

How to respond to Deed Restriction Violation Letters

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If you receive a deed restriction violation letter from the Association, please read through the material below so that you are familiar with how the Association is required to handle these matters, and why it is in your interest to respond quickly. Also included, are explanations in response to frequently asked questions about the letter content, in-person contact and notifying the Association in advance.

What you need to do:

Please respond promptly. It is in your best interest as a homeowner that you respond promptly to any deed restriction violation letter that comes along. This is very important for two reasons:

1. We need to understand your side of the issue and potentially make adjustments to the status of the violation.
2. Ignoring deed restriction letters WILL result in escalation to the attorney. It is at this point that the homeowner will incur attorney's fees. The fees will be added to your account and will remain there until they are either paid or if your house is sold, the Association will not reverse any fees charged by the attorney.

Who to contact:

You must contact the Management Company directly by phone or in writing, as instructed in your violation letter.

Why do we send letters?

Sometimes homeowners ask why the Association did not talk to them first and instead just mailed out the initial violation letter. The context is often that the homeowner feels the letter was too impersonal or that letter content appears confrontational.

- The Association sends violation letters because our rules require this. The Association is following the rules - just as homeowners are expected to do the same.

- The text of the letter must be as precise as possible so there are no misunderstandings about the nature of the violation and timeframes and actions required by the homeowner.

Why the Association does NOT discuss violations in person:

Occasionally the Association is asked why it does not discuss violation issues in-person, instead of sending a letter. This question, is not unique to just our Association. However there are consistent and very important reasons why the Association does not generally discuss violations with homeowner in-person:

1) The Association board members may not know, with absolute certainty, that the person who they are speaking with is indeed the person who is legally responsible for resolving the issue. This would result in an unfair, discriminatory process of some receiving letters while a few might receive in-person contact.

2) With 785 homes in Prestonwood Forest, attempting in-person contacts would be incredibly time consuming and remember Board members are volunteers with families, jobs and personal responsibilities. Letters are consistent, fair

and impartial and directed to the actual property owner – some of whom may not reside in Prestonwood Forest.

3) The Association wants to make sure the homeowner has a full understanding of the reason for the violation, the enforcement steps, and exactly how to contact us with questions or status updates. These are detailed and explained in the letter - and the Association is confident that it has given the homeowner adequate notice and sufficient information to be fair to them.

4) Verbal discussions result in “he said, she said” when it comes to what was actually discussed at someone’s house. And, the inconsistency with verbal discussions results in a perception of some receiving ‘favored’ treatment. Letters are clear and consistent for all property owners. The Association requires that any response to a violation letter by a homeowner follow the process described in the notification, to ensure the same. We are trying hard to be fair, impartial and accurate- and communicating in writing helps ensure this.

5) In-person conversations also tend to result in ambiguous “I’ll take care of it” types of inconclusive endings. The Association ends up wasting weeks or months while the other homeowners become upset and frustrated by the lack of ‘enforcement’ by the Association. Letters solve this issue by clearly and impartially getting to the point in order to move things along.

6) The Association always listens when a homeowner has a reasonable request for more time to respond. But we all have an obligation to all our neighbors to promptly take care of these issues.

7) Finally, an attempt at friendly, polite discussions could result in a dangerous, hostile response. The Association is made up of volunteers who do not deserve to be treated that way and certainly should not run the risk of being injured. Letters avoid the risk that a homeowner will escalate an otherwise neighborly encounter.

Notifying the Association, in advance:

While all external changes and construction require Association approval – it is also in the homeowner’s best interest to notify the Association in advance about other activities that might also result in a violation letter. For example, notifying the Association that a commercial dumpster will be temporarily on property during internal remodeling - and its timeframe - will enable the Association to document this for awareness when the neighborhood drive-through inspection is being performed – and ensure placement is not a nuisance to other neighbors.

Related Links:

[Deed Restriction Enforcement Procedures](#)

[Deed Restriction Violation Deadline Extension Request Form](#)

[Architectural Control Guidelines](#)

[Application for Home Improvements and Modifications](#)

[Controlling Documents](#)