

EXETER HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. P05-001

Property Violation Enforcement Guidelines and Procedures

WHEREAS, Article XIV, Section 1 of the Declaration of Covenants, Conditions and Restrictions grants the Exeter Homeowners Association the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or thereafter imposed by the provisions of the Declaration; and

WHEREAS, Article IX, Section 1(b), of the Bylaws of Exeter Homeowners Association assigns to the Board of Directors ("Board") the power to suspend the voting rights and right to use of recreational facilities of any Member, after reasonable notice and opportunity for a hearing, for a willful infraction of the published rules and regulations of the Association; and

WHEREAS, Article IX, Section 1(c), of the Bylaws of Exeter Homeowners Association assigns to the Board of Directors ("Board") all powers and duties necessary for the administration of the affairs of the Association and states that the Board may do all such acts and things, except those matters that the Board is prohibited from doing by law or the governing documents; and

WHEREAS, the Board has determined that it is in the best interests of the Association and the Association's members to establish standards for the review, notification and enforcement of violations;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Violation Enforcement Guidelines and Procedures.

A. CATEGORIES OF VIOLATIONS

Property violations shall be categorized as follows:

1. **Architectural** - Modifications accomplished without approval or not in compliance with the conditions of approval.
2. **Maintenance** - Covers the exterior of all structures, including decks, fences, etc. that require maintenance and/or repair.
3. **Vehicle** - Includes any type of vehicle violation described in the Association documents.
4. **Miscellaneous** – Other violations not covered in above categories, e.g. trash cans, mowing and other yard maintenance, property or Common Area storage, pets, noise complaints, etc.

B. REVIEW/REPORTING VIOLATIONS

The Managing Agent shall conduct routine periodic inspections throughout the property and record violations and/or confirm reports of violations from other residents. For complaints that cannot be verified by the Managing Agent (certain pet violations, noise complaints, etc.), the reporting resident must provide in writing their name and address. Names of complaining residents are not routinely revealed, but shall be part of the official records that may be examined in accordance with the Virginia Property Owners Act.

C. NOTIFICATION OF VIOLATIONS

In any instance where the violation presents a health or safety hazard, the Managing Agent may take immediate action or abbreviated notification to correct the violation at the Member's expense.

Upon a reasonable and timely request from a member, the Managing Agent is granted the authority to extend deadlines identified in any notification.

All notification of violations as described below will be mailed via first class mail to the Member at the address of record with the Association. If the Member is a non-resident, a copy of violation notices shall also be mailed to the tenant at the unit address.

1. **Architectural** – Upon confirmation of a violation, the Managing Agent will initiate the notification process, which will consist of two (2) notices to be issued with deadlines of thirty (30) days, and fifteen (15) days, respectively.
2. **Maintenance** - Upon confirmation of a violation, the Managing Agent will initiate the notification process, which will consist of two (2) notices to be issued with deadlines of sixty (60) days, and fifteen (15) days, respectively.
3. **Vehicle** - Upon confirmation of a violation, the Managing Agent will place a ticket on the vehicle or, if the address of the person responsible for the vehicle is known, issue a letter, with notification that unless the vehicle is removed and/or the violation corrected, the vehicle will be towed in ten (10) days at the owner's expense.
4. **Miscellaneous** – Upon receipt of a complaint and/or confirmation of a violation, the Managing Agent will issue a reminder to comply with the documents. Upon failure to correct within ten (10) days or a repeat of the violation within three (3) months, the Managing Agent will issue another notification, up to a total of three (3) notices for the same type of violation.

D. HEARINGS

If there has been no resolution to the issue fifteen (15) days after the final notice described above has been mailed, or if there is a repeat of a Miscellaneous violation within three (3) months, and a hearing is not requested, the Member shall be notified of fines that may accrue at a rate of ten dollars (\$10) per day until notification of correction is received by the managing agent. See *Section E, Paragraph II*.

If a hearing is requested, notice of said hearing, including the charges or other sanctions that may be imposed, shall be mailed by certified mail, return receipt requested, to the member at the address of record with the Association at least fourteen (14) days prior to the scheduled hearing.

At the hearing, the Member or his counsel shall be permitted five (5) minutes to address the Board. Thereafter, the Board may ask questions and then the Member may be given one (1) minute to summarize.

The Board will meet in Executive Session to reach a decision and said decision will be mailed to the Member, certified mail, return receipt requested, within seven (7) days of the hearing. The decision of the Board is final. The only party empowered to change or modify any Board decision is the Board themselves.

E. ENFORCEMENT

In accordance with Association documents and applicable Virginia law, enforcement actions that the Board may take if there is no satisfactory resolution after hearing include one or more of the following:

- I. Suspension of right to use of recreational facilities for a period not to exceed sixty (60) days;
- II. Issuance of fines: not to exceed fifty dollars (\$50) for a single offense; or ten dollars (\$10) per day for any offense of a continuing nature, not to exceed nine hundred dollars (\$900). Fines shall be treated as an assessment against the Member's Lot and, as such, are subject to the delinquency penalties described in the documents.
- III. Forward the issue to the Association counsel for appropriate action.