

KINGSTREAM COMMUNITY COUNCIL, INC.

POLICY RESOLUTION NO. 91-01

Recreational Facility Initiation Fee

WHEREAS, Article III, Section (a) of the Articles of Incorporation of the Kingstream Community Council, Inc. (hereinafter "the Association") provides that the Association may exercise all the powers and privileges and perform all duties and obligations as set forth in the Declaration of Covenants, Conditions and Restrictions of the Association (hereinafter "the Declaration"); and

WHEREAS, Article III, Section (b) of the Articles of Incorporation provides that the Association may fix, levy, collect and enforce payments by any lawful means, all charges, or assessments pursuant to the terms of the Declaration; and

WHEREAS, Article VII, Section 1(c) of the By-Laws of the Association grants the power to the Board of Directors to exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of the By-Laws of the Articles of Incorporation, or the Declaration; and

WHEREAS, Article II, Section 1(a) of the Declaration provides that every Owner of any Lot within the Association shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon Common Area; and

WHEREAS, the Association is the Owner in fee simple of a community swimming pool and related recreational facilities located on Common Area of the Association and shown as Fairfax County Tax Map No. 11-1(1), Parcel 10D (hereinafter "Recreational Facilities"), and being that property conveyed by Randolph Williams, Inc. pursuant to that certain Annexation, Deed and Supplementary Declaration recorded at Deed Book 7804, at Page 586 in the Land Records of Fairfax County, Virginia; and

WHEREAS, the Board of Directors of the Association has agreed to accept on behalf of the Association the annexation of Kingstream, Section 4A and 4B, adding additional under the auspices of Kingstream Community Council, Inc.; and

WHEREAS, all Properties within Kingstream Section 4A and Section 4B, including all Lots and Common Areas, are subject to the Declaration of the Kingstream Community Council, Inc.,

recorded at Deed Book 5867, Page 1944 in the Land Records of Fairfax County, Virginia; and

WHEREAS, all original Owners of Lots within Kingstream Community Council, Inc., other than the Owners within Section 4A and Section 4B, paid at the time of purchase of their Lots a one time capital contribution of \$750.00, which was utilized by Randolph Williams, Inc. for the purpose of constructing the Recreational Facilities; and

WHEREAS, Randolph Williams, Inc. did fail to establish or maintain a reserve account for the Recreational Facilities during the period of its ownership and control over the Recreational Facilities; and

WHEREAS, the Board of Directors of the Association believes that it is just, proper, necessary and in the best interests of the Association to charge a pool initiation fee of \$750.00 against each Lot within Section 4A and Section 4B at the time of first conveyance to an Owner other than the Builder, for purposes related to the Recreational Facilities; and


WHEREAS, the Board of Directors of the Association believes that it is just and proper to except the Section 4A and Section 4B Owners who joined in the annexation from the pool initiation fee in that such fee was not disclosed to these owners prior to the annexation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Association does hereby impose a pool initiation fee of \$750.00 against each Lot within Kingstream, Section 4A and Section 4B, which fee shall be charged against the first Owner who is not the Builder, and which fee shall be a condition precedent to said Owner's exercise of the right and easement of enjoyment in and to the Recreational Facilities located within the Common Area of the Association. Such fee shall be a charge on the Land and shall be a continuing lien upon the property as more particularly provided in the Declaration. The Section 4A and 4B Owners who joined in the annexation shall be excepted from the pool initiation fee. The Board of Directors reserves the power to change the amount of the pool initiation fee as it deems necessary.

This Resolution is effective upon the date of formal adoption by the Board of Directors.

KINGSTREAM COMMUNITY COUNCIL, INC.

By:


Charles E. Guy, President (Acting)

Date of Approval by the
Board of Directors:

19 June 1991

ATTEST:

Liz Atkinson
Liz Atkinson, Secretary

JRS:ahs:07/18p-3
1020k

KINGSTREAM COMMUNITY COUNCIL

POLICY RESOLUTION: 02-01

(Council's Internet Website)

WHEREAS, pursuant to Article III of the Kingstream Community Council ("Council") Bylaws, the Board of Directors is authorized to exercise all powers and duties necessary for the proper administration of the affairs of the Council; and

WHEREAS, the Board believes that it is in the best interest of the Council to establish an official internet website for the community in order to facilitate communication and the rapid and convenient dissemination of information to both current Council owners and residents, as well prospective owners and residents; and

WHEREAS, the Council further believes that it is important that certain policy standards be promulgated as to the use of the Council's website by current and future Council members, Board members and residents:

NOW THEREFORE, BE IT RESOLVED:

1. The Council website may contain the following information publicly available to all visitors to the website. This information is designed to provide a general overview of Kingstream, basic contact information, and other pertinent information:
 - a. A copy of the Council's Declaration of Covenants, Conditions and Restrictions, a copy of the Bylaws, approved meeting minutes and any additional rules, regulations or restrictions deemed appropriate and useful by the Board;
 - b. Contact information (name, address, and telephone number) for the Council's representative who handles the official communications for the Council, as well as an e-mail address for unofficial correspondence. Further, a list of the names of the members of the Board of Directors shall be made available with contact information directed through the Council's representative.
 - c. Descriptions of the Kingstream property, Council, and surrounding neighborhoods, and other material deemed appropriate to market Kingstream to prospective owners, residents, and realtors.
 - d. Dates of upcoming Board and Council meetings and community events;
 - e. Any other information deemed relevant and useful to the residents and members by the Board. The Board shall have the sole authority to approve or disapprove the information that may be posted on the public areas of the

website; however, the individual responsible for maintaining the website has the authority to update the information on the website (i.e. updating the calendar) without obtaining the Board's prior approval.

2. The Board shall designate a representative who shall be responsible for maintaining the website. Any communications pertaining to the website shall be directed to the Council's representative who receives official communication on behalf of the Board. While the Board's representative shall maintain the website, all decisions pertaining to the content of the website shall be made by the Board as a whole.

3. The Board may, at its option, implement a private section of the website or an affiliated website with information not available to the general public. Access to the private section of the website shall require a username and password to ensure that only authorized members of the Council are permitted to access the Council's private section of website. Authorized users will be required to complete a disclaimer/indemnification agreement before accessing such private section of the site. Private sections of the website may contain information deemed relevant and useful, and necessarily restricted to Kingstream residents. If the Board establishes a private bulletin board that may be accessed through the website, members of the Council who have obtained a username and password may post messages on the bulletin board without obtaining Board approval for such message.

4. The Board, in its sole discretion, may place on the website links to other websites that provide information pertaining to governmental and community based services of interest to Kingstream residents. If links are placed on the website, a disclaimer shall be included on the site indicating that the Council in no way endorses, guarantees or warrants any product or services described on any website accessed through a link from the Kingstream website.

5. In order to avoid the appearance of endorsing any product or business, the Board has chosen not to include advertising in the website at this time. If the Board, at its sole discretion, chooses to allow advertising on the website to defray the costs of the creation and maintenance of the website, a disclaimer shall be included somewhere on the website indicating that the Council in no way endorses, guarantees or warrants any product or service advertised on the website. Further, all advertising must be approved by the majority of the Board of Directors before being posted to the website.


6. The Association will register and maintain the domain name "Kingstream-community.org" to properly provide an internet presence for the Council through the cognizant internet domain registry. The Council may also register other names, as deemed appropriate by the majority of the Board, to properly provide a web presence for the Council.

7. If the Board chooses to include a private e-mail group, private bulletin board or chat room in the Council's Website or any site that may be accessed through the

Council's website, the Council is not responsible for any statements or information posted on the website by any other person, including any member of the Council.

8. These standards may be supplemented and/or revised at any time by the Board of Directors.

KINGSTREAM COMMUNITY COUNCIL

By:  _____
Paul Good, President

Policy Resolution No. 02-01

RESOLUTION ACTION RECORD

Pertaining to: Internet Website Use

Duly adopted at a meeting of the Board of Directors held 21 March 2002

Motion by: ROBERT HUNT Seconded by: ROBERT HUNT

	YES	NO	VOTE:	
			ABSTAIN	ABSENT
<u>Paul Lane</u> President	X	_____	_____	_____
<u>Robert Hunt</u> Vice President	✓	_____	_____	_____
<u>[Signature]</u> Secretary/Treasurer	✓	_____	_____	_____
<u>Karen Chavira</u> Recording Secretary	✓	_____	_____	_____
<u>Carol W. Russell</u> Director	✓	_____	_____	_____
<u>[Signature]</u> Director	✓	_____	_____	_____

ATTEST:

[Signature] Secretary 21 March 2002 Date

Resolution effective: 21 MARCH, 2002.

CERTIFICATE OF MAILING

I, Liz Atkinson, certify that the foregoing Policy Resolution was mailed to the owners of record on this Friday day of April, 2002, to the addresses of record by United States mail, postage prepaid.

Liz Atkinson
Liz Atkinson, Secretary/Treasurer

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held _____
November 21, 1996.

Motion by: Liz Atkinson Seconded by: Don Rima

	VOTE: YES	NO	ABSTAIN
<u>Paul Reynolds</u> President	X		
<u>Andy Holloway</u> Vice President	X		
<u>Liz Atkinson</u> Secretary/Treasurer	X		
_____ Secretary/Recording			
<u>David H. Hutchins</u> Director	X		
<u>[Signature]</u> Director	X		
_____ Director			

ATTEST:

Liz Atkinson
Secretary

21 NOV 1996
Date

Resolution effective: 21 NOVEMBER, 1996.

KINGSTREAM COMMUNITY COUNCIL, INC.
POLICY RESOLUTION 12 - 1

(Regarding Policies and Procedures for Responding
to Requests for Examination and Copying of the Association's Records)

WHEREAS, Section 55-510 of the Virginia Code obligates Kingstream Community Council, Inc. ("Association") to provide its members who are in good standing with the Association with the right to examine and copy certain records of the Association, subject to certain procedures approved by the Board of Directors; and

WHEREAS, pursuant to House Bill 1741 from the 2011 General Assembly Legislative Session, by no later than July 1, 2012, the Association must adopt a policy adopting a cost schedule that i) specifies the charges for materials and labor; (ii) apply equally to all members in good standing; and, (iii) is provided to any member requesting to review and/or copy the Association's books and records at the time the request is made; and

WHEREAS, the Board has decided that it is in the best interest of the Association to adopt a written policy and procedures.

NOW, THEREFORE, BE IT RESOLVED:

A. Record Keeping and Access to Records

1. Acting on its own or through a managing agent, the Association shall prepare and keep detailed books and records of receipts and expenditures affecting its operation and administration for a minimum of one year. With respect to books, records and/or files relating to other matters, Association shall keep those books and records for such reasonable time periods as determined by the managing agent or the Board.
2. Subject to certain exceptions set forth below, members shall have the right to examine and copy these books and records, provided that their membership is in good standing, which means they must be current in the payment of assessments and other duly levied charges and compliant with all other responsibilities of membership.
3. In order to exercise these rights, members must complete the attached form and file it with the Association's management agent or Board. After receipt of a filing, an Association representative shall have the authority to review the form and make determinations as to its completeness and satisfaction of all requirements.
4. Upon receipt of the completed form, the Association shall estimate the costs associated with responding to the request, and then provide the member with the estimate within a reasonable period of time. An estimate may include, but not be

limited to, the labor costs of locating, assembling, duplicating, and supplying the records ("Processing Costs"), material costs related to copying, costs of mailing, and the labor costs related to the Association's management staff or other representatives being present during an inspection of records ("Custodial Services Costs"). Prior to the acquisition of any rights under this policy, members must pay the estimated charges in advance. Upon receipt of payment (or clearance of a personal check), the Association shall make arrangements for a meeting at a mutually convenient time or provide the member with copies of the requested records within five days of receipt of the payment.

5. Whenever a member makes a written request to examine original records in the management office, the Association shall have a member of its managing agent with the member and serve as a custodian of the records for the protection of the documents. The Association shall include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.
6. After the rendering of services requested, the Association shall compare the estimate with the actual costs incurred by the Association, as set forth in the cost schedule attached hereto as Exhibit A. If the amount paid by the member exceeds the actual costs, the Association shall promptly refund the difference to the member. If the actual costs exceed the estimate, the Association shall notify the member and the member shall be obligated to pay the difference. The Association may withhold additional services and/or copies until it receives payment.

B. Exempt Records

The following records are exempt from the membership's right to examine and/or copy:

1. Personnel records related to a specific, identified employee;
2. Any documentation which relates to a (i) contract, lease and/or other commercial transactions currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Condominium Instruments or rules and regulations;
3. Written communications to or from legal counsel that are protected under the attorney-client privilege of confidentiality;
4. Any records that any law prohibits the Association from providing to a 3rd party;
5. Minutes and other records reviewed in an executive session of the Board or any other duly authorized committee or task force of the Association (collectively hereinafter referred to as "Committee");

6. Individual member files, other than those of the requesting member;
7. Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

C. Requests of Minimal Time and Cost

If the Association concludes that a request submitted by a member involves a minimum amount of time and cost to the Association, it may waive any of the above requirements. For purposes of this Resolution, "minimal requests" shall include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board or membership meeting;
2. Approved minutes or highlights of the most recent meeting of any Committee;
3. The Association's current annual operating budget;
4. The Association's most current financial management report;
5. The Association's most recent annual audit;
6. The Association's most recent income tax forms; and
7. The file of the requesting member.

D. Miscellaneous

1. Members may appeal any decision made under this policy to the full Board, provided that the member files a written appeal of the decision within 30 days of the date of the decision. The Board will hear and resolve the appeal.
2. The Association shall not have any obligation to create documents in response to any member's request for records.
3. This Resolution does not apply to the records of individual Board or Committee members involved in the performance of their responsibilities or authorities.
4. The Board shall have the right to amend the cost schedule attached hereto as Exhibit A without having to amend the entire Resolution.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution shall be September 20.

I hereby certify that this Resolution was duly adopted by the Board of Directors on 2012.

**KINGSTREAM COMMUNITY COUNCIL,
INC.**

By: _____



Board President

Exhibit A

Cost Schedule

Rate for Processing Costs (up to 2 hours): \$ 50 per hour
For each hour over 2 hours: \$ 30

Rate for Custodial Services Costs (up to 2 hours): \$ 50 per hour
For each hour over 2 hours: \$ 30

The charges shall be billed at 15 minute increments.

Copies shall be billed at a rate of \$ 35 per page

Mailing costs shall be billed at any actual rate imposed by the U.S. Postal service for standard first class mailing, unless the Member requests an alternative mailing method, in which case all actual rates imposed by the requested carrier shall be billed directly through to the requesting party.

KINGSTREAM COMMUNITY COUNCIL, INC.
REQUEST TO EXAMINE AND COPY BOOKS AND RECORDS

MEMBER NAME: _____ DATE: _____

ADDRESS: _____

TELEPHONE # _____

E-MAIL: _____

I hereby request the Association to provide me with the right to examine and copy the books and records of the Association, subject to the procedures stated in Policy Resolution No. 12-_____.

1. The books and records that I wish to examine or copy are:

A. _____

B. _____

C. _____

2. I certify that my request is not for commercial purposes or my personal financial gain. The purpose of my request is as follows: _____

3. Please state whether you wish to examine the Association's books and records at the Association's management office: Yes _____; No _____. If you select "No", the managing agent will presume that you are seeking copies of the requested above.

4. I acknowledge that my rights to examine the Association's records are subject to the procedures set forth in Policy Resolution 12-___, which, by this reference, is incorporated herein.

Member Signature _____ Date _____

Completed Forms shall be sent to Kingstream Community Council, Inc.
c/o Lisa Cornaire, Property Manager
Spectrum Property Management
PO BOX 1562
Great Falls, VA 22066
Fax: 703-439-2675

KINGSTREAM COMMUNITY COUNCIL, INC.
POLICY RESOLUTION NO. 12-2

(Policy Required under Virginia Law for the Receipt and Resolution of Complaints)

WHEREAS, the Virginia Code 55-530(E) and Regulations (Chapter 70, Part One of the Common Interest Community Ombudsman Regulations) require community associations to adopt a policy and procedures for the receipt and resolution of complaints alleging a violation of applicable law or regulations; and

WHEREAS, Section 18VAC48-70-10, *et seq.*, of the Virginia Administrative Code requires that the Association enact the written complaint procedures required by Section 55-530(E) of the Virginia Code by September 28, 2012 and outlines the requirements of said complaint procedures; and

NOW, THEREFORE, the Board of Directors adopts the following policy and procedures:

1. **Complaint Form.** In order to properly submit a complaint, the complaining party must fully complete the Complaint Form attached hereto as Exhibit A and send it by mail, hand-delivery, or facsimile to one of the following addresses or numbers:

Kingstream Community Council, Inc.
c/o Lisa Cormaire, Property Manager
Spectrum Property Management
PO BOX 1562
Great Falls, VA 22066
Fax: 703-439-2675

2. **Required Information.** The Association shall review the Complaint Form in order to determine if it is complete and actionable. A complaint must specifically allege a violation of applicable law or regulations by the Association. If the complaint does not express such an allegation, the complaint is not actionable, and this policy shall not apply. If the complaint is complete and actionable, the Association will accept it for review and decision. If the complaint is incomplete or not actionable, the Association will not accept the complaint and shall notify the complainant why the complaint was not accepted and what additional documentation or information is necessary, if applicable, to process the complaint. In either case, the Association will provide a written response to the complainant within 7 days by either certified mail or hand-delivery. Acknowledgment of receipt and either acceptance or rejection may be sent via electronic means if the complainant has consented to receive electronic communication from the Association, and, in such event, the Association shall retain a record of delivery of such acknowledgment.
3. **Review Period.** Assuming the complaint is accepted for review, either upon initial filing or upon receipt of additional information or documentation, the Association shall then undertake best efforts to complete its review of the complaint within thirty (30) days of receipt. If a complainant fails to submit any required and requested documentation or

information to the Association within fourteen (14) days of the Association's written request, the Association shall deem the matter closed.

5. **Meeting or Hearing.** After conclusion of the review period, the Association shall provide written notice to the complainant of the time, date and location of either a hearing or meeting of the Association's representatives who will make a final decision regarding the complaint. The written notice shall be sent to the complainant via either hand-delivery or certified mail, return receipt requested, no less than 14 days in advance of the meeting or hearing. The written notice may be sent via electronic means if the complainant has consented to receive electronic communication from the Association and, in such event, the Association shall retain a record of delivery of such acknowledgment.
6. **Notice of Decision.** The Board of Directors shall determine the representatives of the Association who shall conduct the proceedings and make a final decision on the complaint. Notice of that decision ("Notice of Decision") shall be rendered to the complainant by certified mail or hand delivery within 7 days of the decision. The Notice of Decision shall be dated as of the date of the decision, include specific citations to the laws or regulations of Virginia that led to the final decision, and shall include the Common Interest Community registration number for the Association. If applicable, the Notice of Decision shall also state the name and license number of the common interest community manager involved.
7. **Appeal to Ombudsman.** The Notice of Decision shall also advise the complainant of his or her right to file a Notice of Adverse Decision to the Office of the Common Interest Community Ombudsman and provide the data necessary to do so.
8. **Record Keeping.** The Association shall maintain a record of all complaints for no less than one year from the date of the Association's final decision, including incomplete and non-actionable complaints.
9. **Availability.** A copy of these procedures shall be made available upon request, and on the Association's website.
10. **Resale Disclosure Packet.** A copy of these procedures shall be included in any resale disclosure packet issued after the effective date below.
11. **Annual report.** The Association shall certify with each annual report filing that the Association complaint procedure has been adopted and is in effect.

This resolution as adopted at a duly called meeting of the Board of Directors on September 20, 2012. The effective date of this Resolution shall be September 28, 2012.

KINGSTREAM COMMUNITY
COUNCIL, INC.


President

Exhibit A
KINGSTREAM COMMUNITY COUNCIL, INC.
COMPLAINT FORM

(To comply with Section 55-530 of the Virginia Code)

You must use this form to file a complaint. Please complete, sign and date this form and mail, or fax it to the Association's common interest community manager at the address below:

Kingstream Community Council, Inc.
c/o _____, Property Manager
Spectrum Property Management

Fax: _____

Name of Complainant(s): _____

Address: _____

Phone: (Home) _____ (Work) _____

(Mobile) _____ (Email) _____

Preferred method of communication: _____ Writing _____ E-mail

Please describe the nature of your complaint, including relevant times, dates and locations, and the specific provision of state law and/or regulations that you believe has been violated (please attach all documents and communications supporting your complaint – you may use additional pages):

Name and address of persons who are the subject of complaint:

Explain what you want the Association to do in response to your complaint:

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____

Date: _____

The Association will maintain a record of your complaint for one year from the date upon which it takes action to resolve your complaint.

To be completed by Association representative only

Received by: _____ Date: _____

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of the Kingstream Community Council, Inc. on this 28 day of September, 2012. Via Postcard U.S. Mail

Rita Cormac, AMS
Property Manager

**KINGSTREAM COMMUNITY COUNCIL, INC.
POLICY RESOLUTION NO. 2015-1**

(Policy on Pipestem surfaces, Private Driveway Signs, Mailboxes and Mailbox Posts)

WHEREAS, Article V of the Declaration of Covenants, Conditions, and Restrictions provides the Board of Directors with the authority to adopt rules and regulations on a variety of matters, including the upkeep of the pipestem surface, private driveway signs, mailboxes, and mailbox posts that exist within the community; and

WHEREAS, the Board of Directors believes it is in the best interest of the Council to adopt these rules and regulations;

NOW THEREFORE, the Board adopts the following:


1. The Council does not maintain, repair, or replace the pipestem surfaces or the related signage, mailboxes, and shared mailbox posts, as these items are the private property of the owners of lots served by the pipestem.
2. If a pipestem surface or related sign, or a mailbox post becomes deteriorated or damaged, the owners of the lots served by the pipestem, sign, or mailbox post are equally responsible for repairing/replacing it and sharing the related costs.
3. Owners replacing their pipestem surface, pipestem sign, mailbox or mailbox post do not have to apply to the Architectural Review Committee for approval, provided that the owners replace the item with the same kind of materials and specifications as the original pipestem surface, pipestem sign, mailbox or mailbox post. Owners may obtain information regarding the specifications of signage (and even purchase the signage) from the Fairfax County Department of Public Works and Environmental Services.
4. Owners who desire to replace their pipestem surface, sign, mailbox or mailbox post with a different style must seek prior approval from the ARC through an application signed by at least one owner from each lot served by the item.

This resolution was adopted at a duly called meeting of the Board of Directors on

January 15, 2015.

The effective date of this Resolution shall be January 15, 2015.

**KINGSTREAM COMMUNITY
COUNCIL, INC.**



President

KINGSTREAM COMMUNITY COUNCIL, INC.
POLICY RESOLUTION NO. 2021-1

(Policy on late fees for unpaid assessments)

WHEREAS, Pursuant to Virginia Code Section 55-513.3, if an Owner's annual assessment or special assessment is not paid within sixty (60) days after the due date, a late fee of five percent (5%) shall be imposed; and

WHEREAS, Article IV of the Declaration of Covenants, Conditions, and Restrictions provides the Board of Directors with the authority to adopt rules and regulations on a variety of matters, including the effect of nonpayment of assessments; and

WHEREAS, the Board of Directors believes it is in the best interest of the Council to adopt these rules and regulations;

NOW THEREFORE, the Board adopts the following as it relates to late fees and the collection of Homeowner Assessments:

I. Routine Collections

A. The amount of the Annual Assessment shall be fixed by the Board against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice shall be sent to every Owner. Special Assessments shall be due as specified in the notice of assessment.

B. Non-receipt of a payment invoice, coupon books, notices, or other such documents relating to the payment of the Assessments shall not excuse an Owner from the obligation to pay Assessments. In accordance with Article IV, Section 8 of the Declaration, no Owner may waive or otherwise escape liability for the assessments by non-use of the Common area or abandonment of his Lot.

C. Non-resident Owners must provide the Board with a telephone number and address, in writing, where the Owner can be contacted; otherwise, all notices shall be sent to the Lot address or address on record with the Association.

II. Remedies for Nonpayment of Assessments

A. Interest. If an Assessment is not paid and received within thirty (30) days of the Due Date, interest shall accrue from the due date at the rate of twelve percent (12%) per annum.

B. Late Charge. If any Assessment remains delinquent for sixty (60) days from the due date, a late charge of five percent (5%) shall be assessed against the delinquent Owner's account.

C. Returned Check Charge. If the Association receives a check from an Owner which fails to clear the Owner's personal banking account, the Association or the Managing

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JUL 2021

Agent shall charge the Owner a returned check charge of fifty dollars (\$50.00), or the maximum amount permitted by law.

D. Action of Managing Agent. Whenever an Owner becomes delinquent in the payment of an Assessment, the Managing Agent, without any further vote of the Board, shall automatically take the following action:

1. The Managing Agent shall send a reminder letter to the Owner if the assessment payment is not received on or before the due date. If after thirty (30) days from the due date, the Owner remains in default, the Managing Agent shall send a final demand letter notifying the Owner that if the account is not current by the due date stated therein, that the account will be referred to legal counsel for further collection action. As a reminder, notices are not required to commence legal action; an Owner's failure to receive said notices shall not prohibit the ability of the account to be referred to legal counsel for collection action.

2. The Managing Agent shall refer the Owner's account to legal counsel for immediate collection action if the account is not current by the due date set by the final demand letter.

G. Referral to Legal Counsel.

1. Legal counsel is authorized, without further action of the Board, to take the following action: (a) send required notices in accordance with the Governing Documents to the Owner demanding payment and notification of recordation of liens and acceleration for failure to cure delinquency by specified date which shall not be less than thirty (30) days from date of notice; (b) proceed to collect the delinquency as well as the entire balance of the Assessments for the remainder of the fiscal year after notice to Owner and failure of Owner to remedy delinquency by date specified; (c) after notice to Owner, record a memorandum of lien securing the delinquency as well as the unpaid balance of the Assessment for the remainder of the fiscal year against the title to the Lot; (d) file a civil action for judgment against the Owner for the unpaid Assessments, accelerated Assessments, interest, late charges, attorney's fees, cost of collection, and any other properly assessed charges to the Owner; and (e) take post-judgment action to collect the unpaid Assessment, accelerated Assessment, interest, late charges, attorney's fees, management fees, collection cost, or any other properly assessed charges to the Owner.

2. The Board may choose to authorize legal counsel to foreclose the memorandum of lien for unpaid Assessments, pursuant to the Declaration and in the manner provided by the laws of the Commonwealth of Virginia.

H. Method of Crediting Payments. After an account becomes delinquent, payment received from an Owner will be credited to the account according to general accounting methods in the following order of priority:

a. Charges for attorney's fees and court costs.

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JUL 2021

