

**AUTUMN RIDGE HOMEOWNERS' ASSOCIATION ENFORCEMENT PROCEDURES OF ITS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ARTICLE RELATED TO LOT USE AND MAINTENANCE**

WHEREAS,

- References:
- a) Code of the State of Virginia Title 55 – Property and Conveyances. Chapter 26 - Property Owners' Association Act
  - b) Declaration of Covenants, Conditions, and Restrictions for Autumn Ridge dated August 20, 1998
  - c) Architectural Guidelines for Autumn Ridge dated June 22, 2000 (revised March 1, 2005)
  - d) Courtesy Notice example
  - e) Violation Log example
  - f) Violation Notice example
  - g) Notice of Charges example

Reference b) Article VI specifies the lot use and maintenance requirements for Autumn Ridge's Owners. Whereas Reference b) Article V and Reference c) relate to architectural control and building restrictions, the process herein applies primarily to restrictions that are non-architectural in nature, such as grass not being maintained or boats parked in driveways. Paragraphs 1-4 below outline the process to be followed when lot use and maintenance violations are reported or otherwise noted.

1. **COURTESY NOTICE:** An Autumn Ridge Homeowners' Association ("ARHOA") Officer (hereafter referred to as "Officer"; this term refers to any ARHOA officer, director, or appointee serving in a capacity to assist in ARHOA covenant enforcement) will send a courtesy notice to the Owner (with a copy to the current tenant if the Owner is renting his house) outlining the violation. The purpose of the courtesy notice is to make the Owner aware of the violation and provide an opportunity for the Owner to correct the violation voluntarily. The Owner will be requested to correct the violation immediately upon receipt of the notice. For tracking purposes, ARHOA will assume the Owner receives the notice within two (2) days if the Owner lives in Autumn Ridge or three (3) days if the Owner does not. See Reference d) for an example Courtesy Notice. This notice will be sent via USPS First Class mail. An Officer will begin a violation log, an example of which is provided as Reference e).

2. An Officer will re-inspect the Owner's Lot approximately seven (7) days after the Owner receives the courtesy notice, to determine if the violation has been corrected, using the Reference e) violation log to document the inspection.

3. **VIOLATION NOTICE:** If an Officer finds no action has been taken by the Owner (or resident) to correct the violation, ARHOA will send a violation notice to the homeowner by either hand-delivery or registered or certified mail, return receipt requested to the Owner's address of record with ARHOA. See Reference f) for an example violation notice. The notice will state the possible charge(s) that may be imposed by ARHOA as well as the process by which the Owner may appeal the charges. The Owner will be

given seven (7) days from receipt of the notice to take one of two actions: correct the violation, or request a hearing to appeal the imposition of charges, said hearing not to incur any earlier than fourteen (14) days following the date of such notice.

- a. **CHARGES.** Charges for each violation shall be assessed at the maximum allowed by current law and shall be either by incident (one time) or by day (recurring). As of 2008, maximum charges allowed by the Virginia Property Owners' Association Act ("VA POAA") are \$50/one time and \$10/day for recurring violations up to ninety (90) days. The decision on which charge is applicable to the violation will be made at the discretion of the ARHOA. Typically, if a violation subject to a \$50 one-time charge has not been corrected after fourteen (14) days after receipt of the violation notice, the Association will automatically consider this violation an "offense of a continuing nature". At that time, the \$50 one-time charge will be replaced with a \$10 per day charge, which will be retroactively, applied beginning on the 8<sup>th</sup> day after receipt of notice and continuing for up to 90 days. Note: It is the responsibility of the Owner to contact ARHOA in writing when a recurring violation has been corrected. If no such notice is given, ARHOA shall continue to impose all charges allowed by law.
- b. **CORRECTING THE VIOLATION.** After the seven (7) day period, an Officer will re-inspect the property, using the Reference e) violation log. If the violation has been corrected, the Officer will annotate the log accordingly and file the log as an official ARHOA record. If the violation has not been corrected and the Owner has not appealed the notice, the stated charge will be imposed effective the 8<sup>th</sup> day after delivery of the violation notice. An Officer will send a notification of charges being assessed, an example of which is provided as Reference g).
- c. **APPEALING THE NOTICE.** The Owner may appeal the violation notice in writing no later than the end of the 7<sup>th</sup> day after delivery of the notice. The appeal must be postmarked by the 7<sup>th</sup> day. To allow a Owner a full 7 day appeal period, this period will not include Sundays or any other days when the U.S. Post Office is closed. Any charges will be suspended when an Owner appeals. Upon receipt of an appeal, the ARHOA will schedule a hearing and notify the homeowner of the date and location of said hearing.
- d. **HEARING.** If an Owner submits an appeal within the appeal period, the ARHOA will schedule a hearing as soon as possible, but no sooner than fourteen (14) days from the date which the Owner is notified of the hearing. The Owner has the right to be represented by counsel at the hearing. Three ARHOA representatives shall hear the appeal and provide a decision. The decision of the ARHOA is final. There are three possible outcomes for the appeal. (1) The Owner does not appear at the hearing. In this case, the charges are applied retroactively as if the Owner did not appeal the violation and are effective the 8<sup>th</sup> day after delivery of the violation notice. (2) The ARHOA concurs with the appeal. In this case, no charges are imposed and the matter is closed. (3) The ARHOA does not concur with the appeal. In this case, the Owner is given seven (7) days to correct the

violation. At this point the process outlined in para. 3.b above will apply, subject to the Owner only being able to appeal once. In each case, the violation log is to be updated to reflect the results of the hearing.

- e. PAYMENT: In any case where a charge has been imposed, ARHOA will send a notice of the charge to the Owner with instructions on paying the charge. According to the VA POAA, charges resulting from violations of covenants or other ARHOA guidelines may be treated as assessments against the property. Failure by the Owner to pay such charges shall result in the ARHOA taking legal action against the Owner, similar to a situation where an Owner does not pay an annual assessment.

4. REPEAT VIOLATIONS. For any Owner with a second or subsequent violation, whether similar or different to any previous violation(s), ARHOA may elect to send a VIOLATION NOTICE as the first notice to the Owner, rather than a courtesy notice.

5. ARHOA OFFICER AND DIRECTOR RESPONSIBILITIES.

- a. Board of Directors (“BoD”): The BoD will approve any liens that will be placed on homeowner properties.
- b. Vice President (“VP”): The VP, as director of the Architectural Approval Committee, is responsible for enforcing the ARHOA guidelines and covenants.
- c. Treasurer: The Treasurer is responsible for the financial aspects of enforcement – sending charges notices, receiving payments, and processing liens.

6. All correspondence to Owners shall include citation of applicable public laws and sections of ARHOA governing documents. If any provision in these guidelines is inconsistent with a provision in Virginia statutes, ARHOA’s certificate of incorporation, or declaration of covenants, those documents shall govern.

OFFICIAL  
March 10, 2009