if others will attend as well, using the Homeowner Response Form
 - d. The Property Owner has five (5) business days from the date of the Hearing Letter to correct the violation thus cancelling the hearing, or indicates that he / she plans to attend the hearing. If not corrected, or if the Property Owner does not attend the hearing, a \$100 fine may be imposed by the Enforcement Entity.
 - e. Warning that the decision of the Enforcement Entity will be delivered within fifteen (15) business days from the date of the hearing, where a final decision will be rendered. Fines may be imposed at that time.
7. Following the hearing, the Enforcement Entity will render its decision, including any fines to be levied. **The Fine Letter** will be sent to the Residential Property Owner, stating:
- a. Previous notifications sent regarding non-compliance
 - b. The decision rendered by the Enforcement Entity
 - c. The imposition of (a) fine(s) / attachment to the property assessment
 - d. Warning that further fines could be levied without another hearing if violation persists
 - e. The Property Owner may appeal the decision. Using the Homeowner Response Form, the Property Owner must request the appeal in writing.
8. The Residential Property Owner has the right to request an appeal with the BFMA. When the BFMA schedules the appeal hearing, an **Appeal Letter** will be sent to the Residential Property Owner, which states:
- a. Date of Scheduled Appeal Hearing
 - b. Request to reply if Residential Property Owner is planning to attend and if others will attend as well, using the Homeowner Response Form
 - c. How the Appeal Hearing will be conducted. Warning that the decision of the BFMA will be delivered within thirty (30) business days from the date of the appeal hearing, where a final decision will be rendered. The decision of the BFMA could include: Affirmation of the decision rendered by the Enforcement Entity, Vacating the decision rendered by the Enforcement Entity, or Modification of the decision rendered by the Enforcement Entity which could include, but is not limited to: Suspension of privileges to use Community Amenities, liens levied on the property and / or further legal action.
9. Following the BFMA appeal hearing, the decision rendered will be sent to the Residential Property Owner, via the **BFMA Board Decision Letter**, stating:
- a. Acknowledgment that the Residential Property Owner had requested the appeal hearing

- b. The decision rendered by the BFMA (Affirm, Vacate or Modify the original decision of the Enforcement Entity, including Suspension of Amenity Privileges, imposition of (a) fine(s) / attachment to the property assessment, attachment of (a) lien(s) on the property and / or further legal action
 - c. Warning that if non-compliance persists beyond ten (10) calendar days from the date of the *BFMA Board Decision Letter* a fine of \$100 / day will be imposed
 - d. Request that the Residential Property Owner notify CAMS when the property has been brought into compliance
10. If multiple Rules have been violated in a single incident, each violation will be considered as a separate infraction.

C. First Notification of Rule Violation (*The Courtesy Letter*)

No fine is levied on the Residential Property Owner or billed to the property's assessment account. Should the violation not be corrected within ten (10) business days following the delivery of the First Notification of Rule Violation letter, a Second Notification of Rule Violation letter *may* be delivered to the Residential Property Owner indicating that the Residential Property Owner may be subject to the imposition of fines.

D. Second and Subsequent Notification of Rule Violation (*The Warning Letter*)

The Residential Property Owner *may* be provided a Second Notification of Rule Violation, if the Residential Property Owner requests more time to correct / comply or, in the opinion of the Rules Enforcement Committee, an undue hardship would result if the Residential Property Owner was not provided additional time. The Residential Property Owner in receipt of a First Notification of Rule Violation letter should complete the Homeowner Response Form and describe the hardship. Based on the information provided and the nature of the violation, the Rules Enforcement Committee will decide if additional time is warranted. The additional time provided will be communicated to the Residential Property Owner in a Second Notification of Rule Violation.

If an extension is not requested or allowed, a Second Notification of Rule Violation Letter will also give the Residential Property Owner warning of a possible hearing regarding the violation. Should the violation persist, the Enforcement Entity will schedule a hearing and send to the Residential Property Owner a **Notification of Rule Violation (*The Hearing Letter*)**. At this hearing, the Residential Property Owner will have an opportunity to present evidence to the Enforcement Entity either of compliance or support for non-compliance. Within fifteen (15) business days of the hearing, the Enforcement Entity will forward their decision to the Residential Property Owner as well as to CAMS, BFMA and the Rules Enforcement Committee.

E. Fines and Hearing Process

- 1. Within **fifteen (15) business days** of the decision the action of the Rules Enforcement Committee will be delivered to the Residential Property Owner, via ***The Fine Letter***, and will include the amount of the fine imposed. If it is decided that a fine should be imposed, a fine not to exceed \$100.00 may be imposed for the violation without further hearings, for each day **more than five (5) business days** after the decision that the violation occurs.
- 2. After delivery of the Enforcement Entity decision, the Residential Property Owner has **fifteen (15) business days** to request an appeal hearing with the BFMA Board of Directors concerning the violation.

3. If the Property Owner requests an appeal, the BFMA will schedule this hearing and forward **The Appeal Letter** to the Property Owner notifying him / her of the date, time and location of the appeal hearing.
4. Following the appeal hearing, the BFMA will render its final decision via the BFMA Board Decision Letter. After **thirty (30) business days**, any fine levied against the Residential Property Owner remaining unpaid shall constitute a lien(s) against the owner's property in accordance with the Brunswick Forest Master Declarations.

F. Serious and Persistent Rules Violations

If a serious or a persistent breach of the Rules occurs, the Enforcement Entity may take additional action by increasing a previously imposed fine, to a total amount not to exceed \$100.00 per day per violation, as they, in their sole discretion deem to be appropriate to the circumstances, and/or revoking the Community privileges of the Residential Property Owner, to include rescinding the use of the amenities within Brunswick Forest. If it is decided that a suspension of privileges or services should be imposed, the suspension may be continued without further hearing until the violation is corrected.

IV. CONSIDERATIONS

A. Safety Violations

For violations that involve the endangerment or safety of any person or property, the BFMA may immediately take any necessary and appropriate action.

B. Property Damage Violations

For violations that involve property damage to the common area or individually owned property, all parties involved will be held responsible for reimbursement to BFMA and/or the individual Residential Property Owner for the cost of all repairs.

C. Compliance Disputes

The Residential Property Owner retains the right to appeal the enforcement policy actions through BFMA's Rules Enforcement Committee. Attendance at the Enforcement Entity hearing is welcomed and such attendance may be initiated in writing through use of the Homeowner Response Form, sent with each letter regarding the violation. The Rules Enforcement Committee shall issue a finding regarding compliance disputes through the use of the Rules Enforcement Committee Procedures (sample copy attached below).

D. Appeals to the Board of Directors

All decisions of the Enforcement Entity may be appealed to the BFMA Board of Directors by the Residential Property Owner. Appeals to the full Board of Directors may be initiated by submitting a written appeal, via the Homeowner Response Form, to the Board within fifteen (15) business days of the decision of the Enforcement Entity.

E. Results of Appeals

The Board will communicate the results of appeals to the Residential Property Owner in writing, via the **BFMA Board Decision Letter**. If, as a result of the appeal, the violation(s) in question was determined to be unfounded or unfair in any way, that violation will be expunged from the Residential Property Owner's record.

RULES ENFORCEMENT COMMITTEE PROCEDURES

HEARING PROCEDURE

- I. Statement of violation by Committee Chairperson
- II. Violator's statement of appeal
- III. Review of CC&R's, By-laws, Rules and Restrictions, and CAMS requirements
- IV. Discussion and/or questioning by the Rules Enforcement Committee with the Violator
- V. Questions and final statement by Violator
- VI. Violator excused
- VII. Discussion and decision by Rules Enforcement Committee members
- VIII. Publishing of Rules Enforcement Committee's decision to violator
- IX. Adjournment

DOCUMENTATION (Attached / Enclosed)

Name of Violator: _____

Address: _____

Telephone: _____

Violated Rule Reference: _____

Description of Violation: _____

RULING (Rules Enforcement Committee Findings / Decision):

Committee Chairman: _____

Date: _____

Committee Members: _____

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Appendix A – The Courtesy Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS
1612 Military Cutoff Road, Suite 108
Wilmington NC 28403
Fax: (910) 371-0112

Date

Reference: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE
XXXX MAIN STREET
WILMINGTON NC 28429-5213

Dear _____,

This letter is being sent to you as a courtesy notice on behalf of the *(Insert Enforcement Entity – i.e., Rules Enforcement Committee or the Architectural Review Committee – as appropriate here)*. On a recent tour of your neighborhood, an item that is not in compliance with the *(Rules and Restrictions – or - the Architectural Design Standards)* was noted as follows:

Note the Alleged Violation. Cite the source (i.e., Rules and Restrictions Handbook reference or ARC or Community Standard source)

We understand that this is probably an oversight. Our letter is intended to assist you by providing notification of a situation you may not be aware of, but one that needs your prompt attention.

Please return the enclosed **Homeowner Response Form** within 10 business days of the above date, indicating what action you have, or will be taking, to bring this item into compliance with the *(Rules or the Architectural Design Standards. If this is an ARC violation, include this sentence as well: “Prior to beginning your corrective action, please submit the enclosed Design Review Form to obtain ARC review and approval.”)*

The Association appreciates your attention, understanding and timely response. Should you have any questions, please feel free to contact the CAMS office at (910) 256-2021 or responses@brunswickforestmaster.com to speak with a Community Specialist.

Sincerely,

Nicol Karn, CMCA, AMS
Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

Appendix B: The Warning Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS

1612 Military Cutoff Road, Suite 108

Wilmington NC 28403

Fax: (910) 371-0112

DATE

RE: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE

XXXX MAIN STREET

LELAND, NC 28451

Dear _____

The Association's governing covenants, by-laws and existing Rules and Restrictions are intended for the mutual benefit, safety and welfare of each and every property Owner and resident in the Brunswick Forest Master Association, Inc. Membership compliance with said governing documents is an essential key to promoting harmony between neighbors; as well as, maintaining the overall aesthetics of the community.

In our letter dated *(insert date of The Courtesy Letter)*, the Association made you aware of an issue(s) pertaining to a specific *(Rule / Restriction or Architectural Standard violation(s))*, which is against established community policies. The violation issue(s) noted were

(Note the Alleged / Repeated Violation. Cite the source (i.e., Rules and Restrictions Handbook reference or ARC or Community Standard source.)

You are in continued violation of the community codes; therefore, you are hereby requested that **within five (5) business days** from the date of this letter you must accomplish the following:

- Please return the enclosed **Homeowner Response Form** within 5 business days of the above date, indicating what action you have, or will be taking, to bring this item into compliance with the Governing Documents. If, for some reason, you are unable to bring this item into compliance within this timeframe, please indicate the hardship and state the amount of time needed to bring this item into compliance.
- Prior to beginning your corrective action, please submit, if appropriate, the enclosed Design Review Form to obtain ARC review and approval.

Be advised that if the Homeowner Response Form is not returned and the alleged violation(s) persist, the Association may schedule a hearing on this matter; and if, as a result of the hearing, it is determined that the violation has either not been corrected or that the Property Owner is not making a good faith effort to abate the violation in a timely manner, the Association may impose fine(s), suspend common facility use privileges and/or take any further action in accordance with the governing documents.

The Association does appreciate your understanding and prompt cooperation in addressing this matter.

Sincerely,

Nicol Karn, CMCA, AMS

Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

Appendix C: The Hearing Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS

1612 Military Cutoff Road, Suite 108

Wilmington NC 28403

Fax: (910) 371-0112

DATE

RE: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE

XXXX MAIN STREET

LELAND, NC 28451

Dear _____

In our letters dated *(insert date of the Courtesy Letter AND insert the date of the Warning Letter)*, the Association made you aware of an issue(s) pertaining to a specific *(Rule / Restriction or Architectural Standard Violation(s))*, which is against established community policies. You are in continued violation of its community codes.

Since the Association has not received a response from you, the *(insert Enforcement Entity)* will conduct a hearing on this matter on *(insert date here for the scheduled hearing)*. In accordance with Rules Enforcement Hearing Procedures, you are welcomed to attend this hearing and make a statement regarding the violation and / or corrective action that you have or will be taking. If you choose not to attend, the decision by the *(Enforcement Entity)* will be rendered within fifteen (15) business days from the date of the scheduled hearing.

You are hereby requested that within five (5) business days from the date of this letter you must accomplish the following to avoid a \$100 fine from being imposed

- Cure the following Violation:
- Return the enclosed **Homeowner Response Form** within five (5) business days of the above date, indicating the violation is cured to prevent the hearing and further fines from being imposed on your account - **OR – state that you will be in attendance at the scheduled hearing to present your statement. Please indicate if another person will be joining you at the hearing.**

Your immediate cooperation in addressing this matter is highly recommended.

Sincerely,

Nicol Karn, CMCA, AMS

Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

Appendix D: The Fine Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS
1612 Military Cutoff Road, Suite 108
Wilmington NC 28403
Fax: (910) 371-0112

DATE

RE: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE
XXXX MAIN STREET
LELAND, NC 28451

Dear _____

Previously, you were notified that you were in non-compliance with the governing documents of your Association. By letters dated *(insert date of Courtesy Letter, date of Warning Letter, date of Hearing Letter)*, you were advised that a fine may be imposed against you and your lot for the listed infraction(s) at a hearing before the *(Enforcement Entity)*. You were offered an opportunity to be heard as to why the fine should not be imposed at hearing scheduled on (insert date of hearing).

Following the hearing, the *(Enforcement Entity)* has decided to impose a fine against you and your lot in the amount of \$_____ due to the infraction relating to *(Cite the Rule / Restriction or Architectural Standard violation and the appropriate source document)*.

This fine will become part of your assessment for your property. Please deliver payment of the fine immediately, payable to

BFMA
c/o CAMS
PO Box 97548
Raleigh, NC 27624

Just as with your regular association assessments, if the fine is not paid in a timely manner, the Association may be forced to take legal action against you and your lot to collect this fine.

The North Carolina Planned Community Act, Chapter 47F §47F-3-107.1 allows Property Owners the right to an appeal of this decision to the Community's Master Association (BFMA). To request an appeal, you must complete and submit the **Homeowner Response Form** within fifteen (15) days of the date of this letter. *Upon receipt, the appeal will be scheduled and you will receive a notice of the appeal date and location.*

Should you not request an appeal, it is important to note that subsequent offenses of this nature can result in automatic fines of up \$100 per day or per occurrence without an additional hearing.

Sincerely,

Nicol Karn, CMCA, AMS
Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

Appendix E: The Appeal Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS

1612 Military Cutoff Road, Suite 108

Wilmington NC 28403

Fax: (910) 371-0112

DATE

RE: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE

XXXX MAIN STREET

LELAND, NC 28451

Dear _____

Your request for an appeal of the decision rendered by *(Enforcement Entity)* on *(date of Hearing)* as stated in our letter of *(date of Fine Letter)*, has been granted.

The BFMA Board of Directors has scheduled the appeal for *(insert date, time and location)*.

At the appeal, the BFMA Board of Directors will issue a statement of the violation case, allow the Property Owner to make a statement of appeal, and engage in discussion or questioning by members of the *(Enforcement Entity)* and the Property Owner. Following such discussion, the Property Owner will be excused and the BFMA Board of Directors will deliberate and render their final decision regarding disposition of this case. The case may be affirmed, vacated, or modified. The Property Owner will receive written notification within thirty (30) business days of the decision by the BFMA Board of Directors.

Sincerely,

Nicol Karn, CMCA, AMS

Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

Appendix F: BFMA Board Decision Letter

The Brunswick Forest Master Association, Inc.

C/O CAMS
1612 Military Cutoff Road, Suite 108
Wilmington NC 28403
Fax: (910) 371-0112

DATE

RE: Brunswick Forest – Address / Neighborhood / Lot # / Account #

JANE DOE
XXXX MAIN STREET
LELAND, NC 28451

Dear _____

Previously, you were notified that you were in non-compliance with the governing documents of your Association. By letters dated *(insert date of Courtesy Letter, date of Warning Letter, date of Hearing Letter, and date of Fine Letter)*, you were advised that a fine would be imposed against you and your lot for the listed infraction(s). Subsequently, you request an appeal before the BFMA Board of Directors.

Following the appeal and an inspection on *(insert inspection date)* the **BFMA Board of Directors** has decided to:

Affirm the decision rendered by (Enforcement Entity) on (date of decision) and impose a fine against you and your lot in the amount of \$_____ due to the infraction relating to *(Cite the Rule / Restriction or Architectural Standard violation and the appropriate source document)*.

If noncompliance is not corrected within 10 days from date of this notice, a fine of up to \$100 per day will be imposed against you and your lot without further hearing.

It will be your responsibility to notify our office when you have brought the property into compliance and upon re-inspection, the daily fine will end. Please deliver payment of the fine to our office immediately. If the fine is not paid in a timely manner, the Association may be forced to take legal action against you and your lot to collect this fine(s). This fine will become part of your assessment for your property. Please deliver payment of the fine, payable to

BFMA
c/o CAMS
P.O. Box 97548
Raleigh, NC 27624

Just as with your regular association assessments, if the fine is not paid in a timely manner, the Association may be forced to take legal action against you and your lot to collect this fine.

OR

VACATE the decision rendered by (Enforcement Entity) on (date of decision), with no fine imposed and the case closed.

OR

MODIFY the decision rendered by (Enforcement Entity) on (date of decision) and INCORPORATE THE BFMA BOARD OF DIRECTOR'S MODIFICATION PLAN (i.e., additional fine, reduction in fine, suspension of privileges, imposition of liens, etc.).

Your immediate attention and cooperation on this matter are highly recommended.

Sincerely,

Nicol Karn, CMCA, AMS
Community Manager Representing: Brunswick Forest Master Association, Inc.

Cc: Enforcement Entity

**Brunswick Forest Master Association
Homeowner Violations Report Form**

This form may be used by homeowners to report violations in the community, consistent with the established *"Rules and Restrictions for Brunswick Forest Residential Property and Common Property."*

1. Please describe the nature of the violation and cite an appropriate reference _____

2. Please identify the location of the violation, including the neighborhood, address, or common area and when this violation occurred _____

3. If the violation involves a neighbor, please describe any efforts you have attempted to resolve the situation _____

Neighbor's Name and Address:

(Necessary for enforcement to proceed)

4. Please provide additional, relevant information if necessary. A photograph may be provided if that would be helpful.

Submitted by:

(NAME) _____ DATE _____
(ADDRESS) _____

(CONTACT INFORMATION)

Phone: _____

Email: _____

Note: This form may be submitted anonymously; however there is no guarantee of follow up if insufficient information regarding the violation is provided.

Brunswick Forest Homeowner Response Form

Brunswick Forest Neighborhood: _____

Owner Name(s): _____

Property Address: _____ Lot #: _____

This form may be used to indicate what action you have already taken or the action you anticipate taking to be in compliance with your governing documents. It may also be used to explain why you believe you are already in compliance with the infractions listed below for the property address.

Issue Referenced: _____

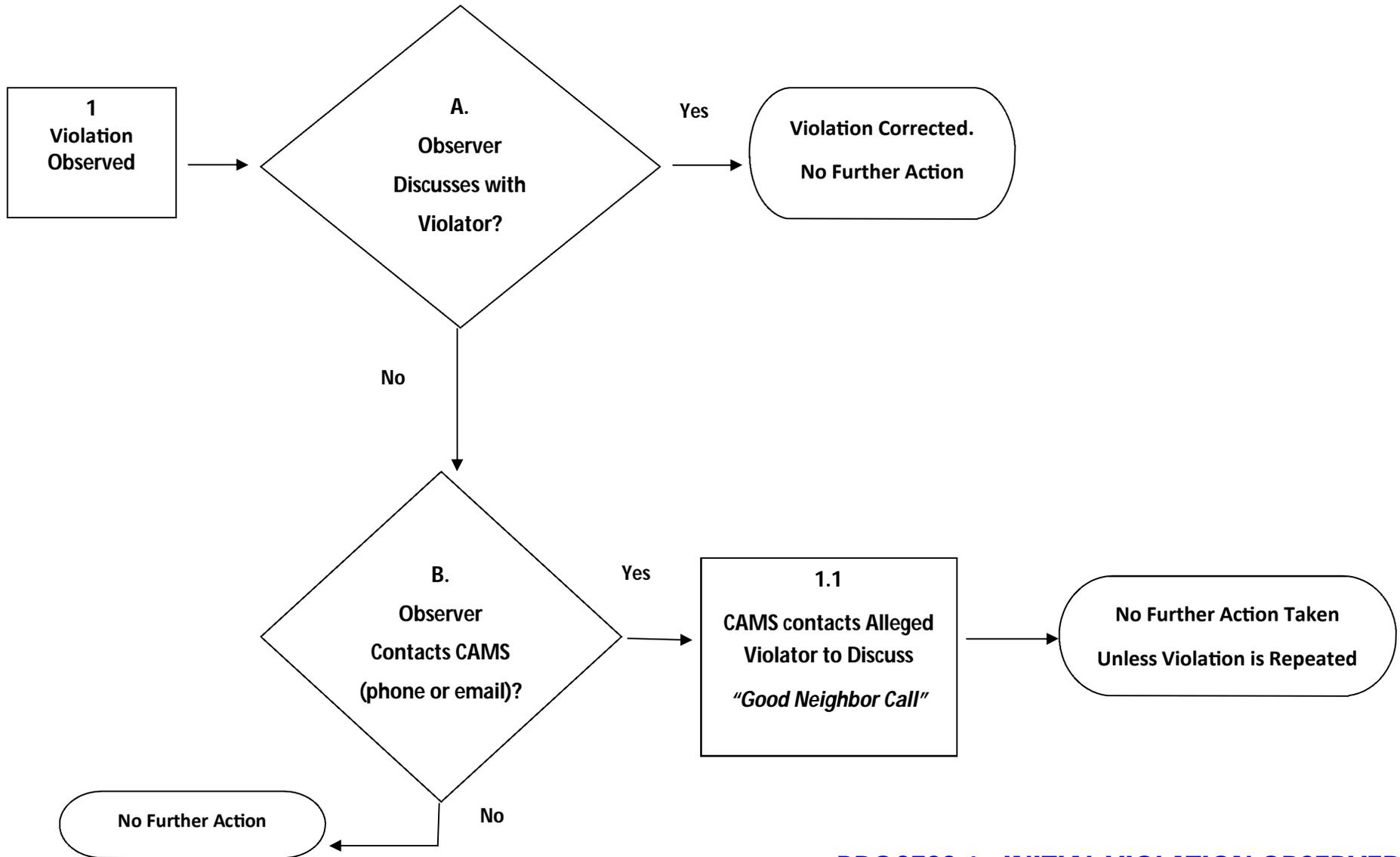
Comments: _____

Signature: _____ Date: _____

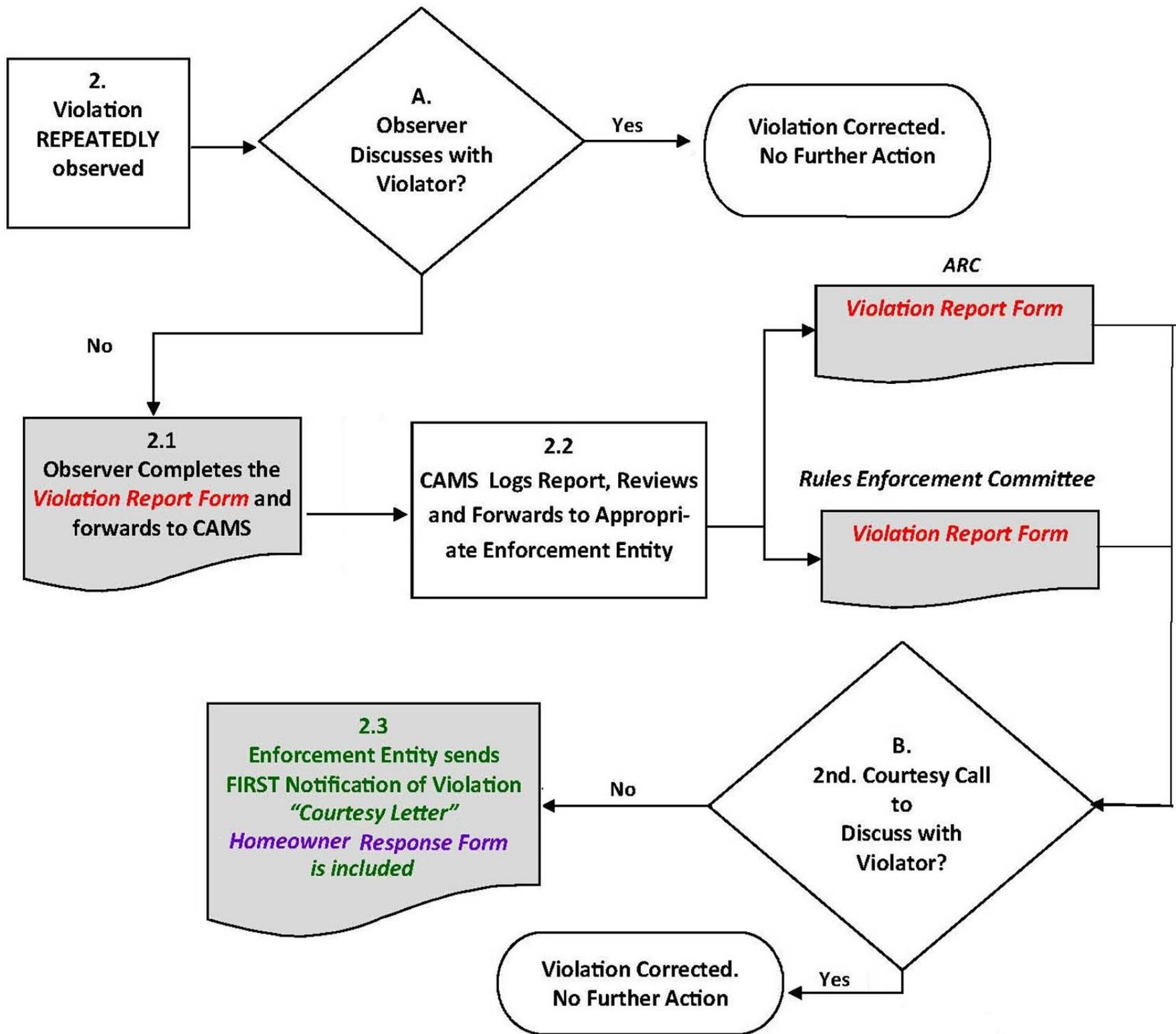
We politely request that all responses be submitted in writing.

Please fax, email or mail your response using the contact information below:
 CAMS (Community Association Management Specialists)
 1612 Military Cutoff Road, Suite 108
 Wilmington, NC 28403
 Fax: (910) 371-0112
 Email: responses@brunswickforestmaster.com

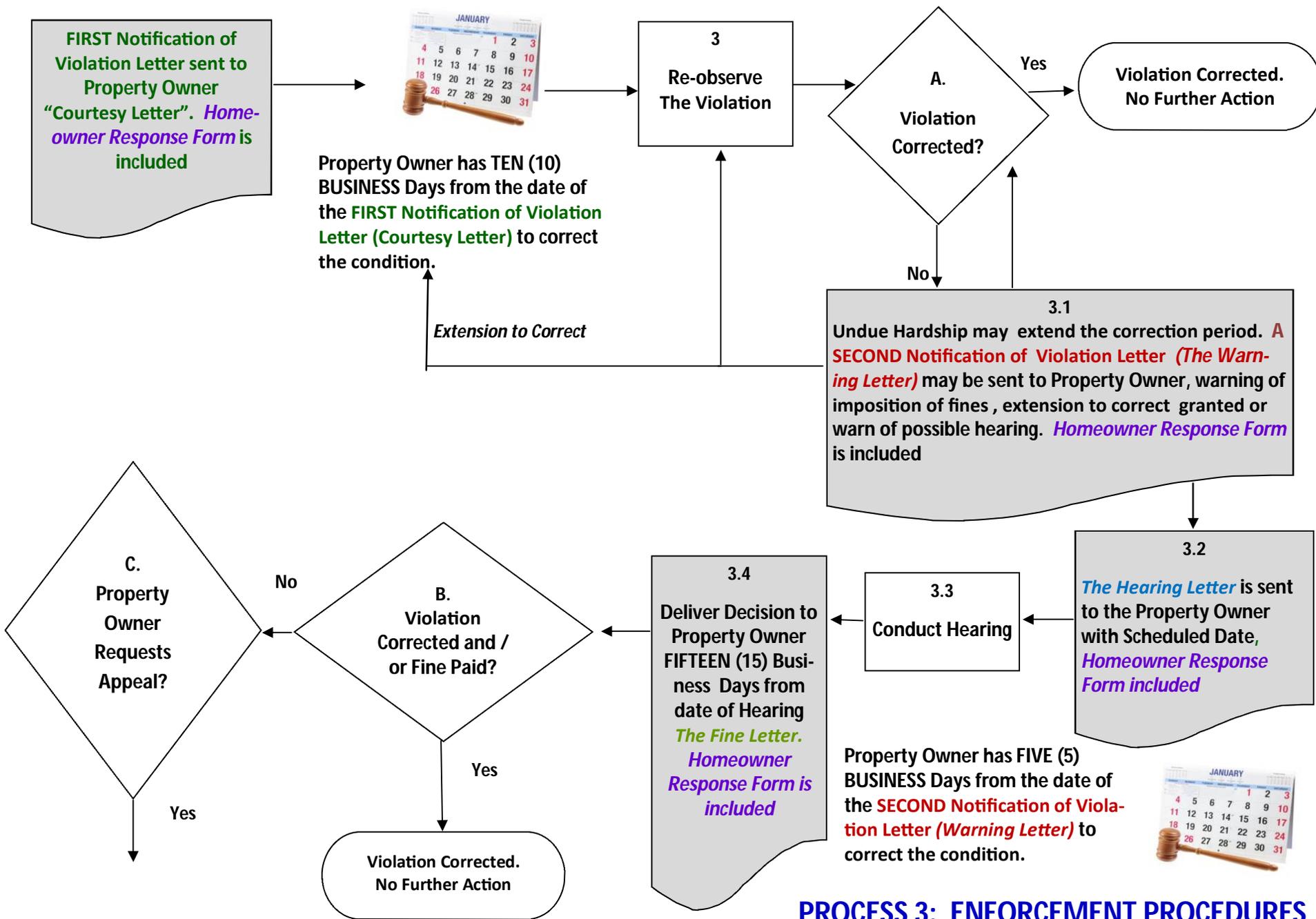
RULES ENFORCEMENT COMMITTEE PROCESSES



PROCESS 1: INITIAL VIOLATION OBSERVED



PROCESS 2: REPEATED VIOLATION(S) OBSERVED



PROCESS 3: ENFORCEMENT PROCEDURES

