

Meadowlake Farms Homes Association

101 Susan Newton Lane
Yorktown VA 23693

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Policy Resolution No. 2013-02

(Policy and Procedures Concerning Association Complaints)

WHEREAS, the Code of Virginia, 1950, as amended ("**Virginia Code**"), was amended by statute effective July 1, 2008, to create the Common Interest Community Board ("**CICB**") and the office of the Common Interest Ombudsman ("**CICO**"); *and*

WHEREAS, Section 55-530(E) of the Virginia Code states the CICB "shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens;" *and*

WHEREAS, the CICB established a regulation, effective July 1, 2012, that (i) requires associations to establish written complaint procedures; (ii) requires the maintenance of association complaint records; (iii) sets time frames in which associations must complete certain actions; (iv) indicates the consequences for failure of an association to establish and utilize a complaint procedure; and (v) establishes procedures and forms for filing a notice of final adverse decision; *and*

WHEREAS, it is the intent of the Board of Directors ("**Board**") of the Meadowlake Farms Homes Association ("**MFHA**"), Inc. to establish procedures that meet the requirements of Section 55-530 of the Virginia Code and 18 Virginia Administrative Code § 48-70-10 to -125 as the same may be amended and/or supplemented from time to time; *and*

WHEREAS, the Board will provide notice of this Resolution (i) to current owners by including on the Association web site an internet link for current owners to access the Resolution; and (ii) to all future owners by including in the Resolution in resale disclosure packages prepared pursuant to Virginia Property Owner's Association Act; *and*

WHEREAS, this Resolution shall remain in full force and effect until the CICB adopts any applicable regulations pursuant to Section 55-530(E) of the Virginia Code or until amended by further resolution of the Board, whichever first occurs.

NOW THEREFORE, the Board does hereby adopt this Resolution in order to adopt the following ASSOCIATION COMPLAINT PROCEDURES:

1. When an Association member or Citizen ("**Complainant**") reasonably believes the Board, the common interest community manager ("**Community Manager**"), or any individual Board Member has or is continuing to violate any provision of Virginia laws or regulations governing common interest communities, the Complainant has the right to acquire, complete, and submit an Association Complaint Form.
2. The Board shall make available an Association Complaint Form that comports substantially with the Association Complaint Form attached to the Resolution as Exhibit A, or with any form required by regulation duly promulgated by the CICB.
3. Completed Association Complaint Forms shall be submitted to the Meadowlake Farms Homes Association, Inc. by mail to:

Meadowlake Farms Homes Association
101 Susan Newton Lane,
Yorktown, VA, 23693

4. The Board shall amend and restate this Resolution each time the name, address, telephone number and/or email address of the Community Manager changes to remain compliant with Section 55-530(E)(2) of the Virginia Code.
5. A fully completed Association Complaint Form shall provide: (i) a description of the complaint; (ii) the requested action or resolution of the issues; (iii) references to specific Virginia laws or regulations governing common interest communities, including title and chapter where applicable that support the complaint; and (iv) if necessary, an attachment with any supporting documents, photographs, correspondence or other materials related to the complaint. If additional information is requested in accordance with the provisions contained herein, an Association Complaint Form shall only be deemed fully completed upon receipt of such information.
6. The Board shall (i) receive the Association Complaint Form;(ii) log it in the Associations records;(iii) perform a preliminary examination of the Association Complaint Form for completeness and (iv) distribute copies of the Association Complaint Form to the Board, along with any notes composed by the Board regarding any further documentation that may be necessary for evaluation of the Association Complaint Form.
7. The Board shall provide written acknowledgement of receipt of the Association Complaint Form to the Complainant with seven (7) days of receipt. The acknowledgement shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the address provided, or delivered by e-mail, provided the sender retains sufficient proof of the electronic delivery.
8. The Board shall notify the Complainant within fourteen (14) days of receipt of an Association Complaint Form of any additional information that is necessary for processing the complaint. If the requested additional information is not submitted to the Board within fourteen (14) days of the Complainant's receipt of notification, the Board has the right to dispose of the complaint.
9. Any Association Complaint Form fully completed and submitted to the Board shall be reviewed at the Board's next scheduled regular Board Meeting, provided however, that the Association Complaint Form is fully completed and submitted at least fourteen (14) days prior to the meeting. If the Association Complaint Form is fully completed and submitted less than (14) days prior to the meeting, the Board shall review the Association Complaint Form at the subsequent regular Board Meeting.
10. The Board shall provide the Complainant with notice of the date, time, and location of the regular Board Meeting during which the complaint will be reviewed at least seven (7) days prior to such meeting. Notice shall be made by hand delivery or registered or certified mail, return receipt requested, to the address provided by the Complainant, or by e-mail provided the sender retains sufficient proof of the electronic delivery.
11. The Board shall provide the Complainant with written notice of the final determination within seven (7) days following the regular Board Meeting during which the Association Complaint Form was reviewed. Notice shall be made by hand delivery or registered or certified mail, return receipt requested, to the address provided by the complainant, or by e-mail provided the sender retains sufficient proof of the electronic delivery.
12. The written notice of final determination shall include the date of issuance, specific citations to any applicable Virginia laws or regulations governing common interest communities that led to the final determination, and the registration number of the association.
13. Should a Complainant need assistance in understanding the Complainant's rights and the processes available to common interest community Complainant's, the Complainant may contact Virginia's CICO for assistance. The CICO may be reached at:

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The Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA, 23233
(804) 367-2941
CICOmbudsman@dpor.virginia.gov

All information is accurate on the date of the signing of this resolution by the Board of Directors.

14. **Complainant's Rights Description required by Section 55-530(E) of the Virginia Code.** In accordance with Section 55-530(F) of the Virginia Code and 18 Virginia Administrative Code 48-70-90 *et seq*, a Complainant may file notice with the CICB of any final adverse decision in accordance with regulations promulgated by the CICB. The notice:

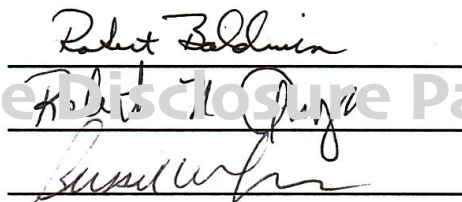
- (i) Shall be filed within (30) days of the final adverse decision;
- (ii) Shall be in writing on forms provided by the CICO;
- (iii) Shall include copies of all records pertinent to the decision, including a copy of the association complaint, the final adverse decision, reference to Virginia laws or regulations governing common interest communities the final adverse decision may have violated, any supporting documentation related to the final adverse decision, and a copy of the association complaint procedure; *and*
- (iv) Shall be accompanied by a \$25 filing fee.

The fee shall be collected by the Director of the Department of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, in accordance with Virginia Code Section 55-530.1. The CICB may, for good cause shown, waive or refund the filing fee upon finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

15. The Board shall retain the Association Complaint Form, all attachments thereto and a copy of any correspondence ("**Complaint File**") for not less than one (1) year after the Board renders a final determination. The Complaint File is eligible for review and duplication solely by the Board and the Complainant(s) who submitted the original Association Complaint Form, *provided, however*, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the board.

IN WITNESS WHEREOF the Board of Directors of Meadowlake Farms Homes Association, Inc. has caused this instrument to be executed this __8th__ day of March, 2013.

Robert Baldwin, President MFHA
Robert Ariaya, Vice President MFHA
Russell Jordan, Director



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**Meadowlake Farms Homes Association
101 Susan Newton Lane
Yorktown VA 23693**

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors of the Meadowlake Farms Homes Association, Inc. has established this complaint form for use by persons who wish to file written complaints with the Association regarding the action, inaction, or decision by the governing board, managing agent, or association which they believe are inconsistent with Virginia laws or regulations governing common interest communities.

Please legibly describe the complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Use additional pages if necessary. Please include references to the specific facts and circumstances at issue and provisions of any specific Virginia laws or regulations governing common interest communities that support the complaint. Please include title and chapter when referring to specific Virginia laws as a basis for complaint. If there is insufficient space attach a separate sheet of paper to this form and any supporting documents, correspondence, or other materials related to this complaint.

Sign, date, and print your name and address below and submit this completed form to the Association at the address listed above.

Printed Name	Signature	Date
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Mailing Address

Lot/Unit Address

Email Address	Phone Number
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If, after the Board's consideration and review of the complaint, the Board issues a final decision adverse to the complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Board ("CICB") in accordance with the regulations promulgated to the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence, and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

**Office of the Common Interest Community Ombudsman
Department of Professional & Occupational Regulation
9960 Mayland Drive, Suite 400, Richmond, VA 23233
(804) 367-2941
CICOmbudsman@dpor.virginia.gov**

EXHIBIT 2

**Meadowlake Farms Homes Association
101 Susan Newton Lane
Yorktown VA 23693**

REQUEST FOR INFORMATION

I, _____, residing at _____,
(printed name) (mailing address)

do hereby request information relating to the Meadowlake Farms Homes Association ("Association") as governed by the Code of Virginia ("Code") Section 55-510. I hereby affirm and swear that I will not use any information I may receive as a result of this request for any purpose forbidden by law including for pecuniary gain or commercial solicitation, the Code, the Association bylaws, or Meadowlake Farms Cluster Homes Association bylaws, and that using any information for any unlawful purpose may be prosecuted to the fullest extent of the law.

This right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five days' written notice reasonably identifying the purpose for the request and the specific books and records of the association requested.

I understand that one or more fees may be charged for time, labor, and materials related to the provision of the requested information; that such fees will be fully disclosed to me prior to completion of the request; that any and all fees must be paid in full by check within five (5) business days of the fee notification before the requested information will be released; and that I will receive an itemized receipt for all fees paid in conjunction with the delivery of the requested information. I understand that my request will be denied if fees are not paid within the stated period, and another request will need to be submitted and the process begun anew. I agree to pay any and all fees associated with a payment I have submitted as part of this request which is returned as un-payable by the bank.

Specific information requested (use additional pages if necessary and attach):

Describe what the information will be used for:

Signed: _____

Date: _____

Administrators only below this line

Date Received: _____

Date Acknowledged: _____ Method (email, phone, etc): _____

Fee(s) disclosed on: _____ by: _____

Fee Paid on: _____ ck no: _____ State of request: Approved Denied

If Denied, reason for denial: _____

Authorized for disclosure by (approval by at least two directors is required for release of records):

Name: _____

Name: _____