

Meadowlake Farms Homes Association

101 Susan Newton Lane
Yorktown VA 23693

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Policy Resolution No. 2014-01

(Policy and Procedures Concerning the Enforcement of Covenants and Architectural Controls)

1. Executive Summary. This document describes the process MFHA will use to enforce governing covenants and architectural controls and standards. The resolution's purpose is to ensure members understand the enforcement process, resolve issues at the lowest level, and further, receive a full "due process of law" before any charges are assessed. While not required by code, the Board of Directors first uses an informal process to notify members of covenant violations and required corrective actions. If this informal notification process does not bring desired results, the Board then pursues a formal process as provided for in the Virginia Property Owners Association Act and in accordance with the published Meadowlake Farms Articles of Incorporation, Declarations of Covenants Conditions and Restrictions, Bylaws, Rules & Regulations, and Policy Resolutions of the Association. The member may, at any time, stop this process by correcting the covenant violation and paying (if assessed) any charges, penalties, and interest that have accumulated to that point for the violation.

2. INFORMAL PROCESS. The following steps outline the informal enforcement process. While there is no set time frame for the following steps, these steps should occur in a timely manner after the Board becomes aware of a violation.

A. Identification of a covenant violation. A covenant violation may be identified by a board member, architecture committee, management agent, or may be made known to a board member in writing by any member of the Association.

B. Initial Confirmation. Once an alleged covenant violation is observed or made, it is then reviewed by the Board or architecture committee, to confirm agreement that the violation is a valid covenant violation.

C. Contact. Once the board or architecture committee concurs a valid covenant violation exists, the board or architecture committee or management agent determines the most appropriate way to inform the offending individual creating the violation. The individual may be an Association Member or a Renter.

1) **Association Member.** Contact is normally made by letter informing the offending Association member of the violation. At that time the member is asked to correct the violation and a date is established for the corrective action to be complete. If the member does not respond or non-concurs there is a violation, the Board initiates the formal course of action against the member as detailed in paragraph three of this policy.

2) **Renter.** There are two steps to the informal process for a renter.

a) **Step 1.** The initial approach for an offending renter is the same as for an Association member. A letter is sent to the offending renter's residence to inform him/her of the violation. At

that time the renter is asked to correct the violation and a date is established for the corrective action to be complete.

b) **Step 2.** If the renter does not respond or non-concurs there is a violation, then a certified letter stating the violation and actions necessary to correct the violation is sent via registered or certified mail, return receipt requested, to the Association member who owns and is responsible for the rented property. The member is afforded 14 days after receipt of the letter to contact the renter of the property and to ensure the renter takes the necessary action to correct the violation. If the member does not communicate positive intent to address the violation, or the violation is not corrected on the 15th calendar day after the member received notification that initiates the formal course of action against the member as detailed in paragraph three of this policy.

3. FORMAL PROCESS. The following outlines the formal enforcement process. Many of these times are established by law. Once entered into, the formal process will proceed in a measured, standardized manner to ensure all members receive equal treatment and “due process of law” is provided.

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A. Initiation: The formal enforcement process is initiated by one of the following events:

- 1) The member does not agree to take corrective action when informally notified by the Board, architecture committee, or management agent of an identified violation or;
- 2) The member does not correct the violation by the established date set during the informal process notification described in paragraph two above or;
- 3) The member does not correct or have the renter occupying his property correct the violation within 14 days of notification by the Board via registered or certified mail.

B. Step 1 - Notification. The Board will notify the member in writing, at least **14 days** in advance that a hearing will be held to address the specified covenant violation. The Board will deliver the official notification either by hand or by mailing a registered or certified letter, return receipt requested. The letter will inform the member of his right to present evidence to the board (with or without counsel present) as to why the covenant violation should not be corrected and charges imposed for the violation from the specified date provided in the letter. This notification will include a waiver that the individual may sign and return to the Board indicating that the member waives his/her right to a hearing.

C. Step 2 - Hearing. The member may be represented by counsel at this hearing (at their own expense). If no waiver has been received, the Board will meet at the time and location specified to ensure the member is afforded the opportunity to be heard.

D. Step 3 - Decision. The hearing result may be hand delivered or mailed by registered or certified mail, return receipt requested, to the member within **7 days** of the hearing. This letter will state the Board’s decision. The letter will also restate how the individual can correct the violation and end charges being assessed by notifying the board in writing that the violation has been corrected.

E. Step 4 - Injunction / Civil Action. The Board may refer the case to the Association attorney for civil injunctive relief against the member [to have the court impose sanctions to bring the owner into compliance]. Note: A Court Order precludes the requirement to keep going back to ‘square one’ in the compliance process. If the owner fails, for example, to keep the yard in good

condition after the court has required him/her to do it once, the attorney can quickly file for the court to enforce the Court's Order without repeating the whole injunctive relief process. All costs [attorney charges and fees, court filing costs, commercial charges] involved will be assessed against the member with a judgment for MFHA.

F. Step 4a – Charges (Assessments). When the Board decision goes against the member, (and still no corrective action by the property owner), charges (if implemented) in the amount authorized by law, currently shall not exceed \$50 for a single offense or \$10 per day for 90 days, if implemented, will begin the day after the official notification of the hearing results. Charges will stop:

- 1) On the calendar day the violation is corrected or,
- 2) On the calendar day on which a member files a civil lawsuit challenging any charges
- 3) On the 90th calendar day after charges begin..

G. Step 5 - Collection of Charges. Charges, if implemented from Step 4/4a, will be assessed against the offending member at the end of each calendar month. Assessments will be hand delivered or mailed by registered or certified mail, return receipt requested, to the member within 7 days of posting. Each assessment is due within 30 days of notification. These assessments are treated in the same manner as annual assessments and fall under procedures outlined in MFHA Policy Resolution 2013-01, Policy and Procedures Concerning the Collection of Charges, Fees, and Assessments.

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IN WITNESS WHEREOF the Board of Directors of Meadowlake Farms Homes Association, Inc. has caused this instrument to be executed this __1st__ day of October, 2014.

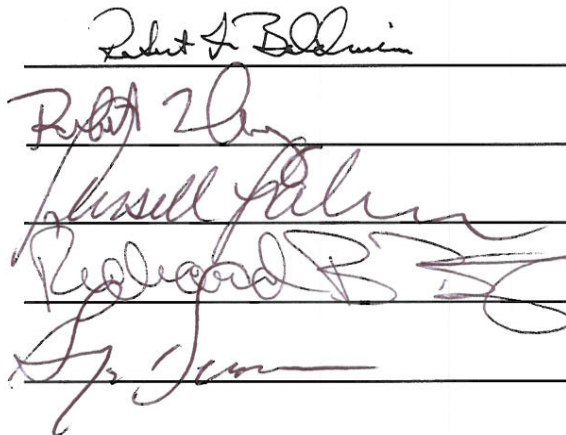
Robert Baldwin, President MFHA

Robert Anaya, Vice President MFHA

Russell Jordan, Director

Richard Boring, Director

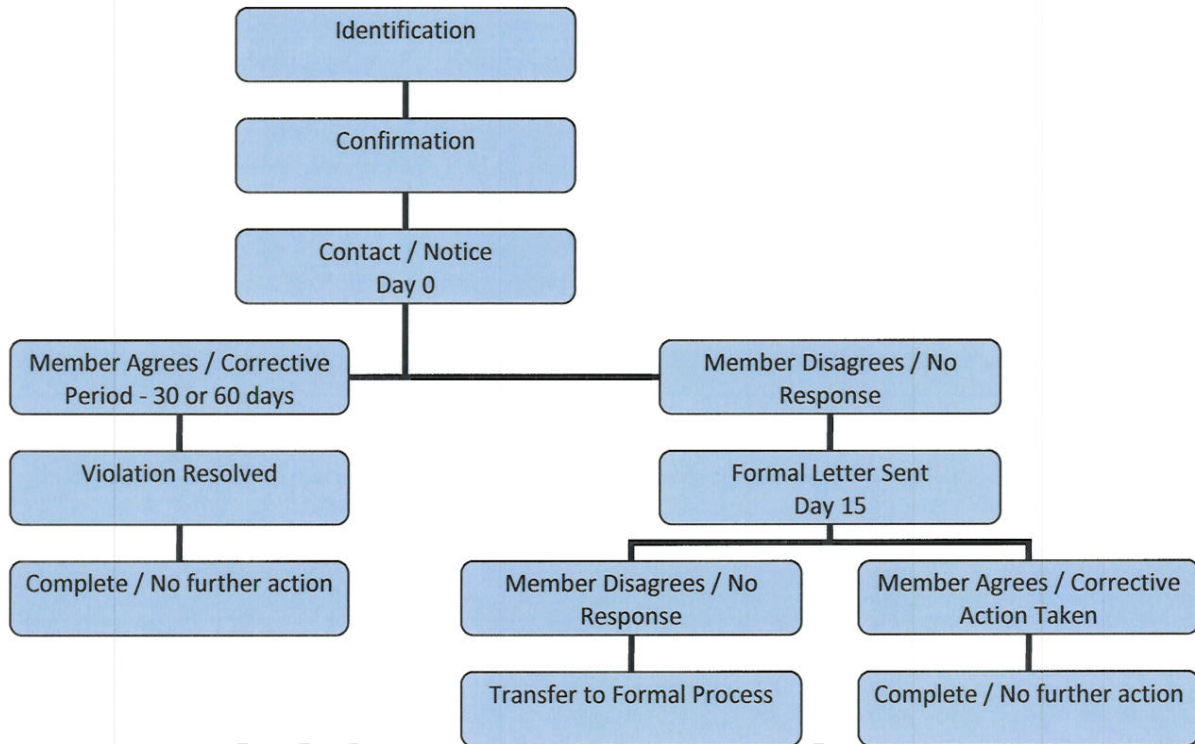
George Duncan, Director



Handwritten signatures of the five board members listed on the left, each written over a horizontal line. The signatures are: Robert Baldwin, Robert Anaya, Russell Jordan, Richard Boring, and George Duncan.

CONVENANT VIOLATION PROCESS

INFORMAL PROCESS



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FORMAL PROCESS

