

Tall Oaks of Kildeer HOME OWNERS ASSOCIATION

RULES AND REGULATIONS
Adopted August 18, 2010

**TALL OAKS OF KILDEER HOME OWNERS ASSOCIATION
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Preface

These Rules and Regulations have been adopted with the intent of providing the residents of Tall Oaks of Kildeer Homeowners Association ("HOA") with a practical plan for day to day living. Its goal is to maintain our community as a premier community association and to provide residents with common sense guidelines for living together as neighbors. A successful Association is a community of Owners who exhibit a pride of homeowner and share a common vision as to what constitutes a desirable neighborhood.

Membership in the Tall Oaks of Kildeer Homeowners Association runs with owner of the property. Each buyer of property within the HOA is bound by the governing documents of the Association that include the By-Laws and Declaration of Covenants, Conditions and Restrictions and subsequently amended thereafter. Homeowners are asked to consider the following:

Living in an Association means one must adhere to certain Rules and Regulations due to the necessity for architectural conformity and the demands of the Declaration and By-Laws, which exist for the benefit of our community and help to maintain our property values.

If you are found in violation and are fined, this action is taken because the Homeowners of the HOA consider it to be just and proper and in the best interests of the Association.

Effective application of the Rules and Regulations requires the cooperation of all residents of the Association. The best approach to resolving a difference with a neighbor is to talk to your neighbor directly. However, should this not resolve the problem, an official complaint can be filed with the Board. Each resident's cooperation and participation is encouraged.

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SECTION I – INTRODUCTION

- 1.1 The following Rules and Regulations flow from the Declaration of Covenants, Conditions, and Restrictions. It is not the intent of these Rules and Regulations to be a substitute for the Declarations and By-Laws.
- 1.2 To the extent that the provisions of applicable law (federal, state or local), the aforesaid Declaration, By-Laws or the Rules and Regulations are in conflict, the provisions of applicable law shall take precedence, followed by the provisions of the Declarations and By-Laws, and then the Rules and Regulations.
- 1.3 These Rules and Regulations are binding on all Homeowners, residents, their families, guests, invitees and agents. The Homeowner is responsible for compliance with the Rules and Regulations and will be liable for fines incurred and/or damages caused.
- 1.4 The provisions of these Rules and Regulations can only be amended by vote of the Board of Directors in an open meeting following notice to the community of a pending change and allowing for a public comment at the meeting.
- 1.5 These rules have been constructed to be consistent with the CCRs but provided more detail and clarifications to serve the community.
- 1.6 Additional specifics and guidelines for the Architectural Committee are addressed in the CCRs.

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SECTION II - DEFINITIONS

2.1 Association

Refers to the Tall Oaks of Kildeer Homeowners Association, hereinafter referred to as the "HOA".

2.2 Assessments

The amount due from each Homeowner to fund common expenses.

2.3 Board of Directors

Consists of five members of the community elected by the HOA. They are responsible for the direction and administration of the HOA. Each member of the Board shall be a Homeowner. The Board of Directors is hereinafter referred to as the "Board".

2.4 By-Laws

Contains regulations for the administration and management of the HOA.

2.5 The Declaration of Covenants, Conditions, and Restrictions.

The Declaration of Covenants, Conditions, and Restrictions that has been recorded with Lake County against all properties within Tall Oaks of Kildeer. It is a legal document that creates the plan for the Association, provides for deed, covenants and restrictions of Owner's rights. It sets up the relationship between the Owners and the HOA and binds property Owners both present and future. Hereinafter referred to as the "Declaration".

2.6 Common Area

All those portions of the subdivision except platted lots and streets dedicated to the public.

2.7 Property Manager

A professional hired by the Board of Directors to manage the day-to-day affairs of the HOA (if applicable).

2.8 Properties

All real property, common and private, within the HOA as defined in the Declaration.

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2.9 Homeowners

Homeowners are the Owner(s) of record, beneficial Owners or beneficiaries of any trusts holding title to property in the Tall Oaks of Kildeer. All Owners must provide an address where written notices and assessment statements can be sent if other than to the property address. Homeowners are hereinafter referred to as "Owners".

2.10 Front Setback

The Front Setback shall be defined as such portion of a Lot in front of the brick face of the home, closest to the street, as extended parallel to the street.

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SECTION III - GENERAL RULES

3.1 Antennas

No exterior antennas, aerials or other apparatus (except as expressly permitted by FCC regulation) for the transmission of television, radio, internet, wireless or other signals of any kind are allowed.

3.2 Basketball Hoops and Playground Equipment

- a. Basketball hoops may be portable or permanent basketball standards. Standards must be properly maintained with no visible rust, and no missing or torn nets.
- b. Standards must be upright at all times. Standards must be located on or adjacent to (within 2 feet of the driveway perimeter) the Homeowner's driveway, must not be within the front setback of the lot (unless expressly approved by the HOA as an exception) and must not encroach on an adjacent neighbor's lot line while in use. Portable standards should be properly weighted according to manufacture's guidelines. The use of sand bags or other materials piled on the base is not permitted.
- c. All playground and recreational equipment, including trampolines, shall be located in the rear of the property. Yard gyms, swing sets and slides shall be in wood or other approved materials.
- d. Temporary Outdoor Hockey Rinks are permitted but must be approved each year by the architectural committee and must be properly maintained, of professional quality, and meet all village codes and standards.
- e. Special event structures will be allowed in the front yard for periods of up to three days.

3.3 Contractor Working Hours

Residents who employ contractors to perform services shall not allow the performance of such services weekdays before 7:00 a.m. and weekends before 8:00 a.m. Contractors shall be allowed to perform services from Saturday 8:00 a.m. to 6:00 p.m. only. All other hours must be approved by the Architectural Committee. All such contract services must terminate each evening no later than dusk. Contract services include, but are not limited to, general construction activities and lawn maintenance. Services such as snow plowing, snow removal, emergency repairs to your home are excluded. Contractor trucks, trailers and all other equipment or materials must be removed from streets each evening unless approved by the Board.

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3.4 Garbage

- a. All rubbish, trash, and garbage shall be regularly removed from the properties and shall not be allowed to accumulate thereon. Between scheduled pick-ups, garbage cans, recycle bins, regular landscape waste and other similar items should not be visible from the street. Seasonal tree and bush trimmings too large for landscape waste bags may be stored no longer than seven days. Sealed garbage bags, hard containers, recycle bins and/or seasonal tree and bush trimmings may be placed outside for collection no earlier than 6:00 pm the night before collection day. Empty containers are to be removed from the curb by the end of the collection day.
- b. Construction: A dumpster must be placed on the driveway for no more than five (7) days without prior approval of the board. Any damage caused by delivery or removal of a dumpster is to be promptly repaired at the Homeowner's expense.

3.5 Firearms and Other Weapons

The discharge of firearms within the Common Areas is prohibited. The use of weapons is prohibited in the HOA. The term "weapons" includes "BB" guns, pellet guns, paint ball guns, bow and arrow, and other firearms of all types regardless of size.

3.6 Lighting & Holiday Decorations

- a. All new exterior lights must be approved by the Board with the exception of seasonal holiday lights that are subject to the following restrictions.
 1. Holiday lights and decorations may be displayed from November 1st through January 31st during the holiday period but may not be illuminated after January 15th.
 2. Lights and decorations for holidays falling outside the above dates may be displayed from 3 weeks before the holiday to one week after.
- b. All exterior lighting must be properly maintained.
- c. Motion activated lighting is allowed in rear yards only.

3.7 Nuisance

- a. No portion of the properties shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye;

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nor shall any substance, thing, or material be kept upon any portion of the properties that will emit foul or obnoxious odors or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of the HOA. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the properties.

- b. The front and side exterior of homes may not be used for storage. Ladders, landscaping materials, lawnmowers, tools, etc. must be stored inside the home or garage.
- c. Firewood must be neatly stacked in the rear of the home and may not exceed one cord of firewood.
- d. Compost centers should not be visible to neighbors or from the street.

3.8 Parking

Vehicles shall be parked only in garages or on the driveways, serving the homes. Vehicles displaying advertising placards or signage, commercial vehicles, tractors, trucks, vehicles higher than Class B, trailers, campers, camper trailers, boats and other watercraft and boat trailers may only be parked in garages. Short term exemptions for RVs and watercraft will be granted for up to one week with board notification.

3.9 Pets

- a. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any portion of the properties except dogs, cats, or other usual and common household pets. The Village of Kildeer requires that pets be leashed when outside of the owners' property.
- b. All pet Owners must immediately clean up after their pets when walking on common and private. No dog runs or animal pens are permitted.
- c. All owners must strictly comply with the Pet Amendment recorded on August 24, 2007 as Document No. 6233015.

3.10 Signs

- a. No sign of any kind shall be erected on properties without the written approval of the Board.
- b. Signs, flags, banners or similar items advertising merchandise, business and contractor services, or providing directional information to activities/events, are expressly prohibited on both private property and Common Areas.
- c. Signs are not allowed on Common Areas unless approved by the Board.
- d. The following provisions constitute written consent for certain limited applications:

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"For Sale," signs are limited to one standard type "Realtor" or commercially available "By Owner" sign per home placed on the front lawn only, not to exceed four (4) square feet.

3.11 Trailers, Sheds and Temporary Structures

No utility shed, shack, trailer, or other structure of a similar nature shall be placed upon any part of the properties.

3.12 Fences

Fences are prohibited unless approved as part of a pool's landscape plan.

3.13 Unsightly and Unkempt

- a. It shall be the responsibility of each Owner to prevent any unclean, unhealthy, unsightly, or unkempt condition of a property in the HOA. The pursuit of hobbies or other activities, including but without limitation, the assembly and disassembly of motor vehicles and other mechanical devices is expressly prohibited.
- b. Lawns must be regularly maintained and must be reasonably free of weeds. Trees and bushes must be trimmed of dead branches and may not touch neighboring property. Property must be regularly cleared of trash and debris. Owners may not leave landscape debris on the front lawn.
- c. The exterior of the dwelling must be kept in good repair. Hanging or damaged screens, broken windows, shutters, gutters, etc. must be repaired immediately, and all exterior surfaces shall be maintained to HOA standards. No peeling, faded or discolored painted surfaces are permitted including mailboxes. All exterior color or material changes must be approved by the Board thirty days prior to the exterior color or material change modifications or alterations.

When the Association deems a property in violation of paragraph 3.13 herein, the Owner will be sent a written notice of violation and the Owner will be given a reasonable length of time to bring the property up to standard. If the Owner fails to bring the property up to standard, the HOA may elect to have the work performed and will bill the expense to the Owner plus a minimum processing fee of \$50.00.

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3.14 Yard Decorations

- a. No unsightly artificial vegetation shall be permitted on the exterior of any portion of the properties. Exterior sculptures, statutes, yard ornaments, fountains and similar objects displayed within the front setback of the home must be approved by the Board. Planters, statuary window boxes, bird baths, bird feeders, flower pots and other yard ornaments must be aesthetically pleasing. Large landscape boulders should not be used excessively, must be incorporated into landscape plans and must be approved by the Board.
- b. Landscaping alterations need to be submitted to the Architectural Committee for approval. This includes planting of trees and bushes that represent a significant change from the current approved landscape plan. All grade changes, hardscape additions or changes, and lighting additions and changes of any kind must also be submitted to the Architectural Committee. Failure to request approval will result in a fine.

3.15 Flags

- a. All flag poles must be approved by the Board prior to installation. Flag poles must be located in the front of the property on the Owners lot and at least 15 feet from adjacent properties and at least twenty-five feet from the roadway. Flags being displayed must be the United States flag or a military flag as defined by the United States Code and
- b. May not be faded or in disrepair. Proper United States flag etiquette must be observed by the Homeowners.
- c. Military or American flags may also be erected on the Homeowner's Unit, but may not be erected on the Common Areas.
- d. All other flags are prohibited on the property.

3.16 Decks and Patios

- a. Decks must be installed in rear yards only.
- b. Plat of survey and material to be used must be submitted to the Board with request for approval.
- c. Failure to maintain the deck/patio is a fineable offense.
- d. A Village permit for construction must be displayed.

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SECTION IV - VIOLATIONS AND FINE POLICY

4.1 Resident Cooperation

Unless the Board is notified of rules infractions by Owners, the rules cannot be enforced. While the Board does not serve as a police department or referee between disputing Homeowners, each resident's cooperation and participation is encouraged.

4.2 Written Warnings & Violation Notices

Written Warnings and Violation Notices are issued by the Board and its agents to an Owner allegedly in violation of the Declarations or Rules and Regulations who has or whose family members, agents, guests, invitees or pets have allegedly committed a violation when one of the following occurs:

- a) The HOA receives a Witness Violation Complaint. A sample Complaint form is attached as Exhibit "A" to this publication or can be obtained from the Property Manager.
- b) The HOA receives a letter of complaint which includes 1) the name, address and phone number of the complaining witness, 2) the Owner's name and/or address where the alleged violating person(s) resides, and 3) the specific details or description of the violation including the date, time, and location where it was alleged to have occurred.
- c) A Board Member issues a witness statement based on his or her own observations.

4.3 Written Warnings

Written Warnings for the first offense of a particular rule will be sent by both regular U.S. mail service, and also by certified mail return receipt requested, or by personal delivery to the Owner of record or occupant. The warning will include specific details of the alleged violation(s) as well as steps that must be taken to rectify the condition and/or the consequences for subsequent violation(s). Request for a hearing to protest the Written Warning must be made within fourteen business days after receipt of the Written Warning.

4.4 Notice of Violation (N.O.V.)

If subsequent violation complaints are received relative to the same alleged violation within a one year period of a previous complaint, or if the steps outlined in the Written Warning to correct the condition have not been taken within two weeks, a N.O.V. will be sent, by both regular U.S. mail, and certified mail return receipt requested, or by personal delivery to the Homeowners. The N.O.V. will include the specific details of the alleged violation(s) with a copy of the amount of

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fine to be imposed by default unless a hearing is requested within fourteen business days after receipt of the N.O.V.

4.5 Hearings

Provided the N.O.V. recipient Owner has properly requested a hearing, that Owner will be provided written notice of the time and place where the Board or its duly authorized agents will conduct a hearing to review the complaint. At that time, the N.O.V. recipient Owner will have the opportunity to present a defense to the complaint. All hearings will proceed with or without the presence of the Owner(s) who is in alleged violation. The person signing the Witness Statement may be present. The decision of the Board or its duly authorized agents shall be submitted in writing within five days of the hearing and such decision shall be binding upon all parties.

4.6 Penalties / Fines

A. RULES AND REGULATIONS VIOLATIONS (only those not subject to Architectural Guideline Violations noted below)

- 1) 1st offense - Written Warning
- 2) 2nd offense - \$50 fine
- 3) 3rd offense - \$100 fine
- 4) 4th offense - \$500 fine
- 5) Legal action with unpaid accounts of \$200.00 or more, unless otherwise stated differently in the Rules and Regulations. Liens may be placed at the Board's discretion. If warranted due to an egregious act, the Board may levy a fine outside of this fine schedule commensurate with the violation.

B. ARCHITECTURAL GUIDELINES VIOLATIONS

Violations of the Architectural Guidelines are subject to the fine schedule outlined below. The Board of Directors is not charged with surveying the community to determine whether a violation exists. All Associations are self-policing bodies, whereby its policies are enforced by Owners who report violations. Unless and until the Board is made aware of a violation, it cannot take corrective action. Any violations of the Architectural Guidelines shall be subject to the following fines and procedures:

- 1) Failure to obtain architectural approval including but not limited to requests for modification and approval of new construction plans - \$200 per occurrence or modification.
- 2) Failure to obtain the aforesated architectural approval within two weeks after being fined per paragraph 4.6B(1) - \$200 per month until submitted and approved by the Board.

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- 3) Each installation that is not in compliance with the Rules and Regulations will result in a fine of \$200 per month until compliant with an approved submittal from the Board.
- 4) Legal action for homes with unpaid accounts of \$200 or more.

COSTS

In the event of any violation of the Rules and Regulations, Declarations or By-Laws of the HOA, the Board of Directors reserves the right to pursue any and all legal and equitable remedies to compel enforcement. Any and all costs and attorney's fees shall be assessed against the offending Owners and shall be a lien against the property until paid in full. Liens may be filed against the property with the Recorder of Deeds of Lake County.

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SECTION V – Annual Dues

- 5.1 Assessments are currently billed on an annual basis. It is the Owner's responsibility to pay the assessment on time and to provide a billing address.
- 5.2 Special assessments are billed as directed by the Board.
- 5.3 A late charge of \$50.00 will accrue on the 15th of the month in which the assessment is due and shall bear interest at the legal rate allowable by law per the HOA's Declarations.
- 5.4 The HOA will issue a statement to any delinquent Owner past the due date for receipt of the assessment and/or special assessment(s).
- 5.5 Sixty days after the assessment is due and remains unpaid, a delinquent Owner shall receive a thirty day payment demand notice from the HOA lawyer.
- 5.6 In the event of non-payment from the Owner after the aforesaid thirty day period, the Association lawyer will prepare and file a lien against the Owner's property at the Recorder of Deeds of Lake County and proceed with collection. Once the lien is satisfied it is the property Owners' responsibility to request a release of lien from the Association and record same at the Recorder of Deeds of Lake County.
- 5.7 Owners who are delinquent will be responsible for any and all attorney's fees and costs incurred in collecting unpaid assessments.
- 5.8 Any Owner who submits a check that is returned by the bank for insufficient funds will be charged a fee of \$20.00 and/or any costs charged to the HOA by the bank.

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EXHIBIT "1"
WITNESS VIOLATION COMPLAINT

WITNESS: Name: _____
Address: _____
Telephone: _____

ADDITIONAL WITNESS: Name: _____
Address: _____
Telephone: _____

ALLEGED VIOLATOR: Name: _____
Address: _____
Telephone: _____

VIOLATION DATE: _____ VIOLATION TIME: _____

SECTION OF CC&R, BY-LAWS OR RULES AND REGULATIONS VIOLATED: _____

WITNESS' OBSERVATIONS:

WERE ANY PHOTOGRAPHS OR RECORDINGS MADE? Yes _____ No _____

Include all tapes, photographs and details, i.e. vehicle model, color, license number with this form or forward as soon as possible. Include the name of the person who made the tape or photograph, the date it was made and the name of anyone else that was present.

I HAVE MADE THE ABOVE STATEMENTS BASED ON MY PERSONAL KNOWLEDGE AND NOT UPON WHAT HAS BEEN TOLD TO ME. "I ACKNOWLEDGE THAT I SHALL ATTEMPT TO REASONABLY PARTICIPATE IN ANY HEARING THAT MAY RESULT FROM THIS VIOLATION COMPLAINT.

Signature: _____ Date: _____