

Prepared By/Ret:  
G. Thiele, L. Stoner, L. Renoll  
148 Williams Way  
Lewes, DE 19958

Tax Map No. 3-34-18.00-38.00

BOOKHAMMER ESTATES HOMEOWNERS' ASSOCIATION, INC.

BY-LAWS

2<sup>ND</sup> AMENDMENT

BOOKHAMMER ESTATES HOMEOWNERS' ASSOCIATION, INC.

REMEDIES FOR ENFORCEMENT OF THE RESTRICTIVE COVENANTS AND BY-LAWS

RULES & REGULATIONS - FINES AND SUSPENSIONS

RESOLUTIONS AND AGREEMENTS

BOOKHAMMER ESTATES HOMEOWNERS' ASSOCIATION, INC. herein after referred to as the "Association," whose principle address is 148 Williams Way, Lewes DE 19958, County of Sussex, here by amends the BY-LAWS of the Association dated April 29, 2015, #4390-4 to include the following RULES AND REGULATIONS for REMEDIES FOR ENFORCEMENT OF THE RESTRICTIVE COVENANTS AND BY-LAWS; FINES AND SUSPENSIONS and to include ASSOCIATION RESOLUTIONS AND AGREEMENTS.

ARTICLE I

RULES & REGULATIONS -- FINES AND SUSPENSIONS

SECTION 1: Fines and Suspensions. In addition to all other remedies, after an OWNER has failed to rectify an infraction within 3 consecutive days of being given notice of the infraction or in some cases the amount of time which was given in the infraction notice, fines may be imposed upon an OWNER, the voting rights of an OWNER may be suspended, and the rights of the OWNER and his or her guests to use the COMMON AREAS, excluding those necessary for access, may be suspended for failure of an OWNER, his family, guests, tenants, invitees or employees, to comply with the DECLARATION OF RESTRICTIVE COVENANTS, BY-LAWS, and/or any Rule or Regulation or instrument of agreement, provided the following are adhered to in the enforcement of such fine and/or Suspension:

A. Notice. The ASSOCIATION shall notify the OWNER of an alleged infraction or infractions and allow 3 consecutive days or the amount of time specified in the infraction notice, to rectify the infraction. Prior to imposing any suspension or fine, after 3 days or the amount of time specified in the infraction notice and the OWNER has failed to comply, the OWNER shall be given written notice by the ASSOCIATION of the fact that the ASSOCIATION is considering the imposition of the suspension or fine if the owner fails to comply, including

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(1) a statement of the provisions of the DECLARATION, BYLAWS, RULES AND REGULATIONS, OR INSTRUMENT OF AGREEMENT which have allegedly been violated, (2) the proposed length of the suspension and/or amount of the fine, (3) the right of the owner to request a hearing by written request to the ASSOCIATION and received by the Association not later than 14 days after the ASSOCIATION'S notice to the owner.

B. If the OWNER desires a Hearing to appeal, they must notify the ASSOCIATION within 14 days after the ASSOCIATION'S notice OF IMPOSING THE FINE, and in that event a hearing shall be held in accordance with applicable law upon not less than 14 days written notice to the OWNER by the Association of the time and date of the scheduled Hearing.

C. In order to impose a fine or suspension a fining committee must approve the fine or suspension by majority vote at the special hearing. The fining committee must consist of at least 3 members appointed by the Board. At the hearing, the OWNER shall have an opportunity to respond, to present evidence, and to provide written or oral argument on all issues involved, and the suspension or fine previously imposed may be approved, disapproved or modified. If the OWNER fails to timely request a hearing, the proposed fine and/or suspension set forth in the ASSOCIATION'S notice shall be deemed imposed.

D. Fine Amounts. An imposed fine against an OWNER'S LOT shall be \$100. per day, per violation for each day an OWNER allows a violation to exist from the date of the Initial notice sent by the Association; however, a fine shall not exceed \$1,000. per month, per violation.

E. Notice/Payment of Penalties. An OWNER shall be notified fourteen (14) days after a fine and/or suspension is issued. Fines shall be paid not later than ten (10) days after notice of the imposition or assessment of the penalties. Once paid and correction of infraction, all rights of the OWNER shall be reinstated. If a suspension is imposed, an unauthorized use of the COMMON AREAS shall be deemed a trespass and may be an additional fine infraction in accordance with the provisions of these Remedies for Enforcement.

F. Collection of fines. Fines shall be treated as Special Assessments subject to the provisions for collection of such assessments and provisions for the collection of unpaid assessments as provided for in the Declaration of Restrictive Covenants.

G. Application of Penalties. All monies received from fines shall be allocated as directed by the Board of Directors.

G. Non-Exclusive Remedy. These fines and/or suspensions shall not be construed to be an exclusive remedy and shall exist in addition to all other rights and remedies to which the ASSOCIATION may be otherwise legally entitled including recovery of legal fees and other costs associated with the enforcement of any provision.

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ARTICLE II

RESOLUTIONS AND AGREEMENTS


SECTION 1: Approved Variances to the Declaration of Restrictive Covenants contained herein are permitted as so stated. The following variances were approved between 2002 and 2016 and notice is hereby given that these variances are in no way grounds for any future action or development.

- A. Oversized garage/non-compliance accessory building: Lots: 2, 5, 13, and 17.
- B. Lot 17, non-compliance accessory building approved by Eugene Bookhammer, Declarant in 2002, may be replaced with oversized garage so as specifications do not exceed Lot 2.
- C. Lot 17, approved at time of purchase in 2002 by Declarant Eugene Bookhammer, may have a trailer parked on the side of the garage, may have an 8 foot privacy fence at rear of lot with a step down to 6 foot on the sides of lot.

SECTION 2. Variance in use of accessory out building for Lot 13, under special agreement and under the provisions of a court appointed order.

SECTION 3. Providing false information to the Association or any of the members of the Board of Directors with regard to violations of the Deed Restrictions or violations of the Restrictive Covenants so as to intentionally mislead or falsify the actions or intentions of an owner or perspective buyer is grounds for suspension of all rights and privileges within the Bookhammer Estates, but is not itself a fineable infraction. The Board may seek to remedy the infraction through the process outlined in Article 1 and/or pursue legal action and seek reimbursement for legal fees associated with this action.

IN WITNESS WHEREOF, we being all of the Directors of the Bookhammer Estates, Inc., have hereto set our hand this 2 of November, 2016 and verify as an official AFFIDAVIT of Service that these Fines and Suspensions were enacted by majority vote on September 10, 2016 at the Annual Homeowners' Association meeting and the approved variances are a matter of record with the Association that require recorded acknowledgement to preclude any future misunderstandings. This filing is pursuant to the Covenants of the Bookhammer Estates, the By-Laws, and Delaware law and there are no objections or appeals contained herein that would substantiate a violation of these governing documents.

  
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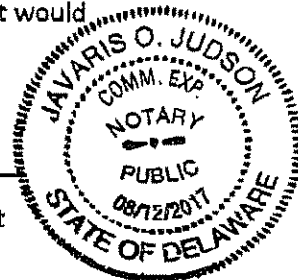
Gary Thiele, President

  
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Linda Stoner, Treasurer

  
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Lewis Renoll, Vice President



State of Delaware  
County of Sussex

Notary   
Javaris Judson

Date: 11/02/2016

Official Receipt for Recording in:

Sussex County Recorder of Deeds  
PO Box 827  
GEORGETOWN, DE 19947

Issued To:  
BOOKHAMMER ESTATE HOMEOWNERS