

**POLICY REGARDING PROCEDURE FOR
ENFORCEMENT OF DECLARATIONS
GOVERNING PERSIMMON HILL SUBDIVISION**

WHEREAS, that certain Declaration of Restrictions [for] Persimmon Hill recorded with the Johnson County Register of Deeds office, Johnson County, Kansas ("Recorder's Office") on July 20, 1978 as Document #1178788 in Book 1362 at Page 473, as amended from time to time ("Restrictions Declaration"), applies to the owners of real property described therein regarding and pursuant to plats, except the 9th plat, within the residential subdivision of Persimmon Hill in Olathe, Johnson County, Kansas (the "Subdivision"), and

WHEREAS, that certain Declaration [for] Persimmon Hill First Homes Association recorded with the Recorder's Office on July 20, 1978 as Document #1178790 in Volume 1362 at Page 489, as amended from time to time ("Association Declaration") applies to the owners of real property described therein regarding and pursuant to plats of the Subdivision, except the 9th Plat; and

WHEREAS, that certain Amended Declaration of Easements, Covenants, Conditions and Restrictions of Persimmon Hill, 9th Plat recorded with the Recorder's Office on August 3, 2000 as Document #3146500 in Book 6655 at Page 688, as amended from time to time ("9th Plat Declaration") applies to the owners of real property described therein regarding and pursuant to the 9th plat of the Subdivision (the 9th Plat"); and

WHEREAS, the undersigned constitute all members of the Board of Directors (the "Board") of the Persimmon Hill First Homes Association (the "Association") formed pursuant to the Association Declaration and Restrictions Declaration; and

WHEREAS, it is anticipated that the 9th Plat will become merged into and subject to the jurisdiction and authority of the Association; and

WHEREAS, in the event of such merger the 9th Plat shall be subject to the policy stated herein, as are all other lot owners within the Subdivision; and

WHEREAS, Article IV of the Association Declaration entitled "Management of the Association," gives the Board authority to manage the Association; and

WHEREAS, Article V Section 5.101 of the Association Declaration entitled "Enforcement of Building Restrictions," gives the Association the authority to enforce restrictions governing the Subdivision; and

WHEREAS, Article V Section 5.101 of the Association Declaration entitled "Enforcement of Building Restrictions," requires expense for enforcement for non-compliance to be paid out of the general fund; and

WHEREAS, although not required by the declarations referenced herein or the bylaws governing the Association, this policy is intended to set forth a procedure to be followed by the Board in enforcing the Association Declaration, the Restrictions Declaration and, in the event of merger, the 9th Plat Declaration.

NOW, THEREFORE, BE IT RESOLVED, that unless and until revoked or amended by simple majority vote of the Board, the procedure to be followed by the Board from this date forward in enforcing the Association Declaration, the Restrictions Declaration and, in the event of merger the 9th Plat Declaration, shall be as follows:

1. The Board shall send via regular mail to the offending lot owner a written warning notifying the owner of the specific violation, requiring that the violation be cured within 14 calendar days of the date of the letter, advising the owner of the right to a hearing according to section 4 below, and providing the appropriate mailing address for the owner's response ("First Notice Letter"). A designated Board member, or if directed by the Board a representative of the Association's management company, will attempt to contact the owner by phone within seven days after the date of the First Notice Letter.
2. If the violation remains after the deadline has expired, as soon as practical after expiration of the deadline a second copy of the First Notice Letter, but amended to include the current date, allow an additional 7 days from the date of the letter to cure the violation, and a statement that legal action may follow if the violation is not cured ("Second Notice Letter").
3. If the owner continues to be in violation after the deadline set in the Second Notice Letter, the Board shall consider all appropriate actions within its authority, including legal action, to cure the violation. Legal action to cure the violation may be commenced upon a simple majority vote of the Board, subject to the requirements of section 4 below.
4. All owners shall have the right to request a hearing regarding violations with the Board during regularly scheduled Board meetings, provided the hearing is requested in writing prior to expiration of the deadline set in the Second Notice Letter. If such a hearing is timely requested, then legal action shall not be commenced by the Board until after (i) the hearing is held, (ii) the Board reviews the statements made at the hearing, (iii) votes on the next steps to be taken (which may include commencement of legal action), and (iv) notifies the offending owner in writing via hand delivery of its decision. An offending owner may request a hearing after the expiration of the deadline in the Second Notice Letter; provided, however, that the Board is not obligated to hold such late hearing and if legal action has commenced, such action shall continue until and unless the Board decides, by simple majority vote, to dismiss the legal action. All hearing requests must be in writing via certified mail to the address for the Board set forth in the First Notice Letter. The Board shall be obligated to pick up its certified mail within 2 business days of receipt of notice.
5. If so designated by majority vote of the Board, the Association's management company shall have the authority and direction to follow the policy set forth herein.
6. In the event of any inconsistency between this policy and the Association Declaration, Restrictions Declaration, the 9th Plat Declaration or the Association bylaws, such other documents shall govern and take precedence over this policy.

Adopted this 7 day of December, 2003 at its regularly scheduled board meeting.

Scotty Smith, Pres
 Scotty Smith, Director and President

Bob Mueller, Vice President
 Bob Mueller, Director and Vice-President

Cheri Stanley, Secretary/Treasurer
 Cheri Stanley, Director and Secretary/Treasurer

Bill Wall, Director
 Bill Wall, Director

Gary Hines, Director
 Gary Hines, Director