

## Big Mountain Homeowners Association Non-compliance Process

As a reminder, by title we all agreed to abide by the Articles of Incorporation of Big Mountain Resort Association (now called Big Mountain Homeowners Association); Second Restated Bylaws of Big Mountain Homeowners Association, Inc (formerly Big Mountain Resort Association), and the Second Restated General Declaration for Big Mountain Resort, Flathead County, Montana (including the associated Resort Design Guidelines), when we purchased our property and all homeowners are strongly urged to be familiar with those documents. If any homeowner feels there is violation by another homeowner that cannot be resolved between the two parties the process is:

Submit a written complaint to either the BMHOA Board or the Whitefish Mountain Resort (whichever has enforcement over the Article in question) citing the specific Article, Section, and Sub-section (if applicable) believed to have been violated. The BMHOA Board cannot act on verbal complaints or heresy so all complaints should include objective evidence of violation.

The BMHOA is only empowered to enforce their Articles of Incorporation, Bylaws, and Declaration Articles X-XVII only (Articles I-IX are enforced by the Resort).

The BMHOA Board will follow-up on all written complaints. The identity of the person reporting the violation will be held in confidence. The action taken will be held in confidence. The only penalty the BMHOA is empowered to levy is suspension of member rights and privileges as allowed under the Bylaws so if the violator elects not to correct the violation ***the escalation process in the Bylaws provides for any Owner who has first made written demand on the BMHOA Board to take private action to enforce such provision if 30 days have elapsed since receipt of the written complaint by the BMHOA Board and the violation has not been corrected. Private enforcement will be by a proceeding for such relief as may be provided by law or in equity, including but not limited to a temporary or permanent injunction or a suit or action to recover damages. Any private enforcement will be at personal effort, risk and expense.*** We sincerely hope it never comes to private enforcement in our HOA but wanted to remind everyone of the process since questions have come up as of late. We also took the liberty of drafting some Good Neighbor Tips on the next page for everyone's consideration.

### 10 Tips to Being a Good Neighbor

1. Behave in a neighborly way yourself
2. Introduce yourself to your neighbors and make sure they know how to contact you
3. Actively communicate with your neighbors
4. Get to know your neighbors better. You may have more in common than you think
5. Be empathetic, don't make assumptions, give your neighbors the benefit of the doubt
6. Know the governing laws in your neighborhood and comply with them
7. Be an active and involved member of your community
8. Remember homeowners are responsible for their own compliance and the compliance of their guests and tenants
9. In the unlikely event of conflict homeowners should work with one another to resolve differences as neighbors. If additional help is needed consider private mediation
10. Certain complaints are best handled through city or county agencies such as Animal Control. In the unlikely event of escalated conflict respectfully gather objective evidence but realize it may be very hard to repair relations once formal action is taken