

STOCKBRIDGE CONDOMINIUM ASSOCIATION

POLICY RESOLUTION NO. 97-1

(Creation of Procedures to Ensure Due Process
in Enforcement Cases)

WHEREAS, the Virginia Property Owners Association Act provides the Board of Directors with the power to assess monetary charges against members of the Association who are responsible for violations of the regulations of the Association;

WHEREAS, the Virginia Property Owners Association Act requires the Board of Directors to formally adopt and publish a written resolution to enact the statutory power to assess monetary charges against members for violations of the regulations of the Association; and

WHEREAS, for the benefit and protection of all of the members of the Association, the Board of Directors deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges 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:

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 regulations.

A first notice of citation shall be issued in writing and delivered by regular mail to the owner at his/her address listed in the Association's records, and to the property address, if the owner's listed address is different from the property address.

The first notice of citation shall generally advise the owner 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 corrective action must be completed.

If the offense is not remedied 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.

The second citation shall also warn the owner of the Board's power to impose monetary charges for offenses of the Association's regulations and shall inform the owner of his/her right to request a hearing before the Board of Directors to contest the citation. The notice of citation shall request the owner to confirm in writing by a certain date his/her desire for a hearing to contest the citation.

The second notice of citation shall be delivered by hand or mailed by registered or certified mail, return receipt requested, to the owner at his/her address listed in the Association's records, and to the property address, if the owner's listed address is different from the property address. Notification will be deemed effective if any owner fails or refuses to sign for any registered or certified mailing from the Association.

If the offense is not remedied within the number of days requested in the second notice of citation, and the owner has not requested a hearing in writing by or before the hearing confirmation date, the owner shall be deemed to have waived the right to a hearing and the Board of Directors shall have the power to impose monetary charges. The Board of Directors shall not be required to conduct a hearing unless the owner formally requests a hearing in writing by or before the deadline set forth in the second notice of citation.

When a hearing is requested by the owner 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 delivered to the owner by hand or mailed by registered or certified mail, return receipt requested, to the owner at least fifteen (15) days in advance of the hearing date. At the hearing, the Board of Directors shall provide the owner with a reasonable amount of time to present any and all defenses to the citation. The owner may have counsel present at the hearing.

Following the hearing, the Board of Directors shall meet in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed.

When the Board's judgement is unfavorable to the owner, the Board shall undertake the administrative actions required to effect the monetary charges as an assessment against the owner's lot. Monetary charges may not exceed \$50.00 for a single offense or \$10.00 per day for any offenses of a continuing nature.

The Board of Directors reserves the power to hold owners legally responsible for ensuring that their tenants, guests or invitees comply with the Association's Regulations.

The procedures outlined in this Resolution may be applied to all violations of the Association's Regulations, 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.

The effective date of this Resolution shall be April 30, 1997.

STOCKBRIDGE CONDOMINIUM ASSOCIATION

By: Cristin Allan
Cristin Allan, President
Board of Directors

**FOR THE STOCKBRIDGE'S RECORDS
Policy Resolution 97-1**

As it pertains to the Creation of Procedures to Ensure Due Process in Enforcement Cases

ATTEST

TERR WILLIAMS
Todd R. Williams, Property Director
Cardinal Management Group, Inc.
Agents for The Stockbridge CA

Bobbie W. Sherrod
Bobbie Sherrod, Secretary
Board of Directors

Adopted at a regular Board meeting on April 30, 1997.

Motion by: WADE MASSEY Seconded by: CRISTIN ALLAN

VOTE:

	Yes	No	Abstain	Absent
<u>Cristin Allan</u> President	✓	—	—	—
<u>Wade A. Massey</u> Vice President member At large	—	—	—	—
<u>Bobbie W. Sherrod</u> Secretary	✓	—	—	—
_____ Treasurer	—	—	—	—
_____ Director	—	—	—	—

Certification

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Stockbridge Condominium Association, this 30th day of April, 1997.

By: Bobbie W. Sherrod
Secretary, Board of Directors