

**OAKTON MILL ESTATES**  
**HOMEOWNERS ASSOCIATION, INC.**

**POLICY RESOLUTION NO. 2008-01**

**(Creation of Procedures to Ensure Due Process  
In Enforcement Cases)**

WHEREAS, the Virginia Property Owners' Association Act (the "Act") provides the Board of Directors (the "Board") of Oakton Mill Estates Homeowners Association, Inc. (the "Association") with the power to assess monetary charges against members who are responsible for violations of the Association's Declaration of Covenants, Conditions and Restrictions (the "Declaration") or the By-laws of Oakton Mill Estates Homeowners Association (the "rules and regulations")

WHEREAS, Article V, Section 1(d) of the Declaration and Section 55-513 of the Act provide the Board with the power to suspend a member's voting rights, and the member's rights to use any recreational facilities constructed on the Common Area for a period not to exceed sixty (60) days for any infraction of the Declaration or the Association's rules and regulations (collectively, the "Governing Documents");

WHEREAS, Section 55-513 of the Act requires the Board to formally adopt and publish a written resolution to enact the statutory power to assess monetary charges against members for violations of the Governing Documents;

WHEREAS, Section 55-513 of the Act and the Governing Documents empower the Board to adopt and publish rules and regulations regarding the use of the Common Areas and such other areas of responsibility assigned to the Association by the Declaration, and to establish penalties for infractions thereof; and

WHEREAS, for the benefit and protection of all of the Association's members, the Board deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges and suspend privileges and rights, and to establish a procedure for enforcement of the Association's Governing Documents through this mechanism which is consistent with the principles of due process and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. On behalf of the Association, the Board may issue a citation to any member whose behavior or use of property does not conform to the Governing Documents.
2. The Board shall send a first notice of citation in writing and deliver it personally or by first class mail, registered mail or an overnight delivery service, to the member at his/her address listed in the Association's, and to the property address, if the member's listed address is different from the property address.
3. The first notice of citation shall generally advise the member of the nature of the offense, cite the specific provision within the Governing Documents which has allegedly been violated, specify the remedy required, and state the number of days within which the member must complete corrective action.
4. If the member does not remedy the offense within the number of days requested in the notice of citation, the Board reserves the power to issue a second notice of citation, which shall follow the basic

form of the first notice of citation and include any additional information deemed important by the Board concerning the offense.

5. The second citation shall also warn the member of the Board's power to impose monetary charges and to suspend rights and privileges for offenses of the Governing Documents and shall inform the member of his/her right to request a hearing before the Board to contest the citation. The notice of citation shall request the member to confirm in writing by a certain date his/her desire for a hearing to contest the citation.

6. The Board shall deliver the second notice of citation by hand or registered or certified mail, return receipt requested or an overnight delivery service, to the member at his/her address listed in the Association's records and to the property address, if the member's listed address is different from the property address. Notification will be deemed effective if any member fails or refuses to sign for any registered or certified mailing from the Association.

7. If the member does not remedy the offense within the number of days requested in the second notice of citation, and the member has not requested a hearing in writing by or before the hearing confirmation date, the member shall be deemed to have waived the right to a hearing and the Board shall have the power to assess monetary charges and/or suspend rights and privileges pursuant to the authority granted in Section 55-513 of the Act and the Governing Documents. The Board shall not be required to conduct a hearing unless the member formally requests a hearing in writing by or before the deadline set forth in the second notice of citation.

8. When a hearing is requested by the member in writing by or before the deadline, the Board shall set the time, date and place of the hearing at its discretion.

9. Written notice of the time, date and place of the hearing shall be delivered to the member by hand or mailed by registered or certified mail, return receipt requested, to the member at least fourteen (14) days in advance of the hearing date. At the hearing, the Board shall provide the member with a reasonable amount of time to present any and all defenses to the citation. The member may have an attorney present at the hearing.

10. Following the hearing, the Board shall meet in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be assessed and/or rights and privileges should be suspended.

11. The hearing result shall be delivered by hand or registered or certified mail, return receipt requested, to the member at his/her address listed in the Association's records, and to the property address, if the member's listed address is different from the property address, within seven (7) days of the hearing. Notification will be deemed effective if any member fails or refuses to sign for any registered or certified mailing from the Association.

12. The amount of any monetary charges assessed shall not exceed fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day for a maximum of ninety (90) days for any offense of a continuing nature). The monetary charges assessed shall be treated as an assessment against the member's lot for all purposes of Section 55-516 of the Act and the Governing Documents.

13. The Board reserves the power to hold members legally responsible for ensuring that the members of their household, and their tenants, guests, or invitees comply with the Governing Documents.

14. The procedures outlined in this Resolution may be applied to all violations of the Governing Documents, including the rules and regulations, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Governing Documents or applicable law, including, but not limited to, the initiation of a legal action or self-help remedies. The Board reserves the power to assign all of its powers and responsibilities herein to a standing or special committee of its choice or to its manager or managing agent.

15. The effective date of this Resolution shall be November 10, 2009, and this Resolution shall supersede any previously adopted Policy Resolution.

OAKTON MILL ESTATES HOMEOWNERS