

WOODLAKE CROSSING HOMES ASSOCIATION

POLICY RESOLUTION 2018-12-B Covenants Compliance Enforcement Procedure

Authority

WHEREAS the Woodlake Crossing Homes Association, Inc. (the “Association”) is a Virginia Non-Stock Corporation established under the Virginia Property Owners’ Association Act, Va. Code § 55-508, et seq. (the “Act”) governed by certain documents including the Declaration of Covenants, Conditions and Restrictions (the “Declaration”), Bylaws, Amended, Restated and Consolidated Restrictions (the “Restrictions”), and Rules and Regulations of the Association, and

WHEREAS Article V, Section 1 of the Declaration provides that “The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration,” and

WHEREAS Article VII, Section 1 of the Bylaws provides that the Board of Directors of the Association may “adopt and publish rules and regulations governing the use of the Common Area and Facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof,” and

WHEREAS Section 55-513 of the Virginia Property Owners Association Act (the “Act”) provides that the Board of Directors of the Association shall have the power to establish, adopt and enforce rules and regulations with respect to the common areas and such other areas of responsibility assigned to the Association by the Declaration. Subparagraph B of Section 55-513 of the Act provides that the Board of Directors of the Association shall also have the power, to the extent the declaration or the rules and regulations so provide, to take certain enforcement actions with respect to any violation of the declaration or rules and regulations for which a member or his/her family members, tenants, guests, or other invitees are responsible, and

WHEREAS Paragraph 1 of the Restrictions states that the Restrictions are “intended to preserve and protect homeowner interests, rights, and happiness by encouraging owners to: (a) have pride in their homes, property and community; (b) provide safe and amicable living for all residents; (c) allow for individual enjoyment of home and property; and (d) promote community harmony with care and consideration for others.”

Purpose

WHEREAS the Board of Directors of the Association (the “Board”) has determined that there is a need to clarify the procedures to be followed in enforcing the Association’s governing documents to ensure covenants compliance in a timely manner and to ensure that all members are afforded due process in connection with such enforcement by the Association.

Scope & Intent

WHEREAS it is the intent that these rules shall be applicable to all homeowners, and this resolution shall remain in effect until otherwise rescinded, modified, or amended by the Board. This resolution establishes procedures to be followed to enforce the Declaration, Restrictions,

Bylaws, and Rules and Regulations and replaces previous procedures. Covenants violations can negatively impact neighbors, the appearance of the community and may reduce surrounding property values.

Specifications

NOW THEREFORE BE IT RESOLVED that the Association will enforce the Declaration, Restrictions, Bylaws and Rules and Regulations with the following Covenants Compliance Procedure:

COVENANTS COMPLIANCE ENFORCEMENT PROCEDURE

The Association's agent (Association Manager) will conduct regular communitywide inspections for the purpose of identifying instances of non-compliance with the Association's governing documents. The following procedure will be followed when the inspections identify non-compliance issues.

1. The inspector will provide a list of properties identified to have compliance violations to the Board of Director's (BOD) 'Covenants Compliance Committee' (CCC) to review prior to further action. The CCC will consist of one or more Board members or Board-appointed volunteers, per the discretion of the Board.
2. The CCC members will each review the listed properties and vote for their agreement or disagreement with each violation. Each CCC member will submit his or her vote to the Association Manager within seven (7) days of receiving the inspection list. The Manager will contact only the owners of properties that receive a majority of CCC member votes.
3. The Association Manager will notify the property owner of any violations/ recommendations with a 'Friendly Reminder' 1st notice (FR1) that will be mailed by regular USPS mail. (See Attachment 1.) The notice will include a timeframe in which the owner is requested to correct the violation. For normal home maintenance items this timeframe will be 90 days per the Association Bylaws. For other issues such as yard maintenance, illegal parking of boats, trailers etc. the timeframe will normally be 15 days. The Manager may also choose to use professional discretion on setting specific timeframes for individual cases where special conditions apply eg. weather conditions. The property will be re-inspected at the next regular inspection.
4. If there has been no action within 15 days of the correction deadline, the Association Manager will mail a 'Second Notice' reminder letter (FR2) to the homeowner by first class mail. (See Attachment 2.)
5. Both first and second notices will request the owner to contact the Agent or a Board Member if they believe the citation is not merited or they have questions.
6. If an owner fails to correct the outstanding covenant violation within the timeframe specified in the Second Notice, the Association Manager will first attempt to contact the owner by telephone to confirm the violation status if the contact information is available in the Association's owner database. If the Manager is unable to make contact with the owner, the BOD will review the case at the next BOD meeting.

7. If the BOD agrees that the violation remains uncorrected, the BOD will instruct the Association Manager to compose and send a third notice (N3) to the property owner in violation. The third notice will request the owner (or his/her representative) to attend a special Board Hearing. The notice will reiterate the information included in Notice 2 and will specify the date of the Hearing. The third notice will be sent by certified mail with a signature receipt request. A second copy will be sent by regular USPS first class mail.
8. If the owner fails to appear at the BOD Hearing, and the BOD agrees that the violation remains uncorrected, the BOD will instruct Victory to compose and send a fourth notice (N4). The fourth notice will summarize the history of the case and include a statement that the owner's failure to attend the BOD Hearing or to contact the BOD with an explanation is interpreted as accepting the violation. The notice will state that at the BOD Hearing the BOD agreed to impose a charge of \$10 per day until the violation is corrected, to a maximum of 90 days. The notice will specify the date on which the charge will begin, normally 15 days from the date of issuing Notice 4. The fourth notice will be sent by certified mail with a signature receipt request. A second copy will be sent by regular USPS first class mail.
9. Should it be necessary, the President of the Association Board of Directors will request the Association Manager to instruct the Association's attorney to proceed and file a lien against designated properties for non-payment of charges.
10. Association Manager will provide a status report of current violations at the monthly Board meetings.


RESOLUTION 2018-12-B APPROVAL

Covenants Compliance Enforcement Procedure

This Resolution # 2018-12-B was approved on December 13, 2018 by the Woodlake Crossing Homes Association Board of Directors. The voting went as follows:

<u>Title</u>	<u>Name</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Abstained</u>
President	Dave Hanaway	X		
Vice President	Patrick Forys	X		
Treasurer	Randy Parrish	X <i>via email</i>		
Secretary	Barry Hutchison	X		
Member-at-Large	Lisa Church	X		

Signed: _____


Dave Hanaway, President WCHA

Attachment 1: Example First Notice

Woodlake Crossing Homes Association
c/o Victory Community Mgt., Inc. (FR1)
5007C Victory Blvd., #240
Yorktown VA 23693

[Letter Date]

[Homeowner Name]
[Homeowner Address]
Yorktown VA 23693



Woodlake

Reference: [WCHA Property Address]

WCHA Covenants Compliance Program: 1st Notice — Friendly Reminder

We recently conducted a community-wide review. A maintenance or covenants compliance issue was noticed at your property that you may not be aware of:

Specifically: [List issue(s) here]

We ask that you take the steps necessary to bring your property into compliance within the next [] days. Compliance with covenants ensures we keep the community a pleasant place to live and maintains property values. Detailed copies of the Bylaws, Covenants and Regulations are available on the WCHA website at <http://woodlakecrossing.org>.

If there are extenuating circumstances that prevent you from addressing the maintenance issue or meeting the deadline, or if you have any questions, please contact the Association Manager, Sarah Knaub, at VictoryComMgt@gmail.com or 757-593-0166.

If you have already taken care of this issue please ignore this notice. We thank you for your cooperation.

Sincerely,

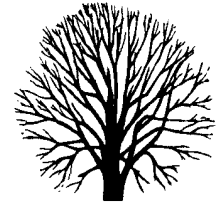
WCHA Board of Directors

Attachment 2: Example Second Notice

Woodlake Crossing Homes Association
c/o Victory Community Mgt., Inc.
5007C Victory Blvd., #240
Yorktown, VA 23693

[Letter Date]

[Homeowner Name]
[Homeowner Address]
Yorktown, VA 23693



Woodlake

Reference: [WCHA Property Address]

WCHA Covenants Compliance Program: 2nd Notice — Outstanding Covenants Violation

Following a previous community-wide inspection you were sent a letter noting that your property was not in compliance with Association Covenants/Regulations. You were given time to bring your property into compliance and the deadline has now passed.

In a recent follow-up community-wide inspection it was noted that the necessary work has not yet been completed. This notice is to return the matter to your attention and to give a final allowance of 30 additional days to bring your property into compliance.

Specifically: [List issue(s) here]

If there are extenuating circumstances that prevent you from addressing the maintenance issue or meeting the deadline, or if you have any questions, please contact the Association Manager, Sarah Knaub at VictoryComMgt@gmail.com or 757-593-0166.

If you have already taken care of this issue please ignore this notice. We thank you for your cooperation.

Compliance with covenants ensures that we keep the community a pleasant place to live and maintains property values. Detailed copies of the Bylaws, Covenants and Regulations are available on the WCHA website at <http://woodlakecrossing.org>.

Sincerely,

WCHA Board of Directors