

RESOLUTION OF THE BOARD OF TRUSTEES OF ASHBURN
FARM ASSOCIATION

(Policies and Procedures Regarding Violation of Governing Documents)

POLICY RESOLUTION NO. 07022013

This instrument will modify Resolution #05062008B Policies and Procedures Regarding Violation of Governing Documents, & Procedure for Enforcement Resolution 05011998, replacing both in their entirety.

WHEREAS, Ashburn Farm Association (the "Association") is a Virginia Nonstock Corporation and subject to the provisions of the Virginia Nonstock Corporation Act; and,

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

WHEREAS, Article III, Section 3, of the Declaration of Covenants & Restrictions grants the Board of Trustees the power to perform acts as may be reasonable, necessary, or appropriate to enforce the Governing Documents; and

WHEREAS, Subparagraph (b) of the Covenants of the Association invests the Board of Trustees with all powers for the conduct of the affairs of the Association which are enabled by law, the Declaration and the articles of Incorporation which are not specifically reserved to the Members; and,

WHEREAS, Section 55-513 (B) of the Virginia Property Owners Association Act provided the Association with the power to suspend a members rights to use facilities, services and to assess charges against members for violations of the governing documents; and

WHEREAS, the Board of Trustees deems it necessary and in the best interest 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,

I. ACTIONS PRIOR TO INITIATION OF FORMAL VIOLATION OF GOVERNING DOCUMENTS 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 first 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 by certified mail, with return receipt requested and a copy sent first class. The second demand letter, if sent, will again outline items or activity that is not in compliance with the governing documents, and provide a compliance date, by which time the violations must be corrected to avoid escalation to a 55-513 (B) Hearing. The Association will tentatively establish a 55-513 (b) hearing date pending the issue/items remain uncorrected past the compliance date provided in the letter.

III. NOTICE OF HEARING

- A. If the alleged violation is not remedied within the date or time specified in the second demand letter and a notice of hearing shall be sent, specifying the date, time and location of the hearing. The Association will send 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, with a copy being sent first class 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 55-513 (B) 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 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 Committee will be composed of not less than three (3) Members, as designated by the Board of Trustees; of which there will be one member of the Board of Trustees and at least two Members of the Association. In addition to the voting members of the 55-513 Hearing Committee, there will be a staff liaison to present the Association's evidence.
- B. 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. Notes must be taken at the meeting capturing the committee's full decision. An audio recording of the meeting is optional.
- C. At the hearing, the charged party will be allowed a total of 10 minutes to do any or all of the following:
- a. Make an opening statement;
 - b. Introduce evidence, testimony and witnesses;
 - c. Rebut evidence and testimony;
 - d. Make a closing statement.
- D. The Hearing Committee will excuse the charged party and then render its decision, and record said decision so that it can be included with the property records as well as delivered to the offending Member. The Committee's decision will be delivered by certified mail with return receipt requested, a copy to be sent first class, and will contain the Committee's decision, which must contain the following information:

- a. If the Committee agrees to levy a fine against the charged Member, the structure of the fines of either \$50 for a single offence, or \$10 per day for offences of a continuing nature and the date at which time the fines begin to accrue.
 - b. The maximum amount of the fine, or number of days to assess the \$10 per day charge; unless the fines will be allowed to accrue to the maximum allowed by Section 55-513 (B) of the Virginia Property Owners Association Act.
 - c. A recommendation for the Board of Trustees or General Manager, regarding if a legal suit should be filed against the Member/Property Owner, should the condition(s) remain uncorrected fifteen (15) days after the Hearing was held.
 - d. If the committee will rely on the default suspension of the Members rights to use Association facilities and amenities, or override the default and allow the member to maintain their use of common area.
- E. 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 the structure of any assessment charges levied.

V. SANCTIONS

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

- A. The assessment of fines against the Member in accordance with Section 55-513 (B) of the Virginia Property Owners Association Act. 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 (\$50) dollars for a single offence or ten (\$10) per day for offences of a continuing nature."
- 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. Services would include but are not limited to pool membership/access, admission to community events, use of the common area, and rental of Association common assets.
- C. If the property remains not in compliance, fifteen (15) days after the 55-513 Hearing was held, the Ashburn Farm Board of Trustees or the General Manager can authorize legal proceedings.

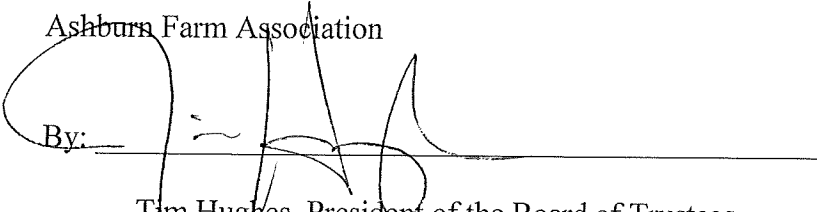
VI. APPEAL

- A. Any Member has the right to appeal to the Full Board of Trustees by:
- a. Verbal request for an appeal within 72 hours of receiving the Hearing decision.
 - b. A written request for an appeal within ten (10) business days of receiving the Hearing Decision.
 - c. The appeal request must be received ten (10) days prior to a Board Meeting, or it will be put on the agenda of the following Board Meeting.
 - d. Once an appeal date is set, the Member will be notified of the meeting date and time for which the appeal appears on the agenda.
 - e. All supporting documentation, information, pictures, etc... must be received by the Association ten (10) days prior to the meeting date when the appeal will be heard.

The Board of Trustees adopted this Resolution at a duly convened meeting on July 2, 2013 and directed that the same be incorporated in the Book of Resolutions.

Ashburn Farm Association

By: _____



Tim Hughes, President of the Board of Trustees

ATTEST:

(Seal)



Marc Ripperger, Secretary of the Board of Trustees



Date

RESOLUTION NO. 07022013 ACTION RECORD

Duly adopted at a meeting of the Board of Trustees held on July 2, 2013.


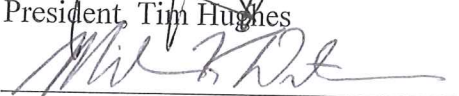
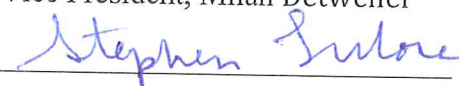

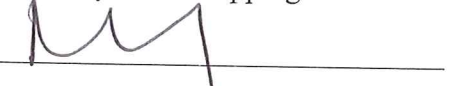
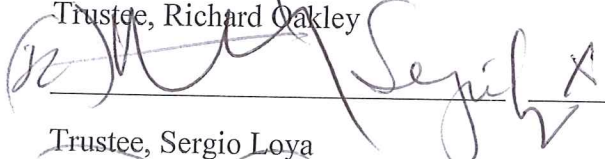
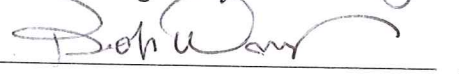
Motion by:

STEVE LUBORE


Seconded by:

RICHARD OAKLEY

VOTE:

	Yes	No	Abstain	Absent
 President, Tim Hughes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice President, Milan Detweiler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Treasurer, Stephen Lubore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Secretary, Marc Ripperger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Trustee, Richard Oakley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Trustee, Sergio Loya	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Trustee, Bob Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:


Secretary, Marc Ripperger

8/6/2013
Date