

Board Policy for Riggs Ranch Meadows Homeowners Association Enforcement Procedures

There are many instances where a violation occurs intermittently or at such time(s) that the property manager cannot observe it during his routine drive-by inspections of the Riggs Ranch Meadows Community Association, (“Riggs Ranch”), premises. Furthermore, it is not economically or physically feasible to employ measures that would afford the Riggs Ranch property manager to be available to observe every violation as it occurs. Many violations will be observed and consequently reported to the Riggs Ranch property manager by individual members of Riggs Ranch as “sole witnesses”.

Examples of such violations, but not limited to, are:

1. Garbage cans not being stored away timely.
2. Parked cars in driveways and streets.
3. Issues of noise such as loud parties, wind chimes, dog barking.
4. Issues of dog waste upon private property or common areas.
5. Issues of flood light spillage.
6. Feeding of wild animals.
7. Trespassing

This policy articulates the Board’s approach to the “he said, she said” or “he says I did it, but I didn’t do it” dilemma or controversy that can evolve with regard to enforcement procedures when there is only one Member who is a “sole witness” to a violation that cannot be confirmed or corroborated by the property manager or other Members. The intent of this policy is to ensure fair and equitable enforcement of the CC&Rs for all Members as individuals and to prevent abusive, malicious or retaliatory “sole witness” reporting of alleged violations between feuding Members.

When the property manager receives a “sole witness” violation complaint that cannot be confirmed in person, he shall inform the Member complainant to submit a complaint to the Board in person. Upon notice ten days before the next scheduled Board meeting, all such “sole witness” complaints shall be heard by the Board.

It shall not be the burden of any Member to personally contact or approach any other Member regarding the witnessing of a breach or violation of the CC&Rs or any other governing document of Riggs Ranch. A witnessing Member has every right to bring his grievance or complaint of a violation to the property manager or the Riggs Ranch Board

of Directors for enforcement. However, when he is the “sole witness,” he will be a required to bring his complaint to the Board in person to be heard.

The Member Complainant shall have the burden of proving the violation by a preponderance of the facts. The Member Complainant shall be required to prove to the Board that it is more probably true that the violation occurred. The proof of the violation must outweigh the proof offered by the alleged violator that the violation did not occur.

Physical evidence such as police reports, engineering reports, photographs, videos or sound recordings may further serve to prove credibility of oral testimony. Although no Member shall be burdened with making personal contact with an alleged violator, a Member may initiate correspondence with an alleged violator as a matter of “self help” relief. Although not required, any documentation of such correspondence may be weighed as evidence supporting the credibility of testimony of a “sole witness” before the Board.

The standards of evidence set forth herein is not limited to a “sole witness” and shall also apply to multiple Members who join to come before the Board to give testimony regarding a violation that cannot be confirmed or corroborated by the property manager.

Upon the presentation of credible evidence by a “sole witness” or multiple Members, the Board may proceed with citing the violating party per the Riggs Ranch Enforcement Procedures.

The standards of proof set forth herein shall also apply to any Member who comes before the Board to defend himself against a violation for which he has been cited.