

SHAKER WOODS HOME OWNERS ASSOCIATION, INC.

Policy Resolution No. 99- 01

(Due Process Procedures)

WHEREAS, Article V, Section 1 of the Bylaws provides that the Board of Directors may exercise all powers, duties, and authority of the Association that are not reserved to the membership and to adopt rules and regulations regarding the common areas and the personal conduct of the members thereon; and

WHEREAS, §55-513 of the Code of Virginia (the "Virginia Property Owners Association Act" or "Act") provides that the Board of Directors of the Association may adopt rules relating to areas of responsibility delegated to the Association under the Declaration; and

WHEREAS, §55-513 of the Act further provide that the Board may impose monetary charges and suspend services provided to owners for violations of the Association Declaration, Bylaws, rules and regulations ("Governing Documents"); and

WHEREAS, the Board of Directors believes that it is necessary and desirable to establish a procedure to assure due process in cases in which there is a question of compliance by a member with provisions of the Governing Documents of the Association and before monetary charges or a suspension of privileges is considered.

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

A. Monetary Charges. The Board of Directors may impose for any violation of the "Governing Documents" a monetary charge of up to \$50.00 per violation and an additional \$10.00 per day for each violation of a continuing nature as permitted by §55-513 of the Act. The charges may continue until the violation is corrected to the satisfaction of the Board of Directors. Prior to imposing monetary charges, the Board shall follow the due-process procedures set forth below.

B. Suspension of Privileges. The Board may suspend an owner's rights (and that of his or her family members, guests or tenants) to use facilities or receive services during any period in which an owner is delinquent for at least 60 days. Voting rights will be deemed automatically revoked, pursuant to Article II of the Declaration, upon any assessment delinquency and until paid. Such facilities or services shall include, but not be limited to, any of the following:

1. The right to use the common area parking lots; and/or
2. The right to use any other common area facility; and/or
3. The right to receive any other services provided by the Association.

Prior to suspending facilities or services, the Board shall follow the due-process procedures set forth below.

C. Due Process Procedures.

1. Notification to Owner. The Association shall provide the owner(s) with written notice describing the violation and requesting that the violation be corrected and a time period (not less than 14 days from the date of such notice except in emergency situations or violations involving safety issues) in which the owner has the right to correct the violation, pay any outstanding charges, or request a hearing before the Board of Directors to discuss such violation. Such notice shall be sent to the owner's address of record appearing on the books of the Association. While the Board may copy such notices to any tenants involved, the owner bears the primary obligation to notify the involved tenants and any failure of the Association to notify the tenants shall not affect the suspension or imposition of monetary charges.

2. Confirmation of Correction of Violation. The Board or its designee shall confirm correction of the alleged violation within the time period requested in the first notice.

3. Notice of Hearing. If the owner requests a hearing within the time period specified, a hearing will be scheduled and written notice thereof shall be hand-delivered or mailed, certified mail return receipt requested, to the owner at his or her last known address of record at least 14 days in advance of the hearing date. The appearance of the owner of record at the hearing will be conclusive proof of proper notice.

4. Hearing. The hearing shall be held before the Board of Directors and will be held in open session except for deliberations by the Board which may be held in closed session pursuant to §55-510.1 of the Act. The owner will have the right to have counsel present (however the Board reserves the right to reschedule the hearing if the owner brings counsel in order for the Association to be similarly represented) and should present any and all evidence in his or her defense. After the owner has presented his or her defense, the Board will dismiss the owner and discuss and vote on appropriate action. The owner will be sent written notification of the results of the hearing. If monetary charges are imposed, such charges shall be treated as an assessment against the owner's lot for purposes of §55-516 of the Act.

a. Failure to request a hearing or failure to attend the hearing constitutes a waiver of the opportunity to be heard and the Board may make a decision to impose monetary charges or suspend privileges or services in its discretion as if the owner were present at a hearing.

5. General Matters. The Board of Directors reserves the power to hold owners legally responsible for ensuring that their tenants, guests, or invitees comply with the Governing Documents. The Board of Directors may apply procedures outlined in this Resolution to all violations of the Governing Documents, and it is not precluded from exercising other enforcement procedures and remedies authorized by the Governing Documents, including but not limited to, the initiation of a lawsuit. These due process procedures will not apply to the collection of delinquent annual or special assessments and related fees and costs.

SHAKER WOODS HOME
OWNERS ASSOCIATION

By: KCM
Kevin Conboy, President

The Secretary hereby attests that this Policy Resolution, 99# was approved and adopted by the Board of Directors on this 5 day of October, 1999, and the Resolution was mailed and/or hand-delivered to the addresses of record of the lot owners on this Month day of October, 1999.

10-5-99
Date

[Signature]
Secretary

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors of Shaker Woods Home Owners

Association held on 10/5, 1999.

Motion by: Kevin Conboy Seconded by: Anthony M. DiCicchio

OFFICER:	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>KAC Kevin Conboy</u> President	✓	—	—	—
<u>Anthony M. DiCicchio</u> Vice President	✓	—	—	—
<u>Mark A. Randol</u> Secretary	✓	—	—	—
<u>Edd G. S. ...</u> Treasurer	✓	—	—	—
Director Vice President	—	—	—	—
<u>Philip C. MARAM</u> Director	✓	—	—	—
Director	—	—	—	—
Director	—	—	—	—

ATTEST

Mark A. Randol
Secretary

5 October 1999
Date

Resolution effective: 5 October, 1999.