

THE UNIT OWNERS ASSOCIATION OF
FAIRFIELD HOUSE CONDOMINIUM

POLICY RESOLUTION NO. 95-01

(Relating to the Enforcement of the Declaration of
Protective Covenants, Rules, Regulations and Guidelines)

WHEREAS, Article III, Section 2 of the By-Laws empowers the Board of Directors to enforce the By-Laws and promulgate rules and regulations respecting the use, occupancy and maintenance of the Condominium Project and the use of the general and limited common elements;

WHEREAS, Section 55.79.80(C) of the Virginia Condominium Act empowers the Board of Directors to assess monetary charges against owners for violations of the By-Laws or rules and regulations promulgated pursuant thereto, for which the owner or his/her family members, tenants, guests or other invitees are responsible; and

WHEREAS, for the benefit and protection of all of the owners, the Board of Directors deems it desirable to establish a procedure for enforcement of the Association's By-Laws and rules and regulations consistent with principles of due process and Virginia law.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board hereby adopts the following Resolution:

ENFORCEMENT OF GOVERNING DOCUMENTS

I. Definitions. For the purpose of this Resolution, offenses are hereby classified into the following categories which are not necessarily mutually exclusive:

A. Single Offense. An act or omission by an Owner (or his/her family, tenant, guest or invitee) determined by the Board of Directors to constitute a violation of any provision of the By-Laws or the rules and regulations of the Association.

B. Continuing Offense. The failure of an owner (or his/her family, tenant, guest or invitee) to rectify an act or omission determined by the Board of Directors to constitute a violation of any provision of the Association's By-Laws or rules and regulations for more than one day after receipt of any written notice from the Board of Directors or its Managing Agent of the offense, or the re-occurrence of a Single Offense within six (6) months of the date of the receipt of the written notice of the imposition of a monetary charge for the Single Offense.

II. Guidelines.

A. The Managing Agent may undertake enforcement action upon its own detection of an offense or upon its confirmation of an offense reported by any source within the Community. Initial action shall take the form of an informal letter notice to the offending member placed on the Unit door. A written record shall be kept of all informal letter notices, which will be provided to and maintained by the Board of Directors. Owners shall be legally responsible to ensure that their tenants, guests or invitees comply with the condominium instruments and rules and regulations.

B. When an informal letter notice proves unsuccessful, the Rules and Regulations Committee shall send formal written notice via registered or certified mail, return receipt requested, to the owner at the owner's address listed on the records of the Association, and to the property address, if different. **NOTIFICATION WILL BE DEEMED EFFECTIVE IF ANY OWNER FAILS OR REFUSES TO SIGN FOR ANY REGISTERED OR CERTIFIED MAILING FROM THE ASSOCIATION.**

C. Formal written notice to the owner will advise of the nature of the offense, the citation of the specific provision within the By-Laws or rules and regulations which has allegedly been offended, the specific remedy required, and the number of days by which corrective action must begin or be completed in order to preclude the possible imposition of a monetary charge.

D. When formal written notice proves unsuccessful, the Board of Directors may consider the imposition of monetary charges against the offending member.

III. Hearing and Assessment Guidelines. Before any owner shall be subjected to a monetary charge he/she shall be entitled to a hearing to contest the citation. The following guidelines apply to the hearing procedure:

A. Formal written notice mailed by registered or certified mail, return receipt request, from the Rules and Regulations Committee to the owner, will advise the owner of his/her/their right to contest an alleged violation at a hearing before the Board of Directors. Such a notice will request the owner to confirm in writing by a certain date his/her/their desire for a hearing to contest an alleged violation and imposition of a monetary charge. The Rules and Regulations Committee at its discretion shall set all hearing dates to be held before the Board of Directors.

B. **WHEN NO RESPONSE IS RECEIVED FROM THE OWNER BY THE HEARING CONFIRMATION DATE, OR THE OWNER CONFIRMS ATTENDANCE BUT FAILS TO ATTEND THE HEARING WITHOUT PROVIDING REASONABLE AND SATISFACTORY EXPLANATION, THE OWNER SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO SUCH HEARING AND MONETARY CHARGES MAY BE ASSESSED AS IF THE HEARING HAD BEEN COMPLETED WITH A JUDGMENT UNFAVORABLE TO THE OWNER. THE BOARD OF DIRECTORS**

SHALL NOT BE REQUIRED TO CONDUCT A HEARING UNLESS THE OWNER CONFIRMS THE INTENTION TO ATTEND THE HEARING IN WRITING.

C. When the owner exercises the right to a hearing, the Board of Directors will allow the owner to present any and all defenses to the alleged charge(s). Following such hearing, the Board of Directors will meet as soon as practicable in Executive Session to determine whether satisfactory proof of the alleged offense exists and, if so, whether monetary charges should be levied. The Board of Directors will advise the owner of its decision in writing. When the judgment is unfavorable to the owner, the Managing Agent will undertake the administrative actions required to effect the charge as an assessment against the owner's unit. When judgment is favorable to the owner, the records of the Association will be revised to so indicate, and the occurrence in question will be disregarded for purposes of determining whether any allegation of subsequent offenses are regarded as Continuing Offenses.

D. If the Board of Directors, after providing an opportunity for a hearing, determines there is satisfactory proof that an owner has committed or is responsible for a Continuing Offense and that monetary charges should be levied, the calendar days for which daily charges may accrue will be those beginning after the date the owner is in receipt of the notice of the right to a hearing and ending with the date on which the Rules and Regulations Committee, or the Managing Agent, observes that correction has occurred, or is notified by the owner that such correction has occurred (subject to later confirmation by the Rules and Regulations Committee or the Managing Agent). In no case may this period exceed a total of thirty days without another formal vote of the Board of Directors.

IV. Enforcement Remedies. If the Board of Directors determines it necessary, a monetary charge may be imposed against any owner responsible for a Single or Continuing Offense.

Monetary charges may not exceed FIFTY DOLLARS (\$50.00) per day for a Single Offense or TEN DOLLARS (\$10.00) per day for a Continuing Offense.

V. Applicability. The procedures delineated herein may be applied to all offenses of the condominium instruments and rules and regulations of the Association but not preclude the additional independent application of any other specialized or more expeditious enforcement procedures and remedies authorized in the condominium instruments, including, but not limited to, collection of delinquent accounts or towing of prohibited motor vehicles.

RESOLUTION adopted this ____ day of March, 1995.

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President