

Fort Peck Lake Association

P.O. Box 822 | Glasgow, MT 59230 | fortpecklakeassociation.org

Fort Peck Lake Association

Notice to Members

April 1, 2017

There have been numerous violations to the Covenants all members are required to follow as part of our lot purchase. According to Article IV, Section 2 any member, any of the four cabin area associations, the Architectural Control Committee Board of Adjustment (ACC) and the Fort Peck Lake Association (FPLA) can enforce the Covenants. Under the Covenants the FPLA is limited to assessing a charge, filing a lien, and litigation to curb any violations.

To encourage compliance with the Covenants thus protecting the rights of all members to enjoy the ownership and use of their lake property, the FPLA has adopted the attached Due Process for violations of our governing documents. The policy will be effective April 1, 2017.

We would expect everyone to follow the rules as they agreed so we will not have to implement this due process to its end. Everybody wants to enjoy their time at the lake without any hassles or interference from their friends, neighbors, or enforcement bodies. All we have to do is follow the rules.

FPLA Board of Directors

**Stephen Nalewaja
Monte Malnaa
Richard Wiens
Wanda Robinette
Robert Nygard
Mary Kaercher
LaWana Grewe
John Fitzgerald
Lori Phipps
Jim Prevost**

**Fort Peck Lake Association
Covenant Violations
Due Process**

The following process may be initiated by any Fort Peck Lake Association (FPLA) member who receives a complaint or observes a violation of the Covenants.

Any member who begins to erect, place, or alter a dwelling, house, garage, other structure, landscaping or terracing on any lot before approval by the Architectural Control Committee (ACC) as required in Article III, section 7 of the Covenants shall be charged up to \$500, which will be due immediately upon assessment when the assessment is approved by a majority of the full ACC. No construction activity can begin or continue until ACC approval has been received and the charge is paid.

All other violations including, but not limited to land use, signage, maintenance, garbage, animals, nuisances, junk vehicles, sanitary restrictions, fire arms and fireworks should be reported as follows:

- The complaint or violation should be given, in writing, to the ACC for the affected cabin area.
- The ACC for that cabin area will determine the validity of the complaint/violation.
- If complaint/violation is determined to be valid, a Courtesy Notice will be sent to the violating member requesting they rectify the complaint/violation.
- The member should respond to the ACC within 14 days of the date on the notice.

If the member's response is to correct the complaint/violation in a satisfactory manner, the issue will be resolved.

In the case where no response is received from the member noticed or the response is not satisfactory to the ACC, the full ACC will review the complaint/violation. If deemed valid by a majority of the full ACC, the full ACC will send the member Notice of Violation by mail and will also notify the FPLA Board. The Notice of Violation will inform the member of:

- The violation;
- The resolution required;
- The period of time for the issue to be resolved or a plan of action to resolve the issue approved by the full AC; and
- The potential charge or other action that may be taken to resolve the issue.

If the issue still is not resolved, the full ACC will request that the FPLA Board impose a charge or take other action they believe necessary. The FPLA Board will determine the action they deem appropriate and inform the full ACC of their decision. The FPLA Board will notify the violating member of the consequence of their failure to resolve the complaint/violation.

The charge for noncompliance with the Covenants after due process will be:

- Initial charge of \$250.
- Additional daily charge of \$25 until the complaint/violation is resolved or a plan of action to resolve the issue is approved by the full ACC.

All charges will be due immediately upon assessment and bear interest from the date of assessment until date paid at a rate of 10 percent per annum as required by the Covenants.

The FPLA Board can also take any other action they deem necessary to insure compliance including legal action as allowed in the Covenants, Articles of Incorporation, and By-Laws, with the violating member liable for costs and attorney fees associated with that action.

We truly believe members can and will resolve all issues before this due process is fully implemented.

FPLA Board of Directors

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- Monte Malnaa**
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