

Board of Trustees
University Hills Subdivision
University City, MO 63130

July 3, 2003

TO: All Subdivision Lot Owners

EXCESSIVE DOG BARKING PROCEDURE

In the January 8, 2003 newsletter to residents we reported that excessive noise from barking dogs generated more negative comments than any other issue during our November neighborhood meeting. We asked all pet owners to control their dog's barking and warned that future violations would require the Trustees to take a position which gives this neighborhood the peace it deserves.

Since that meeting, the Trustees have continued to receive more complaints about *so many* barking dogs in the subdivision. Residents have written, called, and complained in person. Unfortunately, the problem continues to worsen, not improve. *Example: One resident is easily able to name seven chronic barkers within ear-shot of their bedroom.*

We're not talking about normal, acceptable alarm barking when the family dog is alerting their owner that someone is at the door. Nor, are we referring to the occasional, summertime sound of Rover happily playing with kids in the back yard. We're talking about constant or prolonged barking that is very annoying to neighbors who don't want to, and certainly shouldn't have to, listen to an incessantly barking dog. We're talking about owners who either can't hear their own dog's barking, or do hear it but just plain don't care. *A small sample of actual examples:*

- *A dog owner goes out of town over the weekend, leaving their barking dog free to go outside and bark non-stop for two days and nights.*
- *Except for two walks a day, a dog is left alone inside a house for weeks at a time, barks for hours out of boredom, and all the adjacent families are forced to listen to this unfortunate animal day and night.*
- *A babysitter lets the family dog outside, forgets about it, and it barks for several hours at night.*
- *Two small dogs, who are left outside much of the day and night, are so hypersensitive that they bark furiously at other dogs being walked anywhere on their street or on the next street over. Adjacent neighbors justly complained that their children's sleep was being constantly disturbed by this incessant barking.*
- *A dog's let out in the afternoon and, after a while, barks to be let back inside. He's ignored and he continues barking for an hour or more. All the neighbors can hear him, but, for some perplexing reason, his owners can't.*

As we've pointed out previously, the Subdivision's Second Revised and Restated Indentures addresses noise and, very specifically, noisy pets:

Section 3.02(a)(5) states, in part, "The keeping of any pet, which by reason of its vicious propensities, noisiness or other factor is a nuisance or annoyance to the neighborhood, is prohibited. The Trustees have the authority to promulgate any reasonable rules and regulations governing the keeping of pets."

Section 3.02 (a)(3) states, "No noxious or offensive activity shall be carried on upon any portion of the Properties, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood."

Unfortunately, things have deteriorated to the point where more than a few Lot Owners have directly called upon the Trustees to enforce our Indentures and these provisions. Accordingly, the following noise procedure is announced effective immediately. Please refer to the attached, "Excessive Dog Barking Procedure, Rule No. 1-2003":

If a resident is bothered by a neighbor's barking dog(s), the following steps should be taken:

Step 1 Direct Dialogue

The resident should talk directly with the dog owner and ask them to control their pet's barking. We urge residents to do this. Nearly all dog owners are good neighbors who don't intend to annoy others, and will resolve the problem once they understand their pet is being annoying.

Residents still, always, have the option of calling the University City Police (721-2211) and talking to them about filing noise disturbance charges against unresponsive neighbors.

Step 2 Verbal Counseling

If the resident has done Step 1 and the problem continues, or, if the resident is unwilling to confront the dog owner, inform one of the Trustees, and a Trustee will speak with the owner about their dog's barking and the consequences if it continues.

Step 3 Written Advisory

If the problem continues or one more complaint is received about the dog's barking, the Trustees will issue a written notice to the dog owner demanding that corrective action be taken or face a penalty that, if not paid, can be added to the normal General Assessment owed by that Lot.

Step 4 Written Notice of Special Assessment

If the problem persists, or another complaint is received about the dog's barking, *and provided that*, in the Trustees' discretion (1) a reasonable time has been allowed to take corrective action and (2) imposition of a penalty is warranted, the Trustees may issue a written notice to the

Property Owner informing them that an Enforcement Penalty has been imposed to be paid immediately or it will be added to the normal General Assessment owed by that Lot for the current year in accordance with the following schedule:

First written notice	\$25 fine
Second written notice	\$50 fine
Third written notice	\$75 fine
Fourth written notice	\$100 fine
Subsequent written notices	Additional \$25 increments

In accordance with Rule No. 1-2003 and Section 4.06 of the Second Revised and Restated Indentures, failure to pay any Enforcement Penalty imposed will result in a first Lien against that Lot. The Lot Owner will also be personally liable to the Trustees for the payment of that Penalty, together with all interest, attorney's fees, and costs.

We genuinely hope that publication of this noise enforcement procedure is sufficient notice to all dog owners that they are personally responsible for controlling their dog's behavior, including its barking. Honestly, there is really no excuse for constant, prolonged barking that is annoying to neighbors. There are a wide variety of solutions available to conscientious owners: training, closer monitoring, bark control collars, positive reinforcement and discipline, and more exercise. One good source for training and bark control collars is DrsFosterSmith.com, 800-826-7206.

Whatever it takes—please take care of it.

Sincerely,

Jim Wheeler
Scott Wilson
Larry Connor

BOARD OF TRUSTEES

Attachment: Rule No. 1-2003

Trustees of the University Hills Subdivision

University City, MO 63130

EXCESSIVE DOG BARKING PROCEDURE RULE NO. 1-2003

Whereas, it has come to the attention of the Trustees that excessive noise caused by dog barking has increasingly become detrimental to the Residents' quiet enjoyment of their Lots in the Subdivision; and

Whereas, the Trustees believe that the following procedures are needed to deal with the problem of excessive noise caused by barking dogs and that, after discussion of same with residents at a Subdivision Meeting on June 5, 2003, believe that they are in the best interest of all Lot owners in the Subdivision; and

Whereas, the purpose of this noise enforcement procedure is to give sufficient notice to all dog owners that they are personally responsible to control their dog's barking and to ensure that dog owners avail themselves to the wide variety of solutions available to responsible owners to control excessive dog barking, such as training, closer monitoring, bark control collars, discipline, and more exercise; and

Whereas, Section 3.02(a)(5) of the Second Revised and Restated Indentures states, in part, "The keeping of any pet, which by reason of its vicious propensities, noisiness or other factor is a nuisance or annoyance to the neighborhood, is prohibited. *The Trustees have the authority to promulgate any reasonable rules and regulations governing the keeping of pets;*" and

Whereas, Section 3.02 (a)(3) states that: "No noxious or offensive activity shall be carried on upon any portion of the Properties, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood."

NOW, THEREFORE, THE TRUSTEES OF UNIVERSITY HILLS SUBDIVISION DO HEREBY PROMULGATE THE FOLLOWING RULE:

If a Subdivision resident is bothered by a neighbor's barking dog(s), the following steps should be taken:*

Step 1 Direct Dialogue

The Resident should talk directly with the dog owners and ask them to control their pet's barking.

Or, if a Resident is unwilling to confront the dog owner, he or she may inform one of the Trustees, and a Trustee will speak with the owner on the Resident's behalf about the dog barking problem and the consequences if it continues.

* *Nothing herein shall prohibit a Resident from exercising the right to call the University City Police Department about filing peace disturbance charges against unresponsive neighbors.*

Step 2 Verbal Counseling

After the Resident has complied Step 1 and if the problem continues, the Resident should inform one of the Trustees, and a Trustee will speak with the owner about their dog's barking and the consequences if it continues.

Step 3 Written Advisory

If the problem continues or one more complaint is received about the dog's barking, the Trustees will issue a written notice to the dog owner, demanding that corrective action be taken or face an enforcement penalty that, if not paid, can be added to the normal General Assessment owed by the Lot on which the dog is located.

Step 4 Written Notice of Imposition of Enforcement Penalty

If the problem persists, or another complaint is received about the dog's barking, *and provided that* in the Trustees' discretion (1) a reasonable time has been allowed to the dog owner to take corrective action and (2) that imposition of an Enforcement Penalty is warranted under the circumstances, the Trustees may issue a written notice to the Property Owner informing them that an Enforcement Penalty has been imposed against them to be paid immediately or it will be added to the normal General Assessment owed by that Lot for the current year in accordance with the following schedule:

First written notice	\$25 fine
Second written notice	\$50 fine
Third written notice	\$75 fine
Fourth written notice	\$100 fine
Subsequent written notices	Additional \$25 increments

ENFORCEMENT: The Enforcement Penalty will be governed under the terms of Section 4.06 of the Second Revised and Restated Indentures, in that failure to pay any Enforcement Penalty imposed will result in a first Lien against that Lot. Pursuant to this Rule 1-2003, the Owner of any Lot at the time of imposition of any Enforcement Penalty shall also be personally liable to the Trustees for the payment of that Penalty, together with all interest, attorney's fees, and costs.

This rule shall be in full force and effect on and after its passage and approval by the Trustees.

PASSED BY THE TRUSTEES OF THE UNIVERSITY HILLS SUBDIVISION, UNIVERISTY CITY, ST. LOUIS COUNTY, MISSOURI THIS ____ DAY OF JUNE, 2003.

IN WITNESS WHEREOF, the TRUSTEES hereby execute this Rule 1-2003 on this ____ day of _____ 2003.

Scott Wilson

Jim Wheeler

Larry Connor

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS) SS.

On this ____ day of _____, 2003, before me appeared Scott Wilson, Jim Wheeler and Larry Connor, the above named TRUSTEES, to me well known to be the persons described in and who executed the foregoing Rule 1-2003, and each of the them acknowledged that he had executed the same as his free and voluntary act and deed in his capacity as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of St. Louis, State of Missouri, the day and year last above written.

Notary Public

My term expires: