

RIVER BANK WOODS HOMEOWNERS ASSOCIATION

RESOLUTION NO. 2008- 01

Due Process Procedures in Covenants Enforcement Cases

WHEREAS, the Virginia Property Owners' Association Act ("Act") provides the Council with the power to assess monetary charges and suspend the membership privileges of Owners as a result of non-compliance with the terms of the River Bank Woods Homeowners Association's Declaration, By-laws and rules or regulations ("governing documents"); and

WHEREAS, Article 4, Section 1 of the Association's By-laws grants the Board of Directors the authority to enforce the provisions of the Association's governing documents and to adopt reasonable rules and regulations for governance of the Association; and

WHEREAS, Article 12, Section 1(a) of the Declaration charges all Owners and their tenants, household members, guests, agents, or invitees with compliance with the Association's governing documents; and

WHEREAS, Article 12, Section 1(h) provides the Association with the power to assess monetary charges against Owners for violations of the Association's governing documents; and

WHEREAS, for the benefit and protection of all Owners, the Board deems it desirable to formally adopt a policy resolution to enable the Association to assess monetary charges, suspend privileges and to establish a procedure for enforcement of the regulations of the Association which are consistent with principles of due process and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. On behalf of the Association, the Board of Directors may issue a citation to any owner whose behavior or use of property does not conform to the Association's Governing Documents.
2. The Board shall send a first notice of citation in writing and deliver it personally or ordinary first class mail, to the member at his/her address listed in the Association's records, and to the property address, if the member's listed address is different from the property address. The first notice of citation shall generally advise the member of the nature of the offense, cite the specific provision within the Association's regulations which has allegedly been violated, specify the remedy required, and state the number of days within which the member must complete corrective action.

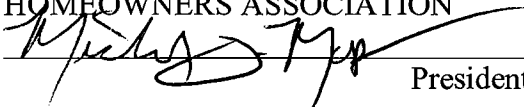
3. If the member does not remedy the offense within the number of days requested in the notice of citation, the Board of Directors reserves the power to issue a second notice of citation, which shall follow the basic form of the first notice of citation and include any additional information deemed important by the Board of Directors concerning the offense.
4. The second citation shall also advise the member of the Board's power to impose monetary charges and to suspend privileges for offenses of the Association's regulations and shall inform the member of his/her right to request a hearing before the Board of Directors to contest the citation. The notice of citation shall request the member to confirm in writing by a certain date his/her desire for a hearing to contest the citation
5. The Board shall deliver the second notice of citation by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, to the member at his/her address listed in the Association's records, and to the property address, if the member's listed address is different from the property address. Notification will be deemed effective if any member fails or refuses to sign for any certified mailing from the Association.
6. If the member does not remedy the offense within the number of days requested in the second notice of citation, and the member has not requested a hearing in writing by or before the hearing confirmation date, the member shall be deemed to have waived the right to a hearing and the Board of Directors shall have the power to impose monetary charges and/or suspend privileges pursuant to the authority granted in Section 55-513 of the Virginia Code and the Association's Governing Documents. The Board of Directors shall not be required to conduct a hearing unless the member formally requests a hearing in writing by or before the deadline set forth in the second notice of citation.
7. When a hearing is requested by the member in writing by or before the deadline, the Board of Directors shall set the time, date and place of the hearing at its discretion. Written notice of the time, date and place of the hearing shall be mailed to the member by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, to the member at least fourteen (14) days in advance of the hearing date. At the hearing, the Board of Directors shall provide the member with a reasonable amount of time to present any and all defenses to the citation. The member may have counsel present at the hearing.
8. Following the hearing, the Board of Directors shall meet in executive session to discuss whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed and/or privileges should be suspended. The Board shall then exit executive session to hold a vote in open session on whether satisfactory proof of the alleged violation was presented, and

if so, whether monetary charges should be imposed and/or privileges should be suspended.

9. When the Board's judgment is unfavorable to the member, the Board may impose monetary charges as an assessment against the member's lot or suspend the member's privileges. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for a maximum of 90 days for any offense of a continuing nature, although the Board reserves the power to increase these maximum sanctions if the General Assembly enacts legislation in the future that permits the Board to do so. An offense of a continuing nature is defined as a violation of the Association's Governing Documents which, by its nature, remains a violation continuously for more than 24 hours unless corrected by the member. The Board shall treat monetary charges as an assessment against the member's lot.
10. The Board of Directors shall deliver notice of its decision to the member by registered or certified mail, return receipt requested, and via first class mail, postage pre-paid, at their address of record with the Association within seven (7) days of the date of the hearing.
11. The Board of Directors holds members legally responsible for ensuring that the members of their household, and their tenants, guests, or invitees comply with the Association's Governing Documents.
12. The procedures outlined in this Resolution may be applied to all violations of the Association's Governing Documents, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's legal documents, including, but not limited to, the initiation of suit or self-help remedies. The Board of Directors reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.
13. If enforcement action is taken against a member under the terms of this policy and is initiated by a standing or special committee, the final decision of the standing or special committee may be appealed to the Board of Directors provided that the request for an appeal is submitted in writing within ten (10) days of the date of the final written decision issued by the standing or special committee. All such requests for an appeal shall be submitted directly to the Board or to the Managing Agent. The Board of Directors may reconsider, review, modify or reverse any action taken by the standing or special committee.

The effective date of this Resolution shall be January 22nd, 2008.

THE RIVER BANK WOODS
HOMEOWNERS ASSOCIATION



President

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors of the Association held

January 22, 2008.

| | VOTE: | | | |
|--|--------------|-----------|----------------|---------------|
| | YES | NO | ABSTAIN | ABSENT |
| <u>Mel [Signature]</u> President | X | _____ | _____ | _____ |
| _____ Vice President | _____ | _____ | _____ | _____ |
| <u>Amy K. [Signature]</u> Secretary | X | _____ | _____ | _____ |
| <u>[Signature]</u> Treasurer | X | _____ | _____ | _____ |
| <u>Jina Ames [Signature]</u> Director | X | _____ | _____ | _____ |

Resolution effective: January 22, 2008