

**Montclair Sec. 4-B Townhouse Homeowners Association, Inc.  
REGULATORY RESOLUTION NO. 2003-003**

**SUSPENSION OF USE OF COMMON AREA PARKING**

**WHEREAS**, Article VII, Section 1. Powers (a.b.c.) of the By-laws of the Montclair Sec. 4-B Townhouse Homeowners Association, Inc. ("Association") and Section 55-513.A. of the Virginia Property Owners' Association Act ("Act") grant the Board of the Association the power to establish rules and regulations for the use of the Common Area and facilities and the personal conduct of the members and to establish penalties for their infraction;

**WHEREAS**, Section 55.515.A. of the Act charges all lot owners and their tenants, guests and invitees with compliance with the Act, the Declaration, By-laws and Rules and Regulations of the Association, as amended;

**WHEREAS**, Article VII, Section 1, (b) of the Articles of Incorporation, Article IV of the Declaration of Covenants, Conditions and Restrictions ("Declaration"), and Article XI of the By-laws empower the Board of Directors of the Association to fix, levy, and establish the methods of collecting assessments;

**WHEREAS**, Article IV, Section 1. of the Declaration creates an assessment obligation for all lot owners, and Article IV, Section 8. of the Declaration sets forth remedies for nonpayment of the assessment and empowers the Board to enforce the covenants;

**WHEREAS**, Section 55.513.B. of the Act and Article VII, Section 1. (b). of the By-laws empowers the Board of Directors to suspend a member's right to use Common Areas and facilities of the Association during any period when such member may be in default in the payment of any assessment levied by the Association;

**WHEREAS**, it is the intent of the Board of Directors to establish a policy to suspend a member's right to use the Common Area, specifically, parking areas, when that member is in default in the payment of any assessment levied by the Association, and by the establishment of such policy protect the Association's lot owners and residents by establishing procedures which ensure consistency of enforcement.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board of Directors adopts the following policy to become effective October 9, 2003.

10/9/03  
Date

10/09/03  
Date

10/9/03  
Date

10/9/03  
Date

Catherine Kudrick  
Catherine Kudrick, President

[Signature]  
Lew Rice, Vice President

Marlene M. Betts  
Marlene Betts, Secretary

[Signature]  
Jeffrey Joyce, Treasurer

**Montclair Sec. 4-B Townhouse Homeowners Association, Inc.  
T/A Nob Hill Forest Townhome Association  
REGULATORY RESOLUTION No. 2003-003**

**SUSPENSION OF USE OF COMMON AREA PARKING**

**I. SUSPENSION OF USE OF COMMON AREA (PARKING)**

- A. If a lot owner is delinquent in the payment of the annual assessment by more than 90 days, the delinquent owner's privilege to use the Common Area for parking shall be suspended after an opportunity for a hearing has been provided. ~~The~~ suspension shall continue in effect until the account is paid in full or a satisfactory payment plan is accepted by the Board.
- B. This policy shall be enforced by the towing of delinquent owners' vehicles from the Common Area. The owner shall be responsible for all costs incurred in the towing of the vehicle. All charges and fees incurred shall be charged or billed directly to the owner or operator of the towed vehicle. The Association shall not be liable for any damage to the vehicle resulting from the tow.
- C. Only a member of the Board of Directors, the Community Manager, or a representative of the Board of Directors with express written authority may authorize the towing of a vehicle.
- D. The delinquent owner shall receive written notice of the hearing not less than ten (10) days prior to the scheduled date of the hearing. The decision by the Board of Directors as to suspension of the owner's right to use Common Area Parking shall be recorded in the meeting minutes.

*[Handwritten signature]*

**NOB HILL FOREST TOWNHOME ASSOCIATION  
RESOLUTION ACTION RECORD**

Resolution Type: Regulatory No. 2003-003  
No. 2003-004

Pertaining to: Resolution on Due Process Procedures  
Suspension of Use of Common Area Parking

Duly adopted at a meeting of the Board of Directors of the Montclair Sec. 4-B Townhouse Homeowners Association, Inc., T/A Nob Hill Forest Townhome Association, held October 9, 2003.

Motion by: *[Signature]*

Seconded by: *[Signature]*

Unanimously Agreed: *[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*