

2003 APPEALS COMMITTEE

Mission Statement:

It shall be the purpose of the Appeals Committee to effectively handle any appeals in regards to citations issued for violations of the Beech Mountain Lakes Rules and Regulations by the BML Security, the BML General Manager, or the BML Enforcement Officer that are brought to its attention and to make a decision in an objective and timely manner. (Please note: This does not include appeals of ACC rulings, or rulings by the BML Board of Directors)

Members:

The BML Board of Directors shall appoint an Appeals Committee consisting of five (5) residents who must be Members in good standing. Of these five (5) residents, one will be selected as Chairman of the Committee, one shall be the Co-Chairman and one shall be the Secretary.

It shall be the Chairman's responsibility to schedule meetings of the committee, set the agenda for such meetings and to set the dates for the Appeal Hearings.

It shall be the Co-Chairman's responsibility to assist the Chairman in his/her duties and to be sure all interested parties involved in an Appeal Hearing are notified and able to attend.

It shall be the Secretary's responsibility to keep accurate records of all committee meetings and hearings. It shall also be the Secretary's responsibility to review all correspondence and to keep copies of such for the committee to review.

Quorum: A Quorum shall be the presence of any three (3) members of the committee at a meeting for the hearing of Appeals. The Committee may render a decision only when a quorum of the members is present at a meeting.

Appeals Process:

1) Appeals to be heard by the appeals committee shall be for citations issued by BMLA security, BMLA General Manager, or the BMLA Enforcement Officer. These citations shall have been issued for violations of regulations listed under Section 13 General Use Restrictions of the Declarations or Protective Covenants, Exceptions, Reservations and Conditions for Beech Mountain Lakes. See Attachment "A". Appeals of ACC citations or decisions shall not be heard by the Appeals Committee and shall be referred to the Board of Directors of Beech Mountain Lakes for hearing of the appeal.

2) Any appeal of a citation issued by BML Security, the BML General Manager or the BML Enforcement Officer must be made in writing, dated, return address

and phone number must be noted on request, a copy of the citation must also be attached and received by the Appeals Committee within thirty (30) days from the date that the citation was issued.

3) Upon receipt of a timely written request, The Appeals Committee shall schedule a hearing within thirty (30) days from the receipt of written request.

2) The person(s) requesting the appeal shall be notified in writing of the date, time and place of the hearing.

Appeal Hearing:

All Appeal Hearings shall employ the following procedures and standards:

1) The person(s) appealing the citation shall be given a reasonable opportunity to present a case regarding the incident in which the citation was issued.

2) The agent who issued the citation (ie: BML Security Officer, BML General Manager or BML Enforcement Officer) shall be present also and given a reasonable opportunity to present their side of the issue.

3) Testimony and evidence shall be limited to the violation in question.

4) Testimony and evidence shall be heard from all parties concerned who wish to be heard in regards to the issue at hand.

5) The Committee Chairman shall have the right to end the proceedings at any time if he/she feels the hearing is becoming disruptive or unproductive.

Committee Decision on a Hearing:

1) The Appeals Committee shall communicate its decision in writing to the person(s) within fifteen (15) days after the date of the hearing, by **First Class Certified Mail**.

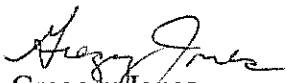
2) In the event that the Committee upholds the fine(s), the monetary amount will immediately become due and payable unless an appeal is made to the BML Board of Directors.

3) In the event the Committee recommends that no fine(s) be imposed, the BML Board of Directors will be immediately notified in writing.

Appeals to the BML Board of Directors:

- 1) Should the person(s) disagree with the decision of the Appeals Committee, he/she may then appeal to the BML Board of Directors.
- 2) The person(s) appealing a Committee decision must send a written request including the items stated in Section 1 of the Appeals Process and a copy of the written decision of the Appeals Committee within thirty (30) days from the date noted on the decision by the Appeals Committee.
- 3) The BML Board of Directors shall schedule a hearing on the appeal on the date of its next regularly scheduled board meeting and shall notify the person(s) of this in writing within ten (10) days of the receipt of the written request for a hearing.
- 4) The decision of the BML Board of Directors shall be **final**. Notification of the BML Board of Director's decision shall be sent by **First Class Certified Mail** within ten (10) days and any monetary amount will become due and payable immediately upon the date of receipt of the decision.

Approved February 28, 2003


Gregory Jones
Secretary