

MAGNOLIA RIDGE AT VIRGINIA CENTER
PROPERTY OWNERS ASSOCIATION, INC.
VIOLATION AND APPEAL PROCEDURES

Revised April 12, 2007

WHEREAS, Article II, Paragraph (d) of the Articles of Incorporation of Magnolia Ridge at Virginia Center Property Owners Association, Inc. states in part that the Association has power "to do any and all things and acts that the Association, from time to time, in its discretion, may deem to be for the benefit of the Property and the Owners thereof or advisable, proper or convenient for the promotion of the peace, health, comfort, safety of general welfare of the Owners thereof..." and,

WHEREAS, Article VII, Section 2(f) of the Bylaws of Magnolia Ridge at Virginia Center Property Owners Association, Inc. states that the Board of Directors shall: "Enforce the provisions of these Bylaws, the Declaration and Articles of Incorporation" and,

WHEREAS, the Declaration of Magnolia Ridge at Virginia Center Property Owners Association, Inc. includes provisions for various restrictions and,

WHEREAS, the Board of Directors desires to create and establish a procedure by which the Declaration, Articles of Incorporation, Bylaws and Rules and Regulations (the "Governing Documents") will be enforced, and where community residents can report their observations and make complaints regarding residents who appear to be in violation of the Governing Documents;

NOW THEREFORE, BE IT RESOLVED, that the following procedure is adopted for the purpose of notifying residents of alleged violations of the Governing Documents, providing residents with an opportunity to be heard and an opportunity to cure alleged violations, and imposing sanctions for violations:

1. Violation Observed: A Member who believes that another Member (or Member's guest, family member or tenant) is in violation of the Governing Documents may first tell the Member his or her thoughts and request that the violating Member comply with the appropriate Governing Document. The Community Manager will also record violations observed during visits to the community.
2. Violation Reported: If the violating Member does not correct the violation or if the reporting Member is uncomfortable approaching the violating Member, the reporting Member who believes that a violation has occurred may call the Association's Community Manager to report the details of the matter.

**If an emergency situation is observed, the Member should call the Community Manager immediately, (e.g., someone is cutting trees on a Common Area). In all other situations, the reporting Member should report his or her observations (including addresses, dates, times, etc.) in writing to the Community Manager. All verbal or written reports by Members reporting suspected violations will be kept confidential unless otherwise required by law.

NOTE: General complaints will not trigger the enforcement process. Action will be taken only upon receipt of a specific complaint, including address and sufficient details to allow investigation.

3. First Notice: Upon receipt of a report, the Community Manager will review the matter to confirm the violation. If deemed appropriate, the **First Notice of Violation** letter will be mailed by the Community Manager to the violating Member, requesting that the Member cure the violation within fifteen (15) days.

4. Second Notice: The Community Manager will monitor the situation and review the violation after fifteen (15) days. If there is no cure within fifteen (15) days, the **Second Notice of Violation** letter will be mailed to the violating Member by the Community Manager. See following sample letter. The letter will request the Member to contact the Community Manager and respond to 3 options:
 - A. Cure the violation within fifteen (15) days or contact the Community Manager to communicate a time frame for curing the violation or propose another solution mutually accepted by the Member and the Board of Directors.
 - B. Contest the violation by requesting a hearing with the Board of Directors by sending the letter back to the Community Manager within ten (10) days.
 - C. Non-response and failure to cure the violation after fifteen (15) days shall, subject to Board review, impose the assessment of violation charges of up to \$50 for a single violation and \$10 per day for a continuing violation up to \$900. The association further reserves the right to pursue additional legal means for enforcement.

5. If the Member does not respond or cure the violation within fifteen (15) days after the **Second Notice of Violation**, the Board of Directors will review the situation and authorize the imposition of any violation fines. The **Third Notice of Violation** will be sent to the violating Member informing the Member that the assessment of violation charges will be imposed on a specific date.

6. If a hearing with the Board of Directors is requested,
 - The Community Manager will coordinate scheduling the hearing with the Board and then send a Notice of Hearing by mail (registered or certified US mail, return receipt requested) to the violating Member. The Notice of Hearing must give the violating Member at least fourteen (14) days notice of the scheduled hearing in accordance with the Property Owners' Association Act.
 - The Hearing will be held in "Executive Session" (closed to other Members) as a part of a regular board meeting or special meeting called by the President.
 - The Member will be given an opportunity to present facts and other information relating to the alleged violation to the Board of Directors. The violating Member may also bring and be represented by an attorney at the hearing, if he or she desires.
 - The Board and Community Manager will also have an opportunity to present facts and ask questions of the Member regarding the violation. The Board will decide on a time frame for notifying the Member of its decision regarding the violation.
 - The Board will review all facts and information presented and make a determination of what, if any, further action is to be taken. Any voting on proposed actions will be held after the meeting returns to open session and be recorded in the meeting minutes.

- Any course of action determined by the Board must be within the scope of authority and power available to the Board by law and by the Governing Documents. Some options available to the Board are:
 - A. Suspension of membership rights to the use of recreational amenities.
 - B. Imposition of a violation charge of up to \$50 for a single violation and \$10 per day for any violation of a continuing nature up to \$900. A charge for an offense of continuing nature may be assessed daily from the date of the hearing until the violation is cured.
 - C. Waiver of the imposition of a charge if the violation is cured before the date of the hearing.
 - D. Pursuit of enforcement through the judicial process.

**The Board will be consistent with the imposition of enforcement actions, giving due regard to differences in the nature of the violation, differences in circumstances, the damage or potential damage resulting from the violation and other factors deemed relevant by the Board. However, the failure of the Board to impose sanctions or take other action with respect to a violation will not be deemed a waiver of its authority to act on violations of the same or similar nature. The type and date of all notices to violating Members, and by whom given, may be recorded in the minutes of the Association and may be sealed.

7. Any charge imposed for a violation will be added to the Member's assessment account and be collectible in the same manner as any other assessment as outlined in the Governing Documents.

*****SAMPLE FIRST NOTICE OF VIOLATION*****

February 1, 2007

Homeowner
1111 Main Street
Glen Allen, VA 23059

Dear Mr. Homeowner:

The purpose of this letter is to ask your cooperation in curing a violation of the association's governing documents at your residence.

Specifically, the violation is as follows:

- The mailbox post needs to be painted. Mailbox posts and newsletter boxes are to be wood and are to be painted "Magnolia" by Duron per the documents.

If you are in need of someone to do any necessary work, we are providing as a courtesy the name of a contractor, Mr. Dale Leake at (804)553-4620, for you to contact. He can provide pricing for items needed to bring your mailbox into compliance.

Please correct the above violation within the next 15 days.

If you have questions regarding the association's rules or regulations, please feel free to contact me at 560-4260, ext.13.

Sincerely,

Dave Hering
Community Manager
Magnolia Ridge at Virginia Center Property Owners Association, Inc.

cc: Board of Directors

*****SAMPLE SECOND NOTICE OF VIOLATION*****

February 15, 2007

Home Owner
1111 Main Street
Glen Allen, VA 23059

Dear Mr. Owner:

This is your second notice regarding a violation of the association documents for your property in Magnolia Ridge. You were sent a letter on _____ regarding _____.

Please correct the above violation within fifteen (15) days from the date of this letter.

If you wish to contest the alleged violation and avoid imposition of charges you must request a hearing before the Board of Directors in writing within ten (10) days from the date of this letter. If you request a hearing, complete the bottom portion of this letter and return a copy. The Association's Management Agent will send you a certified return receipt notice stating the hearing time and place.

Alternatively, if you elect to cure the violation, please call or send a copy of this letter to the Managing Agent informing that the violation has been or will be corrected within a specific time frame.

If you fail to respond to this letter and the violation persists, you shall, subject to board review, be assessed rules violation charges of up to \$50 for a single violation or \$10 per day for a continuing violation up to \$900. The association further reserves the right to pursue additional legal avenues for enforcement up to and including suit for injunctive relief in the Circuit Court of the County of Henrico.

Sincerely,

Dave Hering
Community Manager
Magnolia Ridge at Virginia Center Property Owners Association, Inc.

Return to: **Community Partners of Virginia, Inc., P.O. Box 35021, Richmond, VA 23235
(804) 560-4260 and FAX (804) 560-1309**

Name: _____

Address: _____

_____ I hereby request a hearing before the Board of Directors to contest the violation(s).

_____ I have ceased and corrected the violation(s).

MAGNOLIA RIDGE HOA VIOLATION AND APPEAL PROCEDURES DOCUMENT CHANGE HISTORY

DATE	VERSION	BY	CHANGE
9/22/04	2004.09.22	Vinita Agrawal	Documents transcribed
4/12/07	2007.04.12	Richard Toskes	Entire document updated