

## **PROCEDURE FOR APPEAL FROM HULEN MEADOWS ACC DECISIONS**

### **1. APPEALS BOARD.**

The Appeals Board will include all Directors, except those who might be serving on the Architectural Control Committee (ACC) whose decision is appealed from and those who may be recused by reason of conflict of interest.

### **2. RIGHT AND TIME TO APPEAL.**

An owner may appeal the ACC's disapproval of the owner's application, in its entirety or in part, or upon conditions being imposed for approval, by lodging a written appeal with the Board of Directors or its designated property manager within thirty (30) days of the ACC's decision. Failure to timely lodge a written appeal will constitute a forfeiture of the owner's right to appeal.

### **3. CONTENT OF APPEAL.**

The appeal must be in writing and must specifically identify and address which parts of the ACC decision, or conditions of approval imposed by the ACC, are being appealed from. The appeal must contain identification of any applicable provision of the CC&Rs or ACC Rules which the appealing owner believes were violated by the ACC.

The appeal may contain pertinent drawings, surveys, photos, maps, and other documents and supporting opinions of competent experts with knowledge of the CC&Rs and materials reviewed by the ACC.

### **4. HEARINGS.**

If requested more than 10 days before the scheduled hearing by the Appeals Board, it may allow in its discretion, the appealing owner or his representative to make an oral presentation not to exceed fifteen (15) minutes.

### **5. SCOPE OF REVIEW.**

The Appeals Board may review, in its discretion, all materials submitted to the ACC during its consideration of the owner's application, the decision of the ACC, and such further information and documents obtained through formal or informal discussion with the owner, the ACC, its advisors, and such competent experts as may be consulted by the Appeals Board.

The Appeals Board has the authority to uphold in whole or in part the ACC's decision; to require enforcement of any of the ACC's conditions of approval; to reverse the ACC's decision in whole or in part, and to impose different conditions of approval; to return the project to the ACC for further consideration or findings; or to categorically deny the project as unacceptable in its present form.

### **6. WRITTEN DECISION.**

The Appeals Board may deliberate in closed session following its hearing to review all of the information and documents presented for the appeal, including any oral presentation. Its decision shall be in writing and rendered within thirty (30) days after its hearing to review the appeal. The time period for entering the decision may be extended if the Appeals Board requires additional information in order to reach its decision or for other reasons that may arise.

### **7. EFFECTIVE DATE.**

This Procedure shall be effective May 1, 2021.