



RESOLUTION OF THE BOARD OF TRUSTEES OF ASHBURN FARM ASSOCIATION

Resolution 05062008A

Addition to the Declaration of Covenants and Restrictions, Article VI. Section I (a) adopted on November 3, 1992, modified and adopted September 1, 1998. This resolution (05062008A) replaces the entire resolution adopted on September 1, 1998.

The following procedure to be implemented upon improper use of the Association's tennis courts or multi-purpose courts (basketball courts), including but not limited to roller blading, roller skating, bike riding, etc.:

- (1) Any offense must be documented in writing by an Association member or the General Manager and sent to the Ashburn Farm Association General Manager or Ashburn Farm Association Covenants Administrator.
- (2) If the complaint is found to be valid, the Association shall follow the procedures laid out in Section II, DEMAND, of the Policies and Procedure Regarding Violation of Governing Documents.

Addition to the Declaration of Covenants and Restrictions, Article 1JL Section 1(a) adopted November 3, 1992, modified and adopted September 1, 1998.

The following procedure to be implemented when pet owners do not cleanup after their pets on Association Property.

- (1) Any offense must be documented in writing by an Association member or the General Manager and sent to the Ashburn Farm Association General Manager or Ashburn Farm Association Covenants Administrator.
- (2) If the complaint is found to be valid, the Association shall follow the procedures laid out in Section II, DEMAND, of the Policies and Procedure Regarding Violation of Governing Documents.

Policies and Procedures Regarding Violation of Governing Documents

WHEREAS, Article III, Section 3 (2) of the Declaration of Covenants and Restrictions grants the Board of Trustees the power establish to rules and regulations for the use of the property of the Association; and

WHEREAS, Article III, Section 3 (7) of the Declaration of Covenants and Restrictions grants the Board of Trustees the power to perform acts as may be reasonable necessary or appropriate to enforce the governing documents; and

(continued on next page)

WHEREAS, Section 55-513 (B) of the Virginia Property Owners' Association Act provides the Association with the power to suspend a member's right to use facilities or services and to assess charges against members for violations of the governing documents

WHEREAS, the Board of Trustees deems it necessary and in the best interests of the Association to establish orderly procedures for the suspension of privileges and the assessment charges against Members for violations of the governing documents.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures shall be adopted to enforce violations of the governing documents.

I. ACTIONS PRIOR TO INITIATION OF FORMAL RESOLUTION PROCESS

- A. Any Member, Owner or Agent of the Association has the authority to request that a Member, Owner or their family members, guest or invitees cease or correct any act or omission which appears to be in violation of the governing documents.
- B. Upon receipt of a written complaint, a committee member, the Managing Agent or a member of the Board of Trustees may make a preliminary investigation as to the validity of the complaint.
- C. The Board of Trustees, an Association Committee or the Managing Agent may make initial attempts to secure compliance through correspondence.

II. DEMAND

- 1. If the preliminary investigation indicates the need for further action, then the Association shall send a written demand letter to the Member. A copy may be sent to the tenant if there is a tenant.
- 2. The demand letter shall specify the alleged violation, the action required to abate the violation and a date, usually not less than ten (10) days after the date of the demand letter, by which the alleged violation must be remedied. Provided, however, when the violation may constitute a health or safety hazard, demand may be made to remedy the violation within twenty-four (24) hours.
- 3. If the violation is not remedied by the date set forth in the initial demand letter and second demand letter may be sent. The second demand letter shall state that if the violation is not remedied, the alleged violator must request in writing a hearing to avoid the imposition of charges. The letter shall also state that if no hearing is requested, the Member will be deemed to have waived the opportunity for a hearing and violation charges may be assessed. Notwithstanding the foregoing, the Association may establish a hearing date and hold a hearing to determine the validity of the complaint.

III. NOTICE OF HEARING

- A. If the alleged violation is not remedied within the date or time specified in the second demand letter and the Member requests a hearing or if the Board or a Committee determines a hearing is necessary, a notice of hearing shall be sent. The Board of Trustees or a Committee shall serve a Notice of Hearing on the charged Member at least fourteen (14) days prior to the hearing by hand delivery or certified mail, return receipt requested, at the address of record with the Association.
- B. The Notice of Hearing shall be substantially in the following form, but may include other information.

You are hereby notified that a hearing will be held before the Board at
(place) on (date), at (time) the charge that you are in violation of
_____ of the _____
governing documents / architectural guidelines. You may be present at
hearing, may be represented by counsel, and may present any relevant

evidence regarding the alleged violation. If the Association finds that a violation has occurred or has not been remedied, you may be assessed up to fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day for any offense of a continuing nature.

- C. If the charged member advises the Association that they cannot attend the hearing on the scheduled date and indicates times and dates when they would be available, the Association may reschedule the hearing and deliver notice of the new hearing date and time.

IV. HEARING

- A. The hearing need not be conducted according to technical rules of evidence applied in a court of law. The hearing shall provide the alleged violator with an opportunity to be heard and to be represented by counsel.
- B. The hearing shall be conducted in private.
- C. At the hearing, the charged party may do the following:
 - a. Make an opening statement;
 - b. Introduce evidence, testimony and witnesses;
 - c. Rebut evidence and testimony;
 - d. Make a closing statement.
- D. In accordance with the Virginia Property Owner's Association Act, a Hearing decision letter will be mailed (Certified and U.S. Mail) with the final decision made by the committee. The Hearing decision letter shall outline any corrective action that needs to be taken and will include any assessment charges.

V. SANCTIONS

Disciplinary action imposed by the Association may include, but is not limited to:

- A. the assessment of charges against the Member in accordance with Section 55-513 (B) of the Virginia Property Owners Association Act and
- B. the suspension of the Member's right to use the Association's facilities and services in accordance with Section 55-513 (B) of the Virginia Property Owners Association Act.

This resolution was duly adopted by the Board of Trustees this 6th day of May, 2008.

Signed

Marc Ripperger
Secretary, Ashburn Farm Association
Board of Trustees