

VILLAGE OF WAXPOOL HOMEOWNERS ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 2011-1

(DUE PROCESS)

WHEREAS, Section 55-513(A) of the Code of Virginia provides that the Board of Directors shall have the power to establish, adopt and enforce rules and regulations with respect to the use of the common areas and with respect to such areas of responsibility assigned to the Association by the Declaration, except where expressly reserved by the Declaration to the members; and

WHEREAS, Article VI, Section 1 of the Declaration of Covenants, Conditions and Restrictions states that the Board of Directors shall have all powers for the conduct of the affairs of the Association which are enable by law, including the power to enforce any covenants or restrictions which are imposed by the terms the Declaration of Covenants, Conditions and Restrictions; and

WHEREAS, it is the intent of the Board of Directors to provide due process procedures pursuant to the requirements of the Code of Virginia for the resolution of complaints and rule violations in order to protect and benefit the members of the Association and ensure consistent and just enforcement.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT the Board of Directors adopts the following procedures relative to due process:

I. Complaint.

A. Any lot owner, including members of the Board of Directors or the Architectural Review Committee, may request that the Board of Directors take action to enforce the governing documents of the Association and shall:

1. Complete a "Complaint Form" containing:

- a. Name of the person(s) alleged to be in violation.
- b. Street address of the person(s) alleged to be in violation.
- c. Date(s) the alleged violation occurred.

- d. Where the alleged violation was observed.
 - e. Detailed description of nature of the alleged violation.
 - f. All action(s) taken to attempt to resolve the alleged violation and the date(s) taken.
 - g. Printed name and address of person(s) making complaint.
 - h. Signature(s) of person(s) making complaint.
 - i. Date complaint is made.
2. Submit the complaint directly to the Association's managing agent, who will, as appropriate, promptly bring the complaint to the attention of the entire Board of Directors for a determination as to whether it appears that a provision of the governing documents has been violated.

II. Investigation and Good-Will Effort.

- A. The Board of Directors, or the Architectural Review Committee at the request of and on behalf of the Board of Directors, will investigate the alleged violation.
- B. If an alleged violation is deemed to exist, the Board of Directors shall:
 1. Make an effort to resolve the alleged violation without resorting to further procedures by:
 - a. Attempting to contact all parties involved in the dispute to determine their concerns.
 - b. Allowing the party(ies) alleged to be in violation to remedy the cause of the dispute.

III. Demand.

- A. If the Board of Directors' good-will effort does not result in abatement of the violation, the Board of Directors shall:
1. Send to the person(s) alleged to be in violation a written demand letter to cease and desist from the alleged violation. Such demand letter shall be hand delivered or sent by first-class mail to the address of record with the Association.
 2. The demand letter shall contain:
 - a. Name of the person(s) alleged to be in violation.
 - b. Street address of person(s) alleged to be in violation.
 - c. Date(s) the alleged violation occurred.
 - d. Where the alleged violation was observed.
 - e. Detailed description of nature of the alleged violation.
 - f. The action required to abate the alleged violation and the date by which the alleged violation may be remedied without sanction.
 3. The person(s) alleged to be in violation shall be given at least ten (10) days from delivery of the demand letter to remedy the violation; provided, however, that matters determined by the Board of Directors to be of a serious safety, health or detrimental nature must be abated within twenty-four (24) hours upon written notice.

IV. Notice of Hearing.

- A. If the alleged violation continues past the abatement period specified in the demand letter, the Board of Directors shall hold a hearing to render a final determination on the

existence of a violation and the possible imposition of charges and other sanctions against the person(s) alleged to be in violation.

- B. The notice of hearing shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the person(s) alleged to be in violation at the address of record with the Association at least fourteen (14) days prior to the hearing. Notice shall be deemed effective three (3) days after mailing.
- C. The notice of hearing shall specify:
 - 1. Time, date and place of the hearing.
 - 2. That the person(s) alleged to be in violation is invited to attend the hearing and shall be given an opportunity to present any evidence, statements or witnesses.
 - 3. That the person(s) alleged to be in violation may be represented by counsel.
 - 4. The alleged violated including reference to the applicable provision(s) of the governing documents.
 - 5. Charges or other sanctions that may be imposed.

V. Hearing.

- A. The hearing shall be scheduled at a reasonable and convenient time and place.
- B. The Board of Directors, within its discretion, may grant a continuance if requested at least forty-eight (48) hours before the scheduled hearing. No further notice of hearing shall be required in the case where a continuance is granted.
- C. The hearing shall be conducted in open session and shall provide all parties, or their respective counsel, the right and opportunity to:
 - 1. Call, examine and cross-examine witnesses.

2. Introduce testimony and evidence.
 3. Rebut testimony and evidence.
 4. Share equal and reasonable time limits for the presentation of testimony and evidence. Such time limits are to be determined exclusively by the Board of Directors.
 5. Obtain minutes of the hearing.
- D. The hearing will continue as scheduled even if any of the parties to the complaint are absent, provided proper notice of the hearing was given.
- E. The hearing shall be informal regarding legal formalities. Any relevant evidence which is not privileged is admissible without regard to whether such evidence would be admissible in a court of law. The Board of Directors may exclude irrelevant, immaterial or unduly repetitious evidence.
- F. Any party may cause the hearing to be transcribed at their/its own expense. If the hearing is transcribed, all parties shall be entitled to a copy of the transcript at each party's own expense.
- G. The Board of Directors may make a finding, based upon substantial evidence, as to whether a violation has occurred. Other findings shall be reflected in a written statement.
- H. The Board of Directors may administer an oath or affirmation to any person upon request of either party.
- I. The Board of Directors may expel any party, attorney, witness or spectator from any hearing for improper, disorderly or contemptuous conduct.

VI. Notice of Decision.

A. The Board of Directors shall notify the person(s) alleged to be in violation of its decision within seven (7) days after the hearing by hand delivery or registered or certified mail, return receipt requested, to the person(s)' address of record with the Association.

1. The notification of decision shall contain:

- a. Whether the person(s) has been found to be in violation.
- b. If the person(s) has been found to be in violation, the provision(s) of the governing documents which has been violated.
- c. If the person(s) has been found to be in violation, the charges or other sanctions imposed.
- d. If the person(s) has been found to be in violation, the date on which those charges or other sanctions begin.
- e. Where minutes of the meeting may be obtained.

VII. Assessment and Other Remedies.

A. The Board of Directors, pursuant to Section 55-513 of the Code of Virginia, may assess charges against a lot owner for a violation.

B. The Board of Directors may, upon determining that a violation exists, prescribe or seek any remedies, including imposition of sanctions available to it under the governing documents, as well as any remedies described in the Code of Virginia.


C. The Board of Directors may, at its discretion, give a party found to be in violation of the governing documents a

period not to exceed thirty (30) days to remedy the violation, prior to initiating enforcement actions.

- D. This resolution is intended to expressly provide that the Board of Directors is empowered to seek any and all remedies including, without limitation, those described in the governing documents and the Code of Virginia.

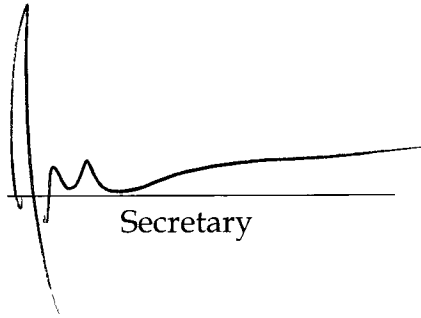
This Resolution is effective as of the date of its adoption.

The foregoing Resolution is hereby adopted on this 12th day of June, 2011, by the Board of Directors of Village of Waxpool Homeowners Association, Inc.



President

ATTEST:



Secretary