

Southern Trails Estates Covenants Enforcement Policy and Procedures

Policy

Southern Trails Estates has Restrictive Covenants filed with Tulsa County. A copy of the Restrictive Covenants is also published on our subdivision website www.SouthernTrailsEstates.com. Homeowners are responsible to ensure their property meets the requirements outlined in the Restrictive Covenants. The Homeowners Association has a duty to enforce the restrictive covenants and has the legal authority to interpret the language when necessary to determine its meaning and intent. The HOA board has established this policy to define the procedures that will be used for covenant compliance enforcement and explain how we interpret the language. The HOA Board will manage covenant enforcement in a fair and reasonable manner using reasonable discretion.

Procedures

Inspections;

General inspections will be conducted annually by the HOA Board. Random inspections will be conducted “as-needed” and may be initiated by resident complaints to the HOA Board. Property owners with violations will be notified via email or regular mail.

Appeals;

Covenant violations will be issued based on our current published restrictive covenants on file with Tulsa County. If a homeowner does not believe the covenant violation notice they receive is valid they may make a formal appeal to the HOA president. Formal appeals must be submitted in writing and received within 30 days of receiving the notice of a violation. If an appeal is not received, the violation notice will be considered valid and the homeowner will be expected to take the corrective action necessary to resolve the issue. All appeals will be reviewed by HOA Board and the homeowner will receive a written response of the decision.

Assessment of Fines;

Homeowners who fail to resolve restrictive covenant compliance issues will be assessed a \$500 fine. Additional fines of up to \$1000 will be assessed at every subsequent inspection thereafter until the violations are corrected. The HOA will file a lien on the property and take legal action to collect fines if they are not paid.

Covenant Language Interpretation

Minimum Tree Requirements;

The HOA Board interprets the meaning of “tree” based on the standard definition of a tree (A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground). Trees are commonly sold by trunk caliper size when purchased from the nursery (generally in 1, 2, 3, or 4” caliper). The restrictive covenants require **3” caliper trees** be planted to meet the minimum size requirements. These trees must have a trunk that is at least 3” caliper/diameter (measured 6” from the base) and be at least 8’ tall when planted. These standard trees will grow large and tall as they mature. If you purchase a **3” caliper tree** it will generally be about 12 feet tall.

The HOA board has the legal authority to make the determination as to which trees are considered decorative/ornamental and which trees meet the standard tree requirements outlined in our Restrictive Covenants. The restrictive covenants allow for only 1 of the 2 trees required to be planted in the front yard to be a decorative/ornamental tree. Any trees planted in the landscape beds adjacent to the house are considered decorative/ornamental trees.

Definitions;

The HOA Board will use the following definitions for covenant enforcement regarding the minimum tree requirements.

Tree;

A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

Note; Trees must meet the above standard definition of a tree and meet the minimum size requirements listed in our restrictive covenants (have a 3” caliper/diameter trunk measured 6” up from the base and be at least 8’ tall when planted). Trees will grow large and tall at maturity, and generally grow to a height of 20-50 feet tall and have a trunk with a diameter exceeding 12 inches when fully mature.

Decorative/Ornamental Tree;

Trees planted in a garden or landscape setting purely for aesthetic purposes.

Note; Wax Myrtles, Crape Myrtles, Ornamental Evergreens, Japanese Maples, Junipers, and other varieties of small or dwarf trees qualify to meet the requirements for the one (1) decorative/ornamental tree allowed to meet the minimum tree requirements in the front yard and are usually planted in the landscape bed adjacent to the house.