



RESOLUTION OF THE BOARD OF TRUSTEES OF ASHBURN FARM ASSOCIATION

Resolution 05062008B

Modification to the "Procedure for Enforcement" Resolution approved and dated 5/1/98. This resolution (05062008B) replaces the resolution in its entirety.

- I. Report in writing (writing can be letter format, typed or handwritten, email, fax or use of Association forms specific for this purpose) the violation of the governing documents. All reports must include current homeowner contact information, house number and street name.
- II. Preliminary investigation or inspection.
- III. Written attempt to secure compliance:
First Letter Sent to Member/Homeowner (and Tenant)
 - A. Specify the violation.
 - B. Action required to abate the violation.
 - C. A date by which the violation must be remedied.
Second Letter Sent Certified Mail Return Receipt Requested (if violation is not corrected per date required).
 - A. Violation is not remedied
 - B. Homeowner must request in writing a hearing to avoid imposition of charges.
 - C. If no written request from Homeowner opportunity for hearing is deemed waived, charges will be assessed.
 - D. Association may still decide to go forward with setting a hearing date and time.
- IV. Notice of Hearing: The 55-513B Hearing Committee is made up of one Board member, one ARB Committee member, and one Association Staff member.
 - A. Date and Time for Hearing is set.
 - B. At least fourteen days prior notice is given to Homeowner.
 - C. Notice is sent by Certified Mail, return receipt requested to address of record with the Association
 - D. 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 55-513(b) Hearing Committee at 21400 Windmill Drive on (date), at (time) on the charge that you are in violation of the governing documents/architectural guidelines. You may be present at this 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."
 - E. If Homeowner gives notice that they cannot attend, but wants to reschedule the Association may reschedule the hearing and deliver notice of the new hearing date and time.

- V. 55-513(b) Hearing
- A. Notes are taken at the meeting, audio recording is optional.
 - B. Meeting can be informal, but in private.
 - C. Items the Homeowner can address:
 - (1) Make an opening statement;
 - (2) Introduce evidence, testimony and witnesses;
 - (3) Rebut evidence and testimony;
 - (4) Make a closing statement.
 - D. In accordance with the Virginia Property Owners 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.
- VI. Sanctions: Disciplinary action imposed by the Association may include, but are not limited to:
- A. The suspension of the Homeowner's rights to use the Association's facilities and services in accordance with Section 55-513(b) of the Virginia Property Owners Association Act. Services would include but are not limited to pool membership, community events, and use of the common area.
 - B. The assessment of charges or fines against the Homeowner in accordance with section 55-513(b) of the Virginia Property Owners Association Act. The VPOAA states: "The amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purposes of 55-516, lien for assessments." An example of a fifty-dollar fine could be failure to submit an ARB application and or comply with previous application ruling or failure to replace maintenance items. An example of a continuing offense that would accrue daily charges of ten dollars a day could be nuisance practices, noncompliance mailbox or paint colors, non-compliance fence or failure to repair or replace maintenance items.

If necessary and property is still not in compliance, the Ashburn Farm Board of Trustees or Ashburn Farm General Manager can authorize legal proceedings.

- VII. Appeal: Member has the right to appeal to full Board of Trustees by:
- A. Verbal request for an appeal within 72 hours of receiving the Committee's decision per 55-513(b).
 - B. Written request for an appeal within ten (10) working days of the Committee's decision per 55-513(b).
 - C. Appeal added to agenda of the next scheduled Board of Trustee's meeting that allows for fourteen (14) calendar days notification.
 - D. Written notice to homeowner, sent by certified mail, return receipt requested fourteen (14) days prior to meeting date, which the appeal is on agenda.
 - E. Background information is forwarded to Board of Trustees at least five (5) days before the scheduled appeal.

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