

FOREST RIDGE HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 2009-1

(Rescinds Resolution No. 2005-1)

Defined Procedures of Enforcement of Covenant, By-laws, Architectural Control Guidelines and/or Rules and Regulations

WHEREAS, Article IV of the Articles of Incorporation charges the Forest Ridge Homeowners Association ("Association") with providing for the maintenance, preservation and architectural control of the Lots and Common Area of the Forest Ridge community;

WHEREAS, Article VI of the Declaration of Covenants, Conditions and Restrictions ("Declaration") establishes that the Board of Directors ("Board") is responsible for the architectural control of the Forest Ridge community;

WHEREAS, Article VIII, Section 1 of the Declaration authorizes the Association to enforce the covenants contained in the Declaration;

WHEREAS, Section 55-513.A of the Virginia Property Owners Association Act ("Act") authorizes the Board to enforce such rules as have been promulgated pursuant to the areas of responsibility;

WHEREAS, Section 55-513.B of the Act empowers the Board to assess charges against any member for any violation of the Declaration or rules and regulations for which the member or his family members, tenants, guests or other invitees are responsible; and

WHEREAS, the Board has determined to establish procedures for the enforcement of the Architectural Control Guidelines;

NOW, THEREFORE, BE IT RESOLVED THAT the following policies and procedures are hereby adopted.

1) If a complaint regarding a violation of the Declaration is received by the Association's Hotline, or if the Board of Directors becomes aware of such a violation in any manner, the Board Member or the person responsible for checking the telephone or email mailboxes for ACC violations, will record the date and time the complaint was received, and how it was received (i.e., telephone, letter, during regular board meetings. etc.), or how and when the Board otherwise became aware of

the violation.

2) The Chair of the Association's Architectural Control Committee (ACC) will then assign a member of his/her Committee to investigate and determine whether the conduct at issue constitutes a violation of the Declaration. If the Chair of the ACC determines that a violation is occurring, the Board of Directors may proceed as stated below.

Informal Contact

3) The Association's first citation notice will be an informal means of contact either by telephone, in person, or first class letter, by the Chair of the ACC Committee or his/her designated representative with the property owner. At this time, the Chair of the ACC Committee or his/her designated representative will state the violation and the particular provision of the Declaration that is being violated. The Chair of the ACC Committee or his/her designated representative will allow up to fourteen (14) days or, if necessary, another mutually agreed-to timeframe for the member to comply. If the member does not correct the violation, formal notification procedures will then be instituted.

4) The Chair of the ACC Committee or his/her designated representative will monitor member responses to the informal contacts by verifying, within 14 days, that the violation(s) has been either corrected or not corrected. To that end, the Chair of the ACC Committee will keep a record of the date the verification took place.

5) No informal contact is required if the Chair of the ACC determines that a homeowner has made changes to his/her property without prior ACC approval, assuming that such approval is required by the Association's Declaration. Informal contact is also not required for cases in which the homeowner was denied ACC approval for proposed changes to his/her property, but decided to make the proposed changes anyway.

6) No informal contact is required if the Chair of the ACC determines that the cited violation presents a potentially hazardous condition affecting neighboring homes, common area, or the safety of pedestrian or vehicular traffic.

7) No informal contact is required if the Chair of the ACC determines that the cited violation also is in violation of county ordinance.

Formal Contact

7) The Association's first formal notice of citation shall be issued in writing and delivered by hand or by registered or certified mail, return receipt requested, to the member at his/her address listed in the Association's records, as well as to the address of the property within the Association, if the member's listed address is different from the property address. The Association will deem notification effective if any member fails or refuses to sign for any registered or certified mailing from the Association.

8) In the first formal notice of citation, the Association shall advise the member of the nature of the violation, cite the specific provision of the Architectural Guidelines that the member has allegedly violated, specify the remedy required, and state that within thirty (30) days the member must complete corrective action or request a hearing before the Board of Directors.

9) A member may request a hearing before the Board of Directors in writing by or before the remedy deadline stated in the letter. The Board of Directors shall set the time, date, and place of the hearing at its discretion.

10) The Association shall deliver written notice of the time, date, and place of the hearing to the member by hand or by registered mail, return receipt requested, at least 7 days in advance of the hearing date. The written notice of hearing will also include a statement of charges or other sanctions that may be imposed. The possible charges and sanctions are: (a) a one-time assessed charge of fifty dollars (\$50.00) for each single violation, including failure to obtain ACC approval prior to commencement of work; (b) an assessed charge of ten dollars (\$10.00) per day for up to ninety (90) days for a continuing violation; and (c) the commencement of a suit against a violator to enjoin the violation(s) or to recover monetary damages or both. The date of the assessment will start on the date corrective action(s) should have been completed as specified in the first formal notice of citation, unless the Board waives the assessment as a result of the hearing.

11) At the hearing, the Board of Directors shall provide the member with a reasonable amount of time to present any and all defenses to the citation. The member may be represented by counsel at the hearing. The Board will provide the member with a notice of the hearing result, either by hand-delivery or certified mail, return receipt requested.

12) If no hearing is requested and the property owner does not remedy

the violation, this will result in the issuance of the second and final formal written notice, the assessment notice. The assessment notice will state that the member must comply immediately to correct the uncorrected violation and is assessed the following penalties for uncorrected violations:

- (a) One-time charge of fifty dollars (\$50.00) for each single violation, including failure to obtain ACC approval prior to commencement of work;
- (b) A charge of ten dollars (\$10.00) per day for up to ninety (90) days for a continuing violation;
- (c) The commencement of a suit against a violator to enjoin the violation(s) or to recover monetary damages or both. The date of the assessment will start on the date corrective action(s) should have been completed as specified in the first formal notice of citation, unless the Board waives the assessment as a result of the hearing.

Legal Action

13) If the member does not remedy the violation after the assessment notice, the Board of Directors reserves the right to turn the entire matter, with all written documentation, over to the Association's attorney for appropriate legal action.

14) The Board of Directors reserves the right to hold members legally responsible for ensuring that their tenants, guests or invitees comply with the provisions of the Declaration. To that end, the Board encourages members who lease out their property to either (1) purchase an additional copy of the Declaration and/or (2) provide his/her copy to the lessee of the property.

The Board may apply procedures outlined in this Resolution to all violations of the Association's rules and regulations. Nothing in this resolution shall constitute a waiver of, or preclude the Association from exercising, any lawful remedy it possesses with respect to any violation of the Declaration or the rules and regulations. The Board of Directors reserves the right to assign all of its powers and responsibilities herein to a standing or special committee of its choice.

ADOPTED by the Board of Directors this 5th day of March 2009.

By: _____

Milt Settari, President

Garvin Davenport, Vice-President

Board of Directors

Attachments:

Certificate of Mailing

Resolution Action Record

Violation Procedure Tracking Form

Garvin Davenport, Vice-President

Approved and signed by all Directors at the March 5, 2009 regular scheduled meeting of the Forest Ridge Homeowners Association.
Resolution effective May 1, 2009