

RHYGATE HOMEOWNERS ASSOCIATION

RESOLUTION NO. 4

Due Process Procedures

WHEREAS, Article VII of the Bylaws of Rhygate Homeowners Association ("Association") provides the Board of Directors ("Board") of the Association with all the powers and duties necessary for the administration of the affairs of the Association including the power to adopt reasonable rules and regulations; and

WHEREAS, the Board deems it to be in the best interest of the Association to promulgate a Resolution setting forth the actions which may be taken by the Board in case of a violation of a Resolution, the Declaration of Covenants, Conditions and Restrictions ("Declaration") or the Bylaws;

NOW, THEREFORE, BE IT RESOLVED THAT: the following procedure is adopted by the Board:

1. In the event that the Board has been alerted that a provision of the Declaration, the Bylaws or a Resolution, as they may be amended, has been violated by a lot owner or his tenant, guest or invitee, the Association shall proceed as follows:

a. When alerted to a violation, the Board will send written notice to the lot owner and/or resident (if different from the lot owner) responsible for the violation, notifying the lot owner and/or resident of the violation and requesting that he correct or otherwise cease and desist from continuing the violation.


b. If the violation continues or is repeated, the Board may send a second notice to the lot owner and/or resident (if different from the lot owner) requesting that the lot owner or resident affirmatively cease the violation or correct the condition which is the substance of the violation and, further, that the Board will proceed immediately with any available relief to correct or address the violation.

c. Notwithstanding the provisions of subsections a and b hereof, the Board may, in its sole discretion, immediately refer the violation to the appropriate governmental agency and/or the Board may immediately pursue correction of the violation by any legal, equitable or other remedies available to the Association, including, but not limited to, the imposition of monetary charges for the violation.

In the case of monetary charges, the Board will send the lot owner and, if appropriate, the resident, a written

notice stating that at the request of the lot owner and/or the resident a conference will be held to consider the violation. The notice shall be sent by certified mail or be hand delivered to the lot owner and, if appropriate, resident, at least fourteen days in advance of the conference. The notice shall specify that the lot owner has a right to attend the conference and have counsel present. The Board will hear any evidence presented by the lot owner and, if appropriate, resident, concerning the alleged violation. If the Board determines that a violation has occurred, they may impose a charge of up to \$50.00 for a single-occurrence violation and/or a charge of up to \$10.00 per day for a violation of a continuing nature. These assessment charges, levied pursuant to authority contained in the Virginia Property Owners' Association Act, Section 55-513B, will become a lien against the lot of the lot owner and are collectible as ordinary assessments.

2. This Resolution is not intended to be exhaustive or to limit any appropriate action or relief available to the Board to enforce the provisions of the Virginia Non-Stock Corporation Act, the Virginia Property Owners' Association Act, the Rhygate Homeowners Association Declaration, Bylaws and Resolutions, as they may be amended.


Seymour J. Warber
President, Board of Directors
Rhygate Homeowners Association

Board Members

David Rand, Vice President *DR*
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Date March 9, 1993