



HOMESTEAD IN THE WILLOWS HOMEOWNERS' ASSOCIATION

WRITTEN REQUEST FOR APPEAL

To appeal a covenant violation, you must fill out and email this form by the date listed in your Notice of Fine for Failure to Remedy Covenant Violation to businessmgr@homesteadinthewillows.org with the subject line: **Request for Appeal**. The body of your email **must** include your full name, address, and phone number. Failure to follow these instructions may result in a waiver of your appeal.

I. CONDUCT OF THE HEARING

Be on time for your hearing, it will start promptly at 7:00 p.m. Cases will be called in the order that the Written Requests for Appeal are received.

All hearings will be held at the HOA Business Office located at 5896 E. Geddes Ave. There will be one Appeal Judge who will be a current member of the Board of Directors.

When your case is called, you will have **ten minutes** to present your case to the Appeal Judge. You may bring witnesses and evidence to support your case.

You must conduct yourself professionally during the Hearing. A failure to do so may result in a waiver of your appeal. The Appeal Judge will first warn you about your conduct and will deduct time from your allotted ten minutes if you continue to display unprofessional behavior (this applies to your behavior from the time you enter the office for the Hearing). If your unprofessional behavior continues the Appeal Judge may ask you to leave, which will result in a forfeiture of your Appeal.

II. HOW TO MAXIMIZE YOUR CHANCE TO WIN YOUR APPEAL

You will not win your Appeal if your only argument is that you forgot about your covenant violation. You must demonstrate that a fine would be unfair under specific circumstances that apply only to you or your covenant violation.

For example, if you were unable, despite appropriate diligence, to schedule a contractor before the deadline to remedy your covenant violation. This would **require proof** that you diligently attempted to schedule a contractor. Calling a contractor the week before your deadline to remedy the covenant violation would not be sufficient. If you find yourself in this situation in the future, the better course of action would be to contact the Board to ask for an extension before the deadline passes.



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Similarly, personal financial or life circumstances may warrant a ruling in your favor. For example, if you lost your job and lack sufficient resources to pay for the repair or fine.

In summary, to win your appeal you need to either (i) prove circumstances that justify your inability to remedy the covenant violation by the deadline, (ii) prove that what you were cited for is not (or should not be) a covenant violation, or (iii) prove that a fine would be unduly punitive to you based on your specific life circumstances (financial or otherwise).

III. WHY ARE YOU APPEALING

In ten pages or less, explain why (i) you believe the covenant violation you were cited for was a mistake, (ii) your failure to timely remedy the covenant violation does not warrant a fine, (iii) any personal circumstances that may justify waiving or delaying a fine, and (iv) anything else you think is relevant for the Appeal Judge to know about your case.¹ You may include photos and other evidence that you believe is important for the Appeal Judge to consider.

Click or tap here to enter text.

¹ These are only intended as examples and may not apply to your appeal.