

Encroachment Abatement Procedure

This procedure is set forth at the direction of the Dunham Lake Civic Committee, as specified in paragraph number 9 of the Common Area Management Policy.

The procedure for addressing an encroachment on the Common Areas follows a process that begins with a written notice which requires immediate cessation of encroachment. Non-compliance with the directives in the written notice will result in fines and potentially end with a court action. In addition, community actions to exert and maintain possession and control over the greenbelt supplement the encroachment procedure as a deterrent to encroachment. This will be facilitated by publication of Encroachment Reports.

An Encroachment column will be published once per year in the Dunham Laker and posted on the web site, www.dunhamlake.org. The column and web site will document the findings of the yearly common area inspection mandated by the Common Area Management Policy. Lot numbers, 4x4 post numbers and the encroachment will be documented. The web site will include images, copies of letters sent to lot owners with names and addresses deleted, and final outcome of the encroachment. Lot owner written replies may also be included on the web site, with name and addresses deleted. An Encroachment report will also be presented at the annual meeting.

The Greenbelt Committee will present an encroachment update at Board meetings.

Letter 1

At the first sign of an encroachment, a letter (Letter 1) signed by a Greenbelt Committee Member, will be sent to the lot owner. This letter includes:

1. Description of the encroachment.
2. Directive requiring immediate cessation of the encroachment and resolution of the issue (i.e. cleaning up dumped materials, removing unauthorized plantings, cessation of mowing, etc.)
3. Directive requiring written (letter or email) acknowledgment that the encroachment has stopped, that no future encroachments are to occur, and that a response is required within two weeks of receipt of the letter.
4. Notification that verbal communications are not acceptable.
5. Notification that responses may be posted on the web site.
6. Consequences of failure to adhere to the directives.
7. Copies of the Common Area Management Policy and The Encroachment Abatement Procedure can be found at www.dunhamlake.com.

If an acknowledgment letter or email has been received within two weeks, and the letter

adheres to the directives, and the issue is resolved, then the situation is considered closed.

Letter 2

Letter 2 is sent via certified mail, return receipt requested, when the encroachment outlined in Letter 1 continues, reoccurs within five years and/or no written acknowledgment has been received in the time specified in Letter 1. Letter 2 will be signed by members of the DLPOA Board and Civic Committee. Letter 2's purpose is to inform the encroacher that legal action may be imposed and that a fine has been levied. Letter 2 includes:

1. Description of the encroachment.
2. Directive requiring immediate cessation of the encroachment.
3. Directive requiring written acknowledgment (email not acceptable) that the encroachment has stopped, that no future encroachments are to occur.
4. Notification that a fine has been levied.
5. Notification that a response is required within ten working days.
6. Explanation that if no response is received in the specified time, additional fines may be levied and that legal action may possibly be initiated. The intent of the legal action will be to obtain an injunction preventing the encroachment. It will be noted that a separate legal action may be initiated, the intent of which is to recover costs associated with returning the greenbelt to its natural state, and reversing the affect of the encroachment.

If an acknowledgment letter that adheres to the directives has been received within ten working days, and the fine has been paid, then the situation will be considered closed.

If no acknowledgment letter has been received, or if the acknowledgment does not meet the requirements, then additional fines are imposed, and at the discretion of the Civic Committee, legal action may be initiated.

This procedure does not supercede or negate any previous and/or ongoing actions being taken to end encroachment.

In the event of an emergency where extreme damage due to a massive encroachment occurs, the Board shall have a right to accelerate the Encroachment Abatement Procedure

with the understanding that time is of the essence. This may include but is not limited to

immediately filing for an injunction.

In an encroachment situations where it is unclear who is responsible, a letter will be sent to a lot owner who may have knowledge of the situation. In situations where a trivial first offense encroachment has occurred, a letter will be sent. These letters will not necessarily adhere to the format followed in Letter 1.