

MEMORANDUM (2014-1-M) Rules and Enforcement

FROM: THE BOARD OF DIRECTORS

FRESHWATER ESTATES PROPERTY OWNERS ASSOCIATION

DATE: January 11, 2014

SUBJECT: BOARD ADMINISTRATIVE RESOLUTION 01-2014
Rules, Regulations and Enforcement

The Freshwater Estates Property Owners Association is a subdivision subjected to a recorded Declaration of Covenants, Conditions and Restrictions (Declaration) which define the rules, limitations and restrictions on use, mutually agreed to by all owners by initialing or signing the Declaration at time of closing on ones purchase of a home or land within the Association.

The Association owns designated common areas for general recreational purposes by its members, their guests and/or tenants. The Board may, from time to time, promulgate reasonable rules and regulations regarding the use of any common area element and all parties using the common areas shall abide by such rules and regulations.

The Declaration, rules and regulations, are enforceable by the Board or individual owners pursuant to Virginia Code Title 55 Chapter 26, Sections 55-508 – 516.2 which allows, in part, to suspend a member's right to use facilities or services, and/or assess charges against any member for any violation of the declaration or rules and regulations for which the member, their family, tenants, guests, or other invitees are responsible. In addition to administrative remedies, the Board or individual owners may use any method normally available to the owner of private property in Virginia, including, but not limited to, application for injunctive relief or damages, during which the court may award to the association court costs and reasonable attorney fees. In any suit filed in general district court pursuant to this section; the court may enter default judgment against the lot owner on the association's sworn affidavit.

Copies of the rules and regulations shall be furnished by the Board to each member and made a part of the Association's Disclosure Packet. Amendments to the rules and regulations shall be posted prior to the time when the same shall become effective and posted on the Association's website.

Enforcement

Property owners in violation of the Declaration, Rules or Regulations, shall be given an opportunity to be heard at a special meeting called by the Board. Notice of the special meeting shall be given to the property owner, at their address of record with the association or County Public Records, via USPS registered or certified (return receipt requested) *and* first class mail notification of the specific violations, charges and sanctions that may be imposed. This notice shall be given at least **14 days** prior to the special Board meeting. Failure by the property owner to respond to or appear at the special meeting, the Board shall convene without lot representation

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present to formally discuss the situation and within 7 days of the special meeting send the meeting results via USPS registered or certified (return receipt requested) *and* first class mail to the property owner at the address of record with the association or County Public Record.

The amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation and shall not exceed \$50 for a single offense or \$10 per day for any offense of a continuing nature and shall be treated as an assessment against the property owner's lot. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding **90 days**.

Failure by the property owner to respond or rectified the violation after the 90 days a lawsuit shall be filed on behalf of the Association through its attorney or small claims court, to collect the charges (including attorney fees), obtain injunctive relief and correct the violation. If the lot owner challenges any such charges, no additional charges shall accrue. If the court rules in favor of the Association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to section 2 (above) against the lot owner prior to the action. In addition, if the court finds that the violation remains uncorrected, the court may order the property owner to abate, remedy the violation or enter a default judgment against the lot owner in the Association's sworn affidavit.

Date: April 12, 2014

Paula J Staub, President

//s//

Attest: April 12, 2014

William Blanchard, Infrastructure
Duane Sergent, Web Manager

I hereby certify a vote was taken and the Resolution above was adopted by a vote of two-thirds of the Board of Directors at the meeting of the Board of Directors on the 12th of April 2014.

//s//

Terri Reynolds, Secretary
Minutes dated 04/12/2014

Attachment

1 - Notice of Violation Letter