

**MOUNTAIN BROOK OF MADISON  
HOME OWNERS ASSOCIATION  
94 CLEARBROOK COURT  
MADISON, AL 35758**

February 3, 2011

Dear Mountain Brook Neighbors,

At the annual General Membership Meeting held at the Clubhouse this past December, the Mountain Brook Board received over 25 responses to our first annual community survey. A majority of homeowners responded that Covenants compliance was a major issue. The survey results are posted on the Mountain Brook website. In light of these concerns from our community, the Board will be immediately initiating a comprehensive Covenants compliance program.

Our protected Covenants are one of the main reasons many of our homeowners choose to reside in Mountain Brook. Reasonable Covenant provisions serve to maintain our property values, provide a secure and attractive place to live, and consequently provide pride in our community. It should be noted that various compliance issues are also violations of City of Madison ordinances (leash laws, vehicles blocking the sidewalk, inoperable vehicles).

A drive through the neighborhood on Sunday, January 16, at 12:30, revealed 59 violations. A drive through the neighborhood on Saturday, January 29, at 9:30, revealed 40 violations. The majority of these are parking, trash receptacles, recycling bins, and yard clutter. All of these can be easily resolved by the homeowner.

Unfortunately, our community has several properties that are not complying with the Covenants. Examples include "Clutter Creep" where side yards and/or driveways become storage places for yard tools, trash cans, children's toys, sports gear, garden hoses, watercraft, and trailers. If such items are in view from the street or a neighboring unit, they need to be moved. Other issues are trash receptacles within view of the street, "on street" and blockage of sidewalk parking, as well as improper parking of commercial vehicles and disabled vehicles. Trash receptacles and recycling bins should not be placed curbside until the evening before the day of scheduled pick-up and should be returned to their storage place no later than the evening of pick-up. Covenants compliance of these "use restriction violations" will begin in early February 2011.

Homeowners are reminded that maintenance issues such as chipped paint, mildew on exterior siding, rusted mailboxes, chimneys in need of repair, fences that are in need of cleaning, staining or repair, and gutters broken or overflowing with debris are all items that will be addressed. It is recommended that homeowners include this maintenance in their spring cleanup activities. Covenants compliance of these "architectural maintenance violations" will begin later in the year.

To ensure consistent enforcement, the Board anticipates contracting a third party to perform duties as a Covenants Compliance Manager (CCM). The Board and CCM will monitor our neighborhoods, maintaining a record of all violations, and send notices to respective homeowners. A document titled "Mountain Brook Standards and Restrictions" will be used for Covenants compliance. It will serve as the baseline for Covenant compliance determinations and will be revised as we undertake efforts to complete an updated revision to the Covenants. A copy (Version 1.0) is attached to this letter and future changes will be posted on the website. Please take time to review this document.

All of our community By-laws and Covenant documents are available on the Mountain Brook website. The Board, along with our hired legal counsel to guide the process, has begun an anticipated year-long revision effort of the Covenants. Please monitor the website regularly for updates and actions. As always, volunteers for the Covenants committee are welcome.

Our current by-laws require that all leases have a minimum term of one (1) year. With the beginning of the Covenants compliance program, any homeowner leasing property must notify the Board within ten (10) days of the lease and provide the lease duration, tenant name, address, phone number, and email. All leases shall require that the tenant acknowledges receipt of a copy of the Declaration, By-Laws, and use restrictions, along with the rules and regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing documents. Homeowners are responsible for any fines and applicable legal fees that may be incurred in resolving Covenant compliance issues, but the Board reserves the right to fine and pursue collection from both the tenant and the homeowner. Homeowners with existing leases in place should contact the board immediately with the above information.

If you wish to discuss this with any board member, feel free to email us at [board@mtnbrookofmadison.com](mailto:board@mtnbrookofmadison.com), contact us through the website, [www.mtnbrookofmadison.com](http://www.mtnbrookofmadison.com), or mail/drop correspondence to 94 Clearbrook Court, Madison, AL 35758, which is the clubhouse mailbox.

Respectfully,

The Board of Directors  
Mountain Brook of Madison  
Home Owners Association