

**COUNTRY CLUB OF SUGAR CREEK PROPERTY OWNERS ASSOCIATION, INC.**

**ABUSIVE BEHAVIOR POLICY RESOLUTION**

THIS RESOLUTION is adopted this 4<sup>th</sup> day of December 2021 by the Board of Directors ("Board") of Country Club of Sugar Creek Property Owners Association, Inc. ("Association"), at a board meeting duly called and a quorum being present.

WHEREAS, Country Club of Sugar Creek (the "Subdivision") is a residential community located in Jefferson County, Missouri created as a planned community (and not a condominium) by virtue of the "Declaration of Covenants, Conditions and Restrictions for Country Club of Sugar Creek" as recorded on August 31, 1990 in Book 465, Page 531, *et seq.*, as amended by Book 625, Page 500; Book 705, Page 1506; Book 730, Page 2417 and Book 786, Page 1116, all in the records of Jefferson County, Missouri, ("Declaration"); and

WHEREAS, the Board may adopt rules and regulations governing the administration, operation and use of the Subdivision, as well as the health and safety of its Owners and occupants, pursuant to Section 3.3.8 of the Declaration, and Article III, Section 11(f) of the By-Laws; and

WHEREAS, pursuant to Declaration, Section 11.1, all Owners, tenants, mortgagees, and occupants of Lots and Residential Units shall comply with the Declaration, By-Laws, Plats, Rules and Regulations, and any amendments or resolutions thereof (collectively, the "Governing Documents"); and

WHEREAS, "No noxious or offensive activity shall be carried on upon any portion of the Lots, structures, Residential Units or Common Area, nor shall anything be done that may be or become a nuisance to the neighborhood in the judgment of the Association", pursuant to Section 6.8 of the Declaration; and

WHEREAS, pursuant to Sections 11.2 and 11.3 of the Declaration, if an Owner or occupant fails to comply with any provision of the Governing Documents, the Board may (a) enter any Lot to abate and remove the violation at the Owner's expense, (b) suspend voting rights and the right to use any recreational facilities, (c) levy fines, and (d) file a lawsuit to enforce the Governing Documents by seeking injunctive relief and/or monetary damages; and

WHEREAS, the Association is entitled to its reasonable attorneys' fees, costs and any expenses incurred in enforcing the Governing Documents, which shall bear interest at 10% per annum, pursuant to Section 11.2.3 of the Declaration; and

WHEREAS, certain Owners or occupants and their families within the Subdivision have reported to the Board that they have been harassed, taunted, threatened, and/or experienced abusive behavior from other Owners or occupants in the Subdivision, and such behavior is a nuisance to the Community; and

WHEREAS, the Board seeks to clarify that abusive behavior is a "noxious or offensive activity" and a "nuisance" or "annoyance" in violation of the Declaration; and

WHEREAS, the Board seeks to establish a zero tolerance policy for such abusive behavior, so that members of the Association and its Board do not get abused, harassed, stalked, taunted, or have to live in fear.

NOW THEREFORE, the Association hereby explains Sections 6.8 of the Declaration includes but is not limited to the following:

**Section 1 – The Rule:** No noxious or offensive activity shall be carried on in any Lot, or upon any portion of the Common Area; nor shall anything be done therein either willfully or negligently which may be or become an annoyance or nuisance to the other Owners or occupants in the Community. No Owner or occupants shall make or permit any disturbing noises by oneself, one's family, servants, employees, agents, visitors or licensees, nor do or permit anything by such persons that will interfere with the rights, comforts or convenience of other Owners.

- a) All Owners shall treat each other in a respectful manner so as to not use profanity, be abusive, harassing, intimidating, taunting, stalking or act in an aggressive manner directed at any Board Members, Owners or occupants, guests, invitees, or directed at any agents, employees, contractors or vendors (including but not limited to any future management companies that may be hired and/or retained).
- b) "Noxious or offensive activity" and/or "nuisance" shall include anything which will interfere with the rights, use and enjoyment of other Owners or occupants' property, and disturb them by unreasonable behavior, noises, odors, light or otherwise.
  - i. The term "disturbing behavior" includes, but is not limited to, aggressive shouting with profanities, taunting and/or otherwise abusive behavior, harassment, stalking and/or causing other Owners or occupants to live in fear for one's self, family, pets and/or property, as well as any such physical act taken against one's self, family, pets and/or property.
  - ii. The term "disturbing noises" includes excessive sounds at unreasonable times from any pets, television, radios, sound reproduction equipment, musical instruments, and shouting.
- c) No activity shall be conducted or permitted on the Common Area which would create a nuisance, annoyance, disturbance or excessive noise or commotion. As such, the Association shall have the right to prohibit, restrict and prevent such gatherings or assemblies of individuals on the Common Area as appropriate in the Association's sole discretion. This includes, but is not limited to, restricting an Owner/Owners' (and its occupants) use of any amenities for abusive and disturbing behavior.

**Section 2 – Enforcement:** If the actions of an Owner or an Owner's occupants becomes a nuisance, abusive behavior, or noxious or offensive activity as discussed in the previous section, then the Association and/or the Owner or occupant that has suffered the nuisance, abusive behavior, and/or noxious or offensive activity may proceed as follows:

- a) Said Owner may submit its written complaint to the Association. *See the Homeowner Complaint Form.* The Association may send a Notice of Violation to the offending Owner, demanding s/he cure the nuisance, cease and desist, and if necessary, evict his/her tenant(s) that are in violation of the Governing Documents. The Offending Owner may request a hearing within 10 days of the date of the Notice of Violation. If the matter is unresolved after 15 days past the date of the violation notice, then the Notice to Levy Fine will be sent, and the fines will be imposed as prescribed under the Governing Documents.
- b) In addition to fines, the Association and/or the Owner or occupant suffering the abusive behavior may take more immediate action, such as contacting the police to report the harassment, stalking, and/or otherwise abusive behavior.
- c) The Owner or occupant suffering the abuse may also seek a restraining order and/or protective order due to stalking. Stalking is when any person purposely and more than once behaves in a way that (i) serves no legitimate purpose, and (ii) causes one to reasonably fear that he/she is in danger of being physically harmed. RSMo. Section 455.010(14). Acts of a stalker include, but are not limited to, following a person or making unwanted communication or unwanted contact with that person.

This Resolution is approved and adopted by the Board of Directors, and the President and Secretary are authorized to sign this Resolution on behalf of the Board. This Resolution shall be effective upon its execution and shall be published to the membership.

Daniel C. Hollinger 12-8-21  
President

Sumita K. Kulkarni 12-8-21  
Secretary