



The Landings Association, Inc.

2015 COVENANTS MODERNIZATION VOTE

If you have any questions not addressed in this voting packet or in previous Association communications, please email covenants@landings.org or call 912-598-5528 to leave a message. The appropriate person will respond promptly to your questions.

Please complete and return the enclosed ballot (including signing the return envelope), or vote online at www.landings.org using your Username and Password from the separate letter included with this voting packet. Your vote must be received no later than June 30, 2015, at 5 p.m.

February 2, 2015



The Landings Association, Inc.

Re: 2015 Covenants Modernization Vote

Dear Landings Property Owners,

The ballot in this voting package gives you an opportunity to vote for a better, more efficiently run community. In particular, The Landings Association (TLA) is proposing Covenant amendments that will strengthen the property maintenance and other rules that have protected property values and kept our community safe and beautiful.

While the current rules are adequate, what are seriously lacking are effective measures to motivate the owners of a few derelict properties to clean them up and to reduce the violations of other rules. The upcoming vote is not changing any of the current rules.

With passage of the proposed Covenant amendments, TLA will have the tools needed to:

- Reduce both the number and negative impact of poorly maintained properties;
- Motivate those who routinely violate our rules to comply with them; and
- Provide a fair and transparent appeals process for property owners who are accused of violating our rules.

The proposed Covenants changes give TLA authority to adopt property maintenance standards that clarify our existing property maintenance rules. These standards are intended to help property owners understand how the criteria are applied.

With enforcement, under current Covenants the most powerful enforcement tool has been suspending a violator's membership privileges, including barcodes. In serious cases, because this tool is ineffective, a possible result can be lengthy and costly litigation.

Passage of the proposed Covenants amendments allows better enforcement of standards and rules by using fines, among other means. Communities that use fines consider them an efficient and effective way to motivate compliant behavior. Our legal advisors inform us that communities with the ability to levy fines have fewer violations and problems that are remedied more promptly.

We have received very helpful input from owners in the drafting of these amendments over the past year. Everything from the Private Property Maintenance Standards, to the schedule of fines, to the appeals process, has been crafted and refined based on your feedback. Thank you for staying engaged in this process!

We encourage you to vote "YES" and to encourage your friends and neighbors to vote. The challenge of this important step forward at The Landings is that passage requires a two-thirds "YES" vote from the more than 4,400 Landings property owners. Not voting is the same as voting against the improved Covenants. As a property owner, you will benefit from these Covenant improvements, but it won't happen without your participation.

This Voting Packet gives you ample information on the ballot issue and the correct process for voting. Electronic copies of all documents referenced in this packet are available on the Association's website (www.landings.org) under Library > 2015 Covenants Modernization Vote. Paper copies are available on request from The Landings Association.

One thing that we Landings property owners agree on is that we want our community to thrive. We may have different notions about how to achieve this, but we agree on the goal. To achieve that goal, we need modern, improved Covenants so that The Landings will continue to be a safe, well-governed, financially sound and beautiful place to live.

Sincerely,

Randy Stolt
President

Rex Templeton, Jr.
Vice President

Jim Rich
Treasurer

Nancy Pavey
Secretary

Neil Bader
Director

Jerry Beets
Director

Terry Breyman
Director

Rita Butler
Director

Brenda Day
Director

John Fitzgibbon
Ex-Officio



The Landings Covenant Modernization Vote

Frequently Asked Questions

Q What are we being asked to vote for during this Covenants Modernization Vote?

A The proposed amendments to The Landings Association's Covenants would improve compliance with our Private Property Maintenance Standards, encourage compliance with the Association's governing documents, and would add a fining and appeal process.

Q What are the benefits of the proposed change?

A We believe that the change will help to enhance property values and the quality of life of Landings residents. For example, there are a few derelict properties that negatively impact the value of neighboring properties and the community at large. Most of these properties are vacant, incomplete, and owned by nonresidents. Many of them have unpaid Assessments dating back several years. Fines on these derelict properties will change the economics for the investors and motivate them to correct their maintenance issues.

The enforcement methods currently available have been ineffective in motivating these owners. Suspending Landings Association membership privileges has little impact on nonresidents, and litigation is slow, costly, and often ineffective. We need enforcement tools that lead to quick remediation of maintenance issues. In other communities, the ability to fine for violations has accomplished this. The ability to fine also leads to higher levels of compliance with other rules, such as those regarding pets, parking, gate passes, and golf carts.

Q Why assess fines?

A The purpose of assessing fines is to motivate residents to follow the rules and to remedy violations quickly, not to make money. The intent is not to punish homeowners, but to protect the property values of the vast majority of us who follow the rules.

Q What infractions will be subject to fines?

A Violations of the Covenants, Rules and Regulations, Architectural Guidelines, Private Property Maintenance Standards, or Bylaws may be subject to fines. These documents can be found on the Association's website (www.landings.org) under Library > 2015 Covenants Modernization Vote.

Q Are the Private Property Maintenance Standards new?

A The document is new, but it reflects the criteria currently used to evaluate property maintenance. The Standards were prepared in response to the residents' requests for clear standards. The Standards will help residents understand the evaluation criteria and help make enforcement more consistent.

Q Who will determine violations?

A The Association has a Covenants Compliance Officer who oversees the process of enforcement of Association rules. This person works with homeowners when a maintenance violation occurs to help bring them into compliance. Other Security Department officers will be responsible for determining violations primarily in areas other than property maintenance.

The Landings Covenant Modernization Vote

Frequently Asked Questions

Q How do I know that the enforcement process will be fair?

A All elements of the current enforcement process will be retained, including informal discussion of the potential violation with the resident, formal notification of violations, and adequate time to cure a violation. In addition, resident hardship will continue to be considered in determining how to remedy the violation. Since fines may be imposed, we have added the option for a resident to have a violation and fine reviewed by an independent panel of residents before a fine is collected. The review panel will have the ability to waive violations or reduce fines. For private property maintenance violations, the decision of the review panel may be appealed to the Association's Board, and the appeal may be heard at the Board's option. For other violations, the decision of the review panel will be final.

Q What is the process for adopting new rules and fines?

A The Landings Association's Board must approve these changes. To ensure transparency, the agenda for any Board meeting at which such matters are being considered will be published in advance, along with a summary of the proposed change. If you are interested in an agenda item, we encourage you to attend the meeting and tell us what you think. In addition, new rules and fines will be published after adoption.

Q Would I be fined for my first infraction of a rule?

A No. You will receive a notification of the violation for a first offense, with no fine.

Q How much would the fines be?

A Please see the included 2015 Fine Schedule on page 7 for details.

Q What if an owner can't fix maintenance issues?

A As noted above, owner hardship will be considered in the enforcement process. The Landings Association has been successful in the past working with owners in such situations to resolve issues. This has involved enlisting the help of neighbors or others to address the violation. The Association will continue such efforts in the future. The intent is not to target those who can't fix their property, but rather to help them fix it, thereby protecting the value of homes for all owners. Privacy will be maintained for these owners.

Q How will we know if this process is working?

A We plan to report periodically on the numbers of violations and their resolution. Additionally, we will review the program's effectiveness and get your input at the 2016 Annual Meeting. After considering your suggestions, we will make any necessary changes.

Q What can I do to help?

A Vote early, and vote "YES". Encourage your friends and neighbors to vote. Also, educate yourself about governance issues. We believe that the survey, Town Hall meetings, TLA's Annual Meeting, and numerous written communications have helped to increase the levels of knowledge about and interest in our Covenants. This is a good thing, and we hope that you will do your part to help this trend continue.

Q How can I get more information?

A Email covenants@landings.org or call 912-598-5528. Electronic copies of all documents referenced in this packet are available on the Association's website (www.landings.org) under Library > 2015 Covenants Modernization Vote. Paper copies are available on request from The Landings Association.



Background and Explanation of Proposed Amendments to Section 11.3

The Landings Association Covenants

The proposed amendments to The Landings Association's Covenants would improve compliance with our Private Property Maintenance Standards, encourage compliance with the Association's governing documents, and would add a fining and appeal process. A summary of those changes is listed below.

- **11.3.1 Authority** – Per Section 6.3.4 of the current Covenants, The Landings Association already has the authority to develop reasonable Rules and Regulations, and to enforce those Rules. The Association believes there should be reasonable minimum standards making sure that homes and yards in the community are neat and well kept. Often, unkempt property presents an eyesore, irritates residents, and ultimately reduces the desirability and marketability of property in The Landings. Without the proposed standards, our property values could decrease. This amendment specifically adds Private Property Maintenance Standards as a new, enforceable governing document. It also provides that all Rules apply not only to owners, but also to occupants, visitors, guests, and tenants.
- **11.3.2 Types of Enforcement** – Standards without enforcement tools are ineffective. The Association already has some enforcement tools: Namely, it can suspend owner rights to use common property and to vote. This section provides another effective method (fines) for motivating those few owners who still fail to comply with the rules. It would allow the Association to impose reasonable fines for violations of the Association's governing documents. Such fines would constitute a lien on the violating owner's lot.
- **11.3.3 Notice and Hearing** – The Association understands that there are two sides to every story and that it is important to give an owner a chance to be heard before implementing a fine or other enforcement action. This section gives an owner the right to due process. Specifically, it would mandate a notice of violation as well as the right to appeal any fine or suspension before an Appeals Committee, composed of non-Board property owners, except in the case of non-payment of any amount owed to the Association.
- **11.3.4 Fine Structure** – This section stipulates that the Board of Directors shall create, publish, and maintain a Fine Schedule, which could be updated from time-to-time. The proposed 2015 Fine Schedule is not subject to a vote of owners, but is included in this voting packet for reference.
- **11.3.5 Costs and Attorneys' Fees for Enforcement Action** – This section allows the Association to recover attorneys' fees for enforcement action that may be taken, and which fees would constitute a lien on the violating owner's lot.

Please see the following page for the specific wording of the proposed amendments.

Text of Proposed Amendments to

The Landings Association Covenants

The Landings Association Covenants, Section 11.3

11.3.1 Authority

The Association has the authority to develop reasonable Rules and Regulations, including Architectural Guidelines and Private Property Maintenance Standards, and to enforce such Rules and Regulations, the Declaration, and Bylaws, as provided herein. The Rules and Regulations shall apply to all Owners, occupants, visitors, guests, and tenants. These powers, however, shall not limit any other legal means of enforcement by either the Association or, in an appropriate case, by an aggrieved Owner.

11.3.2 Types of Enforcement

In the event of a violation of the Declaration, Bylaws, or Rules and Regulations, the Association, by its Board of Directors, shall have the power to take any or all of the following actions separately or simultaneously:

- (a) Suspend all rights to use the Common Property;
- (b) Suspend the voting rights of a violating Owner;
- (c) Impose reasonable fines, which shall constitute a lien on the violating Owner's Lot;
- (d) Bring an action for damages, permanent injunction, temporary injunction, and/or specific performance to compel the Violator to cease and/or correct the violation; and
- (e) Record in the Chatham County land records a notice of violation identifying any uncured violation of the Legal Documents regarding a Lot.

11.3.3 Notice and Hearing

Except in the case of non-payment of any amount owed to the Association, before imposing fines or suspending the right to use the Common Property or the right to vote, the Association shall give written notice to the Owner. That notice shall identify the violation, the suspension(s) and/or fine(s) being imposed. The fine(s) or suspension(s) shall commence as of the date of the written notice unless a later date is specified. The written notice shall additionally advise the person of the right to request a hearing to contest the violation or request reconsideration of the suspension(s) or the fine(s) before an Appeals Committee comprised of property owners appointed by the Board of Directors. If a Member submits a written request for a hearing within 10 days of the date of the notice, the Appeals Committee shall schedule and hold, in executive session, a violation hearing. Failure to timely request a hearing shall result in the loss of the right to contest the violation or to reconsider the fine(s) or suspension(s). Subject to rules of conduct adopted by the Appeals Committee, the person shall be given a reasonable opportunity to discuss the violation. If not done at the conclusion of the hearing, the Appeals Committee shall notify the person in writing of its decision within 10 days of the date of the hearing.

11.3.4 Fine Structure

A schedule of fines shall be created, published, and maintained by the Board of Directors. The schedule will be revised from time to time to reflect ongoing benchmarking with other communities similar to The Landings and internal experience with the structure and equity of the schedule. The schedule will include consideration of the seriousness and duration of violations.

11.3.5 Costs and Attorneys' Fees for Enforcement Actions

In any enforcement action taken by the Association, the Association shall be entitled to recover from the Owner all costs incurred by the Association, including but not limited to all attorneys' fees actually incurred, all of which shall constitute a lien against the violating Owner's Lot.

2015 Fine Schedule

The Landings Association Covenants

(Informational Only)

Private Property Maintenance Standards Violations

- Fines not to exceed \$25/day may be assessed in accordance with the process specified in Section 7 (“Inspection, Notifications, Fines, and Appeals”) of the Private Property Maintenance Standards.

Rules and Regulations and Architectural Guidelines Violations

- 1st offense receives a notification of violation
- 2nd offense is subject to a fine not to exceed \$15
- 3rd and subsequent offenses are subject to a fine not to exceed \$30/occurrence

All fines can be appealed to the Appeals Committee.

**The Property Owners Association for
The Landings on Skidaway Island**

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