

**CENTURY OAK COMMUNITY ASSOCIATION, INC.**

**POLICY RESOLUTION NO. 08 -**

**((Procedures to Ensure Due Process in Enforcement Cases))**

WHEREAS Article 2, Section 2.01 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easement (“Declaration”) of the Century Oak Community Association, Inc. (“Association”) as recorded in the Land Records of the Circuit Court for Fairfax County at Deed Book 1458 at Page 1979, *et. seq.*, provides that every Owner shall have a right and nonexclusive easement of enjoyment in and to the Common Facilities; and

WHEREAS Article 2, Section 2.01 of the Declaration empowers the Association’s Board of Directors (“Board”) to adopt, promulgate, enforce, and from time to time amend, reasonable rules and regulations pertaining to the use of the Common Facilities; and

WHEREAS Article 2, Section 2.01 of the Declaration and Section 55-513 of the Virginia Property Owners Association Act (“Act”) provide that the Board may levy fines and penalties for violations of the Declaration of any reasonable rules or regulations adopted by the Board (collectively “Governing Documents”); and

WHEREAS Article 2, Section 2.01 of the Declaration and Section 55-513 of the Act permit the Board to suspend the right of any Owner of a Lot or Resident of a Lot to use all or any portion of the common Facilities for period(s) not to exceed 60 days for a violation of the Governing Documents; and

WHEREAS the Board believes it is necessary and desirable to establish administrative procedures to assure due process in cases in which there is a question of compliance by a member with provisions of the Governing Documents and the Association and before monetary charges or suspensions of privileges shall be considered:

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

1. Owners are legally responsible for ensuring that the members of their household, and their tenants, guests or invitees comply with the Association’s Governing Documents.
2. If an Owner or Resident wishes to formally invoke the enforcement system of the Association, the Owner or Resident must submit a complaint in writing, in care of the Association’s managing agent. Neither Management nor the Covenants Committee (“Committee”) will investigate any complaints that are anonymous or are not submitted in writing.

3. Once Management receives a complaint, Management shall review the complaint and determine if the complaint conforms to the minimum procedural requirements for a complaint. The minimum procedural requirements for a complaint are: (1) it is in writing and signed by the complainant; and (2) it alleges some form of conduct by another Owner or Resident, guests or invitees that, if true, would be a violation of the Association's Governing Documents.
4. If Management determines a complaint does not contain such allegations, Management will so notify the complainant in writing.
5. If Management determines the complaint sets forth sufficient allegations, Management shall send written notice to the Owner who is responsible for the violation by Certified Mail, Return Receipt Requested and by First Class U.S. mail, notifying the Owner of the complaint, the provisions of the Governing Documents which have been violated, and requesting the Owner to cease and desist the action or correct the item within twenty-one (21) days of the date of the letter or such other date as may be set forth in the written notice. The letter shall provide the Owner with an opportunity to provide Management with a written refutation or explanation of the allegations, advise the Owner of the Committee's authority to impose monetary charges and to suspend privileges as sanctions for offenses of the Association's Governing Documents. In addition, the letter shall inform the Owner of his/her right to request a hearing before the Committee to contest the citation. The notice of citation shall request the Owner to confirm in writing within fifteen days of the date of the letter his/her desire for a hearing to contest the citation.
6. If the Owner has abated the violation and notified Management within the time frame specified in the written notice, Management will terminate enforcement action and no hearing will be held.
7. If the Owner fails to request a hearing or remedy the violation within the time frame set forth in the letter provided in accordance with paragraph 5, the Committee shall have the authority to deem the Owner in violation, as cited, and the Committee shall have the authority to impose monetary charges and/or suspend privileges as sanctions in accordance with the Governing Documents and the Act. Should the Committee decide to impose monetary charges to the Owner, Management will send, by Certified Mail, Return Receipt Requested and by First Class U.S. mail, a letter notifying the owner of the monetary charges, which will be deemed effective from the date of such letter.
8. If the Owner requests a hearing, Management shall send a notice of hearing to the Owner by Certified Mail, Return Receipt Requested or by hand-delivery at his or her last known address of record at least fourteen (14) days in advance of the hearing date. In addition to providing a date, time and location of the hearing, the notice shall state the charges or other sanctions that may be imposed and advise the Owner of his or her right to be represented by counsel at the hearing. If the

Owner appears at the hearing without receiving notice thereof, he will be deemed to have waived the requirement for proper notice.

9. At the hearing, the Committee shall hold the hearing in open session, except for its deliberations, which the Committee may hold in closed session pursuant to the Act. The Owner has the right to have counsel present (however, the Committee reserves the right to reschedule a hearing if the Owner brings counsel in order for the Association to be similarly represented) and may present evidence in his or her defense. After the Owner has presented his or her defense, the Committee will convene into Executive Session to discuss the violation. The Committee will return to open session to announce its decision. The Committee shall deliver notice of its decision by Certified Mail, Return Receipt Requested or by hand-delivery, to the Owner at the address of record with the Association within seven (7) days of the hearing.
10. Failure by the Owner to attend the hearing shall constitute a waiver of the Owner's opportunity to be heard, an admission of the charge against the Owner, and the Committee may make a decision to impose monetary charges and/or suspend privileges or services in its discretion as if the Owner were present at a hearing.
11. The Committee may impose for any violation of the Association's Governing Documents a monetary charge of up to \$50.00 per single violation or up to \$10.00 per day for any violation of a continuing nature as permitted by the Act. The Committee may impose daily charges for a violation of a continuing nature for a period up to ninety (90) consecutive days or for the maximum period of time permitted by law, whichever is greater. If monetary charges are imposed, such charges shall be treated as an assessment against the Owner's lot for the purposes of Section 55-516 of the Act and the Association's Governing Documents.
12. The Committee also may suspend an Owner's membership privileges and rights (and that of his or her members of their household, family members, tenants, guests, or invitees) to use facilities or receive services for violations of the Governing Documents. Such facilities, privileges or services shall include, but not be limited to, any of the following:
  1. The right to vote; and/or
  2. The right to use any other Common Facility.
13. An Owner has the right to appeal his or her case to the Board. Upon issuance of a hearing decision by the Committee, the Owner has ten (10) days from the date of the notice to issue a written appeal to the Board. The appeal letter shall be in writing, addressed to the Board and sent via U.S. Mail to the Association's managing agent. The Owner shall state in the appeal letter the reason an appeal is being requested. The reasons must fall within one of the following three categories: 1) the initial allegation of the violation was without merit; 2) the

decision of the committee was capricious or arbitrary; 3) the Committee did not act within the policies set forth in this resolution or the Governing Documents.

14. The Board has forty-five (45) days from the date of its receipt of the appeal request to decide whether or not to hear the appeal. Should the Board choose to hear the appeal, it will schedule an appeal hearing. Notice of the appeal hearing shall be sent to the Owner at the address of record with the Association via First Class and Certified Mail, Return Receipt Requested, at least fourteen (14) days in advance of the hearing date. A copy of the notice shall also be sent to the Chair of the Committee. If the Board declines to hear the appeal, it shall provide written notice of its decision to decline to hear the appeal to the appellant by U.S. Mail, First Class and Certified Mail, Return Receipt Requested.
15. The Board shall conduct the appeal hearing according to the same procedures established herein for a Committee hearing. At least one representative from the Committee must be present at the hearing to respond to questions and present information as requested by the Board.
16. The Board shall render a decision based upon the reason provided for the appeal. The Board may uphold the Committee's decision, modify, or reverse the Committee decision. If the decision is to uphold the Committee's decision, the decision stands effective retroactive to the date of the Committee's regular hearing.
17. While all cases will be treated in a similar manner following the above procedures, the Board reserves the right to suspend privileges or refer a matter to legal counsel to seek legal remedy at any time, based upon the nature of the allegation. In matters of direct threat to the safety, welfare and well being of people or property, the Committee may send a case directly to the Board, which may act immediately. If any notice of citation is issued by the Board under these circumstances, said notice shall notify the Owner of the violation and the monetary charges imposed for the violation. The notice shall also advise the Owner that they may submit a written request for a hearing on or before the hearing confirmation date set forth in the letter to contest the violation and the monetary charges assessed for the violation. Any such notice of violation shall be delivered to the Owner via hand-delivery or Certified Mail, Return Receipt Requested to the address of record with the Association.
18. All Owners are responsible for ensuring that their lot is occupied and used in accordance with the covenants. In the case of matters against a tenant renting a home in the Association, all notices will be mailed to the Owner of record with a copy to the tenants in question, if they are known. If tenants are not known, the tenant copy will be mailed to the address of record care of "current resident". The copies to tenants need not be mailed certified, return receipt requested; they may be mailed via regular, first class U.S. mail. Furthermore, any failure on the part of a lessee or Resident to comply with the Association's Governing Documents shall

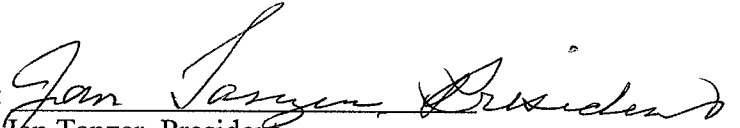
constitute a default under the lease and be grounds for termination therefor, which shall be enforceable by the Association.

19. 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 legal documents, including, but not limited to, the initiation of suit or self-help remedies. The Board reserves the power to assign all of its powers and responsibilities herein to the Covenants Committee.
20. The Association's managing agent is authorized to file complaints with the Committee for violations observed by the management staff.

This Resolution supersedes all prior resolutions related to Due Process procedures

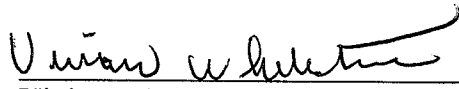
This Resolution was adopted and approved by the Board of Directors of the Century Oak Community Association on this 31 day of Jan, 2008.

CENTURY OAK COMMUNITY ASSOCIATION,  
INC.

By:   
Jan Tanzer, President

**FOR ASSOCIATION RECORDS**

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of Century Oak Community Association, Inc. on this 31 day of Jan, 2008.

  
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Vivien Whitestone, Community Manager

**RESOLUTION ACTION RECORD**  
**Policy Resolution 08 - \_\_\_\_\_**

Duly adopted at a meeting of the Board of Directors held Jan 31, 2008.

Motion by: Laura Sandifer Seconded by: Andy Rieger

VOTE: YES NO ABSTAIN ABSENT

Jamy-Kelley X \_\_\_\_\_  
 Director

[Signature] X \_\_\_\_\_  
 Director

Andy Rieger

Beld A.K. X \_\_\_\_\_  
 Director

[Signature] X \_\_\_\_\_  
 Director

Stacey Tyley \_\_\_\_\_ X  
 Director

ATTEST:

[Signature] \_\_\_\_\_ 1/31/08  
 Secretary Treasurer Date

Resolution effective: Jan 31, 2008.