

TOWN AND COUNTRY COMMUNITY CORPORATION

ADMINISTRATIVE RESOLUTION NO: 7

Pertaining to Covenant Violation and Due Process

WHEREAS, Town and Country Community Corporation (“Association”) is a property owners association organized and operating pursuant to the Virginia Property Owners’ Association Act (“Act”) the Association’s Declaration of Covenants, Conditions and Restrictions (“Declaration”), and its Bylaws;

WHEREAS, Article Four, Section 1 of the Bylaws provides that the “affairs of the corporation shall be managed by its board of directors” (“Board”);

WHEREAS, Section 55.1-1819 of the Act sets forth procedures for the adoption of rules, enforcement of covenants, and opportunities for hearings after alleged violations;

WHEREAS, for the benefit and protection of all of the Owners within the Association, the Board deems it desirable to formally adopt a resolution to enact the statutory power to assess monetary charges and to establish a procedure for enforcement of the Association’s Governing Documents that are consistent with principles of due process and Virginia law.

NOW THEREFORE, BE IT RESOLVED that the Association’s Board adopts the following covenant violation and due process procedures:

On behalf of the Association, the Board may issue a violation charge to any member whose behavior or use of property does not conform to the Association’s rules and regulations.

1. A first notice of violation (similar to the letter attached to this resolution as Exhibit A) shall be issued in writing either by “door hanger” or delivered by regular mail to the Owner at his/her address listed in the Association’s records, and to the property address, if the Owner’s listed address is different from the property address.
2. The first notice of violation shall generally advise the Owner of the nature of the offense, cite the specific provision within the Association’s Governing Documents that have allegedly been violated, specify the remedy required, and state the number of days within which corrective action must be completed.
3. In lieu of or in addition to the delivery of the first notice of violation, the Board may issue a notice of violation (similar to the letter attached to this resolution as Exhibit B), which shall: a) generally advise the Owner of the nature of the offense, cite the specific provision within the Association’s Governing Documents that allegedly have been violated, specify the remedy required, and state the number of days within which corrective action must be completed; b) warn the Owner of the Board’s power to impose monetary charges and suspend voting rights and access to facilities for offenses of the Association’s Governing Documents; and c) shall inform the Owner whether the Board

intends to hold a hearing. If the Board opts not to hold a hearing, the notice of violation shall inform the Owner of his or her right to request in writing by a certain date his/her desire for a hearing to contest the violation.

4. The Board shall deliver the notice of violation/hearing by hand or by registered or certified mail, return receipt requested, to the Owner at his/her address listed in the Association's records, and to the lot address, if the Owner's address is different from the lot address. Notification will be deemed effective without regard to whether any Owner fails or refuses to sign for any certified or registered mailing from the Association.
5. If the Owner fails to remedy the offense within the number of days requested in the notice(s) of violation and participate in the Board's hearing process, the Owner shall be deemed to have waived the right to a hearing and the Board shall have the power to impose monetary charges and suspend the Owner's privileges pursuant to the authority granted in Section 55.1-1819 of the Act and the Governing Documents. Notwithstanding the previous provisions of this resolution, the Board shall not be required to conduct a hearing unless the Owner formally requests a hearing in writing by or before the deadline set forth in the notice of violation.
6. If the Board determines that a hearing is necessary or the Owner requests a hearing in writing by or before the deadline, the Board shall set the time, date, and place of the hearing at its discretion. Written notice of the time, date, and place of the hearing shall be delivered to the Owner by hand or by certified mail, return receipt requested, and first-class mail at least fourteen (14) days prior to the hearing. The notice setting forth the hearing details may be combined with the previously described notices.
7. At the hearing, the Board shall provide the Owner with a reasonable amount of time to present any and all defenses to the violation. The Owner has the right to be represented by counsel before the Board or other tribunal specified in the documents.
8. After the hearing, the Board shall meet in executive session to determine whether satisfactory proof of the alleged violation was presented, and if so, whether monetary charges should be imposed.
9. The Board shall undertake the administrative actions required to impose the monetary charges as an assessment against the Owner's lot. The amount of charges so assessed shall not exceed fifty (\$50) dollars for a single offense or ten (\$10) dollars per day (for up to ninety days or such longer period of time permitted by Virginia law) for any offense of a continuing nature and shall be treated as an assessment against the member's lot. The Owner also will be held responsible and liable for any late fees, interest, court costs, and attorneys' fees incurred by the Association in connection with the enforcement of the cited violations of the Association's Governing Documents.
10. After issuing the ruling during an open session of a Board Meeting, the Board shall send a written notice of its ruling (similar to the letter attached to this resolution as Exhibit C) to the Owner. The hearing result shall be hand delivered or mailed by certified mail,

return receipt requested, and first-class mail, to the Owner within seven (7) days of the date of the hearing.

11. The Board reserves the right to hold Owners legally responsible for ensuring that their family members, renter/tenants, guests, or invitees comply with the Association's Governing Documents.
12. The procedures outlined in this resolution may be applied to all violations of the Association's Governing Documents, but do not preclude the Association from exercising other enforcement procedures and remedies authorized by the Association's Governing Documents, including, but not limited to, the initiation of suit or self-help remedies.
13. This resolution supersedes and replaces any and all rules and regulations relating to the subject matter of this resolution.

The rules and regulations set forth in this policy resolution are effective as of February 6, 2022, and supersede any previously adopted rules and regulations related to the subject matter of this resolution.

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Exhibit A: DEMAND TO CEASE AND CORRECT

[INSERT METHOD OF DELIVERY]

[INSERT DATE]

[INSERT OWNER NAME AND ADDRESS OF RECORD]

Re: Alleged Violation(s) at [INSERT LOT ADDRESS]

Dear [INSERT OWNER NAME(S)]:

You are hereby notified that a complaint has been made against you (or the residents of your Lot) for the alleged violation of the following covenant or rule/regulation of the Association:

[INSERT VIOLATED COVENANT/RULE, DESCRIPTION OF VIOLATION,
DATE(S) OF VIOLATION, AND REQUIRED CORRECTION]

The Association's covenants and rules are enforced for the benefit of all residents and to maintain property values throughout the community. You are requested to immediately cease and correct all of the above violations within two weeks from the date of this letter. If you need more time to make repairs, you must request additional time and notify the Board in writing as to when the repairs will be done.

Your cooperation and attention to this matter is appreciated.

Sincerely,

[INSERT NAME OF BOARD MEMBER DELIVERING LETTER]

TOWN AND COUNTRY COMMUNITY CORPORATION

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Exhibit B: DEMAND TO CEASE AND CORRECT

[INSERT METHOD OF DELIVERY]

[INSERT DATE]

[INSERT OWNER NAME AND ADDRESS OF RECORD]

Re: Alleged Violation(s) at [INSERT LOT ADDRESS]

Dear [INSERT OWNER NAME(S)]:

You are hereby notified that a complaint has been made against you (or the residents of your Lot) for the alleged violation of the following covenant or rule/regulation of the Association:

[INSERT VIOLATED COVENANT/RULE, DESCRIPTION OF VIOLATION, DATE(S) OF VIOLATION, AND REQUIRED CORRECTION]

The Association’s covenants and rules are enforced for the benefit of all residents and to maintain property values throughout the community. You are requested to immediately cease and correct all of the above violations within [INSERT GRACE PERIOD OF NO FEWER THAN 14 DAYS IF THIS IS A COMBINED DEMAND/HEARING NOTICE LETTER] days from the date of this letter. If you need more time to make repairs, you must request additional time and notify the Board in writing as to when the repairs will be done.

A hearing will be held before the Board of Directors at [INSERT LOCATION] on [INSERT DATE NO FEWER THAN 14 DAYS FROM DATE OF NOTICE] at [INSERT TIME] for your (or your resident’s) alleged violations.

You may be present at the hearing, may (but need not be) represented by counsel (at your expense), and you will be given full opportunity to be heard by the Board of Directors regarding this matter.

Please be advised that if the Board of Directors determines that you are in violation of the Association’s Governing Documents, including its rules and regulations: 1) charges of up to fifty dollars (\$50) for a one-time violation or up to ten dollars (\$10) per day for a period of up to ninety (90) days for a continuing violation may be assessed against you and your Lot. The Board of Directors may make a determination in your absence. In addition to this hearing, the Board of Directors may elect such other remedies as are authorized by the Virginia Property Owners’ Association Act or the Governing Documents.

Your cooperation and attention to this matter is appreciated.

Sincerely,
[INSERT NAME OF BOARD MEMBER DELIVERING LETTER]

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Exhibit C: HEARING RESULTS NOTIFICATION

[INSERT METHOD OF DELIVERY]

[INSERT DATE]

[INSERT OWNER NAME AND ADDRESS OF RECORD]

Re: Alleged Violation(s) at [INSERT LOT ADDRESS]

Dear [INSERT OWNER NAME(S)]:

At the hearing conducted on [INSERT DATE OF HEARING] by the Association's Board of Directors, the Board determined that you or your residents violated/did not violate the Association's covenants/rules as follows:

[INSERT VIOLATED COVENANT/RULE, DESCRIPTION OF VIOLATION, AND DATE(S) OF VIOLATION OR DESCRIPTION OF WHY THERE WAS NO VIOLATION]

[IF THERE HAS BEEN A VIOLATION] Accordingly, the Board voted to impose a rules violation charge of [INSERT AMOUNT] effective [INSERT DATE] [INSERT SUSPENSION OF VOTING RIGHTS/ACCESS TO COMMON AREAS IF APPLICABLE]. In addition to that charge, you remain responsible for correcting the violation. Once the correction has taken place, the Board must be notified in writing so that an inspection can be conducted. Note that any violation charges will be added to your assessment account.

Feel free to contact us with any questions.

Sincerely,

[INSERT NAME OF BOARD MEMBER DELIVERING LETTER]

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Resolution Action Record

Resolution No. 7

Pertaining to: Due Process

Duly adopted at a meeting of the Board of Directors held February 6, 2022.

Motion by Brenda Cijbry Seconded by: Patti Crescenzo

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>F. Balda</u> Director	X	_____	_____	_____
<u>[Signature]</u> Director	✓	_____	_____	_____
<u>Brenda Cijbry</u> Director	✓	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____

ATTEST:

Secretary: Brenda Cijbry Date: February 7, 2022

Resolution effective February 7, 2022.