

Westhaven Homeowners Association, Inc.

Policy Resolution No. 2016-1

Due Process Procedure for Violations of the Declaration and rules and regulations

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Westhaven Homeowners Association, Inc., as amended, (the "Declaration"), the Bylaws of Westhaven Homeowners Association, Inc. (the "Bylaws"), and the Articles of Incorporation of Westhaven Homeowners Association, Inc. (the "Articles") together known as the Governing Documents, provide that the Lots and Owners are subject to the Governing Documents and the Rules and Regulations of Westhaven Homeowners Association, Inc. (the "Association"); and

WHEREAS, Article IX of the Declaration, Article VII, Section 2 and 3 of the Bylaws and Article IV of the Articles provide that the Board shall have all of the powers conferred by the Virginia Property Owners Association Act (Section 55-508 et seq. of the Code of Virginia) (the "Act") and the Governing Documents and may delegate any such powers to a Managing Agent unless expressly reserved to the Board; and

WHEREAS, Article VII, Section 1(a) of the Bylaws gives the Board of Directors (the "Board") the authority to make and amend the Association's Rules and Regulations; and

WHEREAS, pursuant to Section 55-513 of the Act, the Board has the power, to the extent that the Declaration or the Rules and Regulations duly adopted pursuant thereto expressly so provide, to assess charges against any Unit Owner for any violation of the Governing Documents or the Rules and Regulations for which a Unit Owner or his/her family members, tenants, guests or other invitees are responsible; and

WHEREAS, Article II, Section 1 of the Declaration provides that the Board may impose charges and may suspend the right to use the Common Area for the violations of the Declaration and the rules and regulations adopted pursuant thereto; and

WHEREAS, the Board finds that it is in the best interest of the Association to adopt a resolution allowing the Board to enforce the rules set forth in the Declaration and the rules and regulations duly adopted pursuant thereto, as allowed in Section 55-513 of the Act.

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Board shall have the authority to assess charges against any Unit Owner or suspend the right to use the Common Area for any violation of the Governing Documents or Rules and Regulations for which a Unit Owner or his/her family members, tenants, guests or other invitees are responsible.

2. Before the charges are assessed or the right to use the Common Area is suspended, the Owner shall be given a reasonable period (considering the violation) to correct the alleged violation after written notice of the alleged violation to the Owner at the address on record with the Association.

3. If the alleged violation remains uncorrected, before any such charges can be assessed or right to use the Common Area can be suspended, the Owner shall be given an opportunity to be heard and to be represented by counsel at a hearing before the Board or other tribunal specified in the Act, Governing Documents, and rules and regulations of the Board.

4. In accordance with Section 55-513 of the Act, the charges levied may not exceed \$50.00 for a single offense or \$10.00 per day for any offense of a continuing nature for a period not to exceed ninety (90) days. In accordance with Article II, Section 1(a) of the Declaration, the suspension of use of the Common Area may last as long as the violation remains.

5. Notice of the hearing shall be mailed by certified mail, return receipt requested, postage prepaid, to the Unit Owner at the address of record with the Association, at least fourteen (14) days prior to the hearing. The notice of the hearing shall include the actions that may be taken by the Association in accordance with this Resolution and the Act.

6. At the hearing, the Owner shall be given the opportunity to review the evidence against him/her, to cross-examine witnesses, to make arguments and to present evidence and witnesses on his/her behalf, and to be represented by counsel.

7. The Board may determine the manner in which the hearing is conducted, so long as the rights set forth in this Resolution are protected. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Generally, any relevant evidence is admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used to support a finding.

8. The result of the hearing shall be mailed to the Owner at the address on record with the Association, by certified mail, return receipt requested, within seven (7) days of the hearing.

9. Nothing in this Resolution shall preclude the Board from undertaking whatever additional enforcement action is authorized by the Governing Documents or Rules and Regulations of the Board for the violations.

This Resolution supersedes any prior adopted Resolutions pertaining to due process.

Adopted at a meeting of the Board of Directors on November 10, 2016.

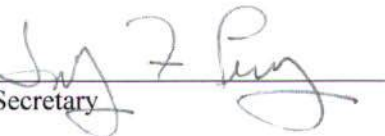
Westhaven Homeowners Association, Inc.



President

11/10/16
Date

Attested By:



Secretary

11/10/2016
Date