

**STONEWALL MANOR HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. 2010-02**

(Procedures to Ensure Due Process)

WHEREAS, Article VII, Section 1 (a) of the Bylaws provides the Board of Directors with the power to adopt and publish rules and regulations governing the use of the Common Area, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof;

WHEREAS, Article VII, Section 1 (b) of the Bylaws provides the Board of Directors with the power to suspend the voting rights and right of use of the Common Area of a Member for an infraction of published rules and regulations of the Association pursuant to Section 55-513 of the Virginia Property Owners Association Act;

WHEREAS, Article VII, Section 1 (c) of the Bylaws provides the Board of Directors shall have the power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

WHEREAS, Section 55-513 of the Virginia Property Owners' Association Act provides the Board of Directors with the power to assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible; and

WHEREAS, for the benefit and protection of all of the Owners within 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 Association's Governing Documents that are consistent with principles of due process and Virginia law; and

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS ADOPTS THE FOLLOWING POLICY:

1. On behalf of the Association, the Board of Directors or the Managing Agent may issue a citation to any member whose behavior or use of property does not conform to the Association's Governing Documents (which shall include and hereinafter refer to as the Association's Declaration, Bylaws or other duly adopted rules or regulation).
2. A first notice of citation shall be issued in writing either by "door hanger" or 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.

3. The first notice of citation shall generally advise the owner of the nature of the offense, cite the specific provision within the Association's Governing Documents that have allegedly been violated, specify the remedy required, and state the number of days within which corrective action must be completed.
4. If the offense is not remedied within the number of days requested in the first 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 which: a) warns the Owner of the Board's power to impose monetary charges for offenses of the Association's governing documents, and b) 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.
5. The Board shall deliver the second notice of citation by hand or by registered or certified mail, return receipt requested, to the owner at his/her address listed in the Association's records, and to the lot address, if the owner's address is different from the lot address. Notification will be deemed effective even if any Owner fails or refuses to sign for any registered or certified mailing from the Association.
6. If the Owner does not remedy the offense 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 and suspend the Owner's privileges pursuant to the authority granted in Section 55-513 of the Virginia Property Owners' Act and the Association's Governing Documents. 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. The Managing Agent should be required to report in written format to the Board at each Board meeting regarding any citation the Agent sends and the reason.
7. If the Owner requests a hearing 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 by certified mail, return receipt requested at least fourteen (14) days prior to the hearing.
8. 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 has the right to be represented by counsel before the Board of Directors or any other duly appointed Committee vested with the authority to conduct the hearing.

9. At the hearing, the Board of Directors (or Committee) 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.
10. When the Board finds that a violation in fact exists, it may impose monetary charges as an assessment against the Owner's lot. The amount of charges so assessed shall not exceed fifty (\$50) dollars for a single offense or ten (\$10) dollars per day (for up to ninety days or such longer period of time permitted by Virginia law) for any offense of a continuing nature. A violation of a continuing nature shall be defined as a violation that exists continuously for at least 24 hours. The Owner will also be held responsible and liable for any attorney's fees, court costs and administrative collection costs incurred by the Association in connection with the enforcement of the cited violations of the Association's Governing Documents.
11. After issuing the ruling during open session, the Board shall send a written notice of its ruling to the Owner. The hearing result shall be hand delivered or mailed by certified mail, return receipt requested, to the Owner within seven (7) days of the date of the hearing.
12. The Board of Directors reserves the right to hold Owners legally responsible for ensuring that their family members, renter/tenants, guests, or invitees comply with the Association's Governing Documents.
13. 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 any other enforcement procedures and remedies authorized by law, or the Association's Governing Documents, including, but not limited to, the initiation of suit or self help remedies.
14. The Board reserves the right to assign all of its powers and responsibilities herein to a standing or special committee of its choice.

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of Stonewall Manor Homeowners Association, this 7th day of December, 2010. This policy shall supercede and replace all previously adopted policies concerning the procedures to ensure due process.

This Resolution will become effective Feb. 8, 2011

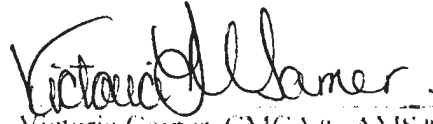
STONEWALL MANOR HOMEOWNERS
ASSOCIATION

By: 

Kevin Washington, President
Board of Directors

CERTIFICATE OF MAILED NOTIFICATION

I hereby certify that a copy of this Resolution was mailed to each Owner of Record at Stonewall Manor Homeowners Association on this 10th day of January, 2011.



Victoria Garner, CMCA[®], AMS[®]
Community Manager
Cardinal Management Group, Inc.
Agents for Stonewall Manor Homeowners
Association