

CARDINAL GLEN II HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION 2012-2

(Due Process Procedures)

WHEREAS, Article II, Section 1(a) of the Declaration of Covenants, Conditions and Restrictions for Cardinal Glen II ("Declaration") states that the Board of Directors of Cardinal Glen II Homeowners Association, Inc. ("Board" and "Association," respectively) shall have the right "to assess charges against an Owner for violations of the Association's legal documents or rule or regulations for which the Owner, the Owner's family members, tenants, guests or invitees are responsible, provided no such charges may be imposed until the Owner has been given the opportunity to be heard and represented by counsel before the Board of Directors." and

WHEREAS, Article II, Section 1(a) of the Declaration authorizes the Board to suspend an Owner's right to use the Common Area and an Owner's voting rights "for a period not to exceed sixty (60) days for an infraction of its published rules and regulations;" and

WHEREAS, Section 55-513(B) of the Virginia Property Owners' Association Act provides that "the Board of Directors of the association shall have the power, to the extent the declaration of rules and regulations duly adopted pursuant thereto expressly so provide, 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, Article VI, Section 3 of the Declaration states that "[i]n the event an Owner shall fail to maintain his Lot and the improvements situated thereon, the Association or the Declarant shall have the right to enter upon said Lot, after reasonable notification of [sic] the Owner, to correct drainage and to repair, maintain and restore the Lot and the exterior of the buildings and any other improvements erected thereon. All costs related to such correction, repair or restoration shall become a lien upon such Lot and such lien may be enforced in the same manner as an annual assessment levied in accordance with Section 8, Article IV hereof;" and

WHEREAS, the Board has determined that it is in the Association's best interest to adopt rules and regulations regarding the process by which the Board will enforce the Association's Governing Documents by the assessment of charges and/or by the suspension of Owner's and/or Owner's tenants rights to use facilities or services.

NOW, THEREFORE BE IT RESOLVED THAT:

I. Guidelines:

A. The Association may undertake enforcement action upon its own detection of an offense or upon its confirmation of an offense reported by any source. Initial action may, at the discretion of the Managing Agent, take the form of verbal or other informal notification to the offending member.

B. When informal notification is not elected or proves unsuccessful, written notice shall be delivered by hand or mailed by registered or certified mail, return receipt requested, to the Owner at the Owner's address listed on the Association's records, and to the property address, if different. Owners shall be responsible for the actions or omissions of their tenants, guests, or invitees. NOTIFICATION WILL BE DEEMED EFFECTIVE THREE DAYS AFTER MAILING.

C. Written notice to the Owner will advise of the nature of the offense, the identity of the specific provision within the Governing Documents which have allegedly been violated, the specific remedy required, and the number of days by which corrective action must begin or completed in order to avoid the possible imposition of a penalty or other enforcement action.

II. Enforcement Remedies: If the Board of Directors determines necessary, the Association may initiate enforcement remedies to abate any violation. Such enforcement remedies may include any measure authorized by the Association's Governing Documents, state law or any measure normally available to the owner of private property in Virginia, which may include any one or of the following measures:

A. The suspension of recreational facility use privileges for up to sixty days.

B. The Association may enter onto any Lot which is in violation of the Association's maintenance standards to correct drainage, repair, maintain, or restore the Lot and the exterior of buildings and any improvement located on the Lot. All fees and costs incurred as a result of the work undertaken by the Association shall be assessed against the Lot, including costs, attorney's fees, and costs for removal, storage, or disposal of unauthorized structures or materials from such Lot or any Common Area.

C. The pursuit of injunctive relief or suit for monetary damages, including recovery of all court costs and attorney's fees.

D. The assessment of monetary charges in the amount of \$50 per day for a Single Offense or \$10 per day for any Continuing Offense, to be treated as an assessment against the offending Owner's Lot.

III. Hearing and Assessment Guidelines: The hearing procedures set forth herein shall only be required of the Board of Directors if it wishes to consider the imposition of a monetary charges or suspension of privileges. None of the other remedies cited in paragraph II must be preceded by the hearing procedure. The following guidelines apply to the hearing procedure:

A. Before monetary penalties or suspensions are imposed, the Owner shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors. Notice of a hearing, including the charges or other sanctions that may be imposed, shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association at least 14 days prior to the hearing

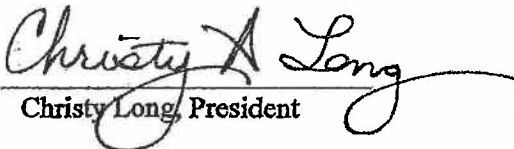
B. At the hearing, the Owner shall be given the opportunity to present any and all defenses to the alleged charge(s). The Owner shall have the right to be represented by counsel and shall be given a reasonable amount of time to present witnesses and relevant evidence. Following such hearing, the Board will meet as soon as practicable in Executive Session to determine whether satisfactory proof of the alleged offense exists and, if so, what sanction shall be imposed.

C. Within seven days of the hearing, the hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association. The letter shall include the specific dates for which fines and/or suspensions are being imposed and shall include, if applicable, what action may be taken to correct the violation in order to stop the fines and/or suspension. It is the Owner's duty to provide management with written notice that the violation has been corrected. If the Owner fails to do so, fines and/or suspensions shall remain in place and continue to accrue until the Board has confirmed that the violation has been corrected.

IV. Applicability: The procedures delineated herein may be applied to offenses of the Association's Governing Documents but do not preclude the additional independent application of any other specialized or more expeditious enforcement procedures and remedies as authorized in other Governing Documents, rules and resolutions as adopted by the Board.

The effective date of this Resolution shall be June 1, 2012.

CARDINAL GLEN II HOMEOWNERS
ASSOCIATION, INC.

By: 
Christy Long, President

CERTIFICATE OF MAILING

I hereby certify that a copy of this Resolution was _____
_____ on the _____ day of _____
2012.

Angela Barnedo, Property Manager

RESOLUTION ACTION RECORD
POLICY RESOLUTION 2012-2

(Due Process Procedures)

Duly adopted at a meeting of the Board of Directors held May 22, 2012

Motion by: Christy Long Seconded by: Don Linderer

		VOTE:			
		YES	NO	ABSTAIN	ABSENT
<u>Christy Long</u>		X			
President					
<u>[Signature]</u>	Yes				
Vice President					

Secretary/Treasurer					

ATTEST:

Secretary/Treasurer

Date