

HIDDENBROOK HOMES ASSOCIATION
ARCHITECTURAL
CONTROL RESOLUTION

At its regular meeting held 20 November 1995 the Board of Directors of Hiddenbrook Homes Association adopted the following resolution:

WHEREAS, the Board of Directors (the "Board") of Hiddenbrook Homes Association is granted the power under Article VIII, Section a(b), of the Bylaws of Hiddenbrook Homes Association to exercise for the Association all powers, duties and authority vested in or delegated to the Association not reserved to the membership by other provisions of the Bylaws, Articles of Incorporation or the declaration; and

WHEREAS, the Board Is granted the authority to appoint an Architectural Control Committee for approving or disapproving architectural changes under Article VI of the Hiddenbrook Homes Association declaration of Covenants, Conditions and restrictions (the "Declaration"); and

WHEREAS, the Association, under Article VIII, Section I, of the Declaration , is granted the power to enforce all restrictions, conditions, covenants, reservations, liens and charges imposed by the provisions of the declarations; and

WHEREAS, Section 55-513 of the Virginia Property Owners Association Act grants the Board the authority to access charges for violations of the Declaration and Bylaws or of the rules or regulations pursuant thereto for which such lot owner or his family members, tenants, guests or other invitees are responsible; and

WHEREAS, it is the intent of the Board to provide due process procedures pursuant to the requirements of the Virginia Property Owners Association Act for the resolution of covenants and architectural complaints and violation in order to protect and benefit the members of the Association and ensure consistent and just enforcement;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

- I. Complaint.
 - A. Any owner or resident, including members of the Board, who requests that the Board take action to enforce architectural control guideline and governing documents of the Association involving architectural and/or exterior structures, objects or entities shall:
 1. Complete as fully as possible a "Complaint form" containing:
 - a. Name of the person in violation.
 - b. Street address of person in violation.
 - c. Date(s) violation occurred.
 - d. Where violation was observed.
 - e. Detailed description of nature of violation.
 - f. Any personal action(s) taken to attempt to resolve the violation and the date(s) taken.
 - g. Printed name and address of person(s) making complaint.
 - h. Signature(s) of person(s) making complaint.
 - i. Date complaint is made.

2. Submit the complaint directly to the Chairperson of the Architectural Control Committee, who will bring it to the attention of the Architectural Control Committee (“Committee”), before or at the regular monthly Committee meeting, for a determination as to whether it appears that a provision of the governing documents has been violated. In the absence of the Chairperson, the complaint shall be submitted to the President of the Board, in the President’s absence to the Vice President of the Board, and in the Vice President’s absence to a Board member, all of whom will promptly bring the complaint to the attention of the Committee.

II. Investigation and Good Will Effort.

- A. Committee will investigate the alleged violation.
- B. If a violation of the governing documents is deemed to exist, then the Committee shall:
 1. Make an effort to resolve the dispute without resorting to further procedures by:
 - a. Attempting to contact all parties involved in the dispute to determine their concerns and to clarify and notify the parties of possible violation(s) of governing documents.
 - b. Allow the party alleged to be in violation to remedy the cause of the dispute immediately, when feasible, or within a reasonable time, as determined by Committee.

III. Demand.

- A. If the Committee’s good will effort in Section II does not result in abatement of the violation, the Committee will inform the Board and the Committee shall:
 1. Execute a written demand letter to cease and desist from an alleged violation and deliver it by first class mail or hand to the residence of the person violating and to the owner of the plot; if they are different, at the address that the owner has provided to the Association or at the lot address if no other address have been provided.
 2. The demand letter shall contain:
 - a. Name of the person in violation.
 - b. Street address of person in violation.
 - c. Date(s) violation occurred.
 - d. Where violation was observed.
 - e. Detailed description of nature of violation.
 - f. The action required to abate the violation and the date by which the alleged violation may be remedied without sanction.
 3. The alleged violator shall be given at least ten (10) days from delivery of the demand letter to remedy the violation, provided however, matters determined by the Board to be of a serious safety, health or detrimental nature must be abated within twenty-four (24) hours upon written notice.

IV. Notices of Hearing.

- A. If the violation continues past the abatement period specified in the demand letter as indicated in Section III, or if the same rule is subsequently violated, the full Board shall hold a hearing within three (3) months of the abatement deadline set out in the demand letter or the reoccurrence of the violation to render a final determination on

the existence of a violation and the possible levying of an assessment against the lot owner for said violation(s).

- B. A notice of hearing shall be mailed at least fourteen (14) days prior to the hearing, by registered or certified United States mail, return receipt requested, to the lot owner(s) of record at the address of their lot and to any other address as they may have designated. A copy shall be sent to any resident person at the lot address, if named in the complaint. Notice will be deemed effective three (3) days after mailing.
 - 1. The notice of hearing shall specify:
 - a. Time, date and place of hearing.
 - b. That the owner is invited to attend the hearing and shall be given an opportunity to present evidence, statements or witnesses.
 - c. That the owner may be represented by counsel.
 - d. The alleged violation citing the provision of Rules and Documents violated.
 - e. The proposed sanctions or penalties which could be imposed for the alleged violation.

V. Hearing.

- A. The hearing shall be scheduled at the reasonable and convenient time and place, at the discretion of the Board.
- B. B. The Board, within its discretion, may grant a continuance if requested at least forty-eight (48) hours before the scheduled hearing, provided however, that in case of an emergency a continuance may be granted within that period.
 - 1. No further notice of hearing shall be required in case a continuance is granted.
- C. The hearing shall be conducted in open session and shall provide the Complainant, the Respondent and the Board, or their respective counsel, the right and opportunity to:
 - 1. Call, examine, and cross-examine witnesses.
 - 2. Introduce testimony and evidence.
 - 3. Rebut testimony and evidence.
 - 4. Share equal and reasonable time limits for the presentation of testimony and evidence to be determined by the Board.
 - 5. Obtain a recording of the minutes of the hearing.
- D. A hearing will continue as scheduled, even if any of the parties to the complaint are absent, provided notice of hearing was given.
- E. The hearing shall be informal regarding legal formalities. Any relevant evidence which is not privileged is admissible without regard to whether such evidence is hearsay or otherwise inadmissible in a court of law. The Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- F. Complainant, Respondent or the Board may cause the hearing to be transcribed at their/its own expense.
- G. The Board may make a finding, based upon substantial evidence, that a violation has occurred. Other findings shall be reflected in a written order.
- H. The Board may administer an oath or affirmation to any person upon request of either party.
- I. The Board may expel any party, attorney, witness or spectator from any hearing for improper, disorderly or contemptuous conduct.

VI. Notice of Decision.

- A. The Board will notify the alleged violator of its decision within thirty (30) days after the hearing.
 - 1. The notification of the decision will contain:
 - a. Whether the person has been found to be in violation.
 - b. The provision of document violated.
 - c. The sanctions or charges imposed or other begin.
 - d. Where decision and minutes of meeting may be obtained.
 - e. Where decision and minutes of meeting may be obtained.

VII. Assessment and Other Remedies.

- A. The Board may assess a lot owner for a violation pursuant to Section 55-515 of the Virginia Property Owners Association Act.
- B. The Board may, upon determining that a violation exists, prescribe or seek any remedies other than assessments available to it under the governing documents and the laws of the Commonwealth of Virginia.
- C. The Board may, at its discretion, give a party guilty of a violation of Hiddenbrook Homes Association Rules and regulations or the governing documents a period not to exceed thirty (30) days to remedy the violation, prior to initiating enforcement actions.

BE IT RESOLVED that effective 20th November 1996, that due notice and publication of this resolution shall be given to the members of the Hiddenbrook Homes Association by publishing it in the Association's regular annual 1996 Directory.

Adopted by the Board of Directors of the Hiddenbrook Homes Association this 20th day of November 1995.

Timothy L. Jones, president

Kathy Dunlap, secretary