

UNIT OWNERS ASSOCIATION OF  
WATER'S EDGE, A CONDOMINIUM

RESOLUTION #97-1

(DUE PROCESS PROCEDURES)

WHEREAS: Article VI, Section 5 and Article III, Section 5(f) and 5(1) of the ByLaws of the Unit Owners Association of Water's Edge, A Condominium ("Association") empower the Board of Directors of the Association to promulgate and, from time to time, amend Rules and Regulations and to enforce the terms of the Rules and Regulations, Declaration and the ByLaws with respect to the use of the Common Elements, facilities, and the personal conduct of the members of the community and their guests thereon; and

WHEREAS: Section 59-79.80:2 of the Virginia Condominium Act empowers the Board of Directors to impose fines for failure by a Unit Owner to comply with any of the terms of the Declaration, ByLaws and the Rules and Regulations; and;

WHEREAS: The Virginia Condominium Act has been amended to provide specific language regarding assessment of charges for violations; suspension of services for failure to pay assessments; hearing, the Board of Directors deems it necessary to amend Policy Resolution 86-1;

NOW, THEREFORE, BE IT RESOLVED THAT: the following procedure be adopted by the Board of Directors of the Association:

1. In the event that the Board of Directors has been alerted that a provision of the Declaration, ByLaws or Rules and Regulations, as they may be amended, has been violated by a unit owner or his or her tenant, guest, invitee, etc., the Association shall proceed as follows:
  - (a) When alerted to a violation, the managing agent, or the Board of Directors, will send written notice to the unit owner and/or resident (if different from the unit owner) responsible for the violation, notifying the unit owner and/or the resident of the violation and requesting that he or she correct or otherwise cease and desist from continuing the violation;

- (b) If the violation continues or is repeated, the managing agent or the Board of Directors may send a second notice to the unit owner and/or resident (if different from the unit owner) requesting that the unit owner or resident affirmatively cease the violation or correct the condition which is the substance of the violation and, further, that the Board may proceed immediately with any available relief to correct or address the violation.
- (c) Notwithstanding the provisions of subsections (a) and (b) hereof, the Board of Directors may, in its sole discretion, immediately refer the violation to the appropriate governmental agency and/or the Board of Directors 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, and/or suspension of a unit owner's right to use facilities or nonessential services offered by the unit owners association.
- (d) In the case of monetary charges, the Board of Directors will send the unit owner and, if appropriate, the resident, a written notice that a hearing will be held to consider the violation. The notice shall be sent by certified mail or be hand delivered to the unit owner and, if appropriate, resident, **at least fourteen days in advance of the hearing.** The notice shall specify that **the unit owner has a right to attend the hearing and have counsel present.** **The Board of Directors will hear any evidence presented by the unit owner and, if appropriate, resident, concerning the alleged violation.** If the Board of Directors 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 Condominium Act, Section 55-79.80:2,** will become a lien against the unit and are collectible as ordinary assessments.

2. This Resolution is not meant to be exhaustive or to limit any appropriate action or relief available to the Board of Directors to enforce the provisions of the Virginia Condominium Act, the Association Declaration, ByLaws and Rules and Regulations, as they may be amended.

Resolved, approved and adopted at a regular meeting of the Board of Directors of the Unit Owners Association of Water's Edge, A Condominium this 27<sup>th</sup> day of January 1997.

Unit Owners Association of  
Water's Edge, A Condominium

William J. O'Brien II  
By: William J. O'Brien, II, President