

# The Creek's Edge at Stony Point Town Homes Homeowners Association, Inc.

## VIOLATION AND ENFORCEMENT POLICY

*Article XII, Section (g) of the Declaration of The Creek's Edge at Stony Point gives the Board of Directors the power to impose sanctions upon a homeowner ("Owner") upon the violation of any provision of the Declaration, Bylaws, Architectural Standards, or Rules and Regulations of the Association (the "Governing Documents"). This is done in accordance with Section 55-513 of the Virginia Property Owners' Association Act, as amended.*

The following sets forth enforcement procedures including notifying Owners of alleged violations of the Governing Documents, the opportunity to cure violations, the opportunity to be heard, and if necessary, the imposition of sanctions for violations. It is each Owner's responsibility to communicate, monitor, and enforce restrictive covenants to residents, guests, and tenants.

1. Violation Reported: In order for the HOA to commence an investigation and/or enforcement action, each Owner who believes that an alleged violation of the governing documents exists regarding common property or another Owner's lot or has occurred by another Owner/guest/tenant shall report such alleged violation to the managing agent in writing/email. All reports must include the unit address of the complainant and the affected property. All reports will be kept confidential. The Board of Directors and/or managing agent will also record violations observed during periodic inspections of the community. Compliance will be determined by the managing agent, the Board of Directors, and/or the Covenants Committee as designated by the Board. *General and anonymous 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.*
2. First Notice: Upon receipt of a report, the managing agent will inspect and, if possible, take photos to document and confirm the violation. If deemed appropriate, a **First Violation Notice** will be mailed by the managing agent to the violating Owner, directing that the violation be cured within fifteen (15) days. This time frame may be increased or decreased depending on the nature and severity of the violation and reasonable time to cure. The letter will state the violation in sufficient detail to allow the Owner to understand the specifics and extent of the complaint, include a photo when possible, and quote the applicable section(s) of the governing documents that have been violated.
3. Second Notice: The managing agent will monitor the situation and inspect the violation during the cure period as stated in the First Violation Notice. If the violation is not timely cured, or is repeated, a **Second Violation Notice** will be mailed to the violating Owner by the managing agent. The letter will state three options:
  - A. Cure the violation within fifteen (15) days or contact the managing agent to explain why the time frame for curing the violation cannot be met and/or to propose another solution. Any alternate proposal must be mutually accepted by the Owner and the Board of Directors. Unless or until the alternate proposal is agreed to, the timeframes and penalties outlined herein will continue to direct the proceedings.
  - B. Contest the violation within ten (10) days by requesting of the managing agent a prompt Hearing with the Board of Directors (see section 4 below.)
  - C. Non-response and failure to cure the violation within the time established shall, subject to Board review, result in imposition of the applicable assessment of violation charges and/or other legal remedy.

4. If a Hearing with the Board of Directors is requested,

- The managing agent will schedule the hearing date with the Board and then send a **Notice of Hearing** to the violating Owner. The notice, including the charges or other sanctions that may be imposed, shall be mailed by registered or certified mail, return receipt requested, to the Owner at least fourteen (14) days prior to the hearing.
- The Hearing will be held in “Executive Session” (closed to other Owners) as a part of a regular board meeting or special meeting called by the President.
- The Owner will be given an opportunity to present facts and other information relating to the alleged violation to the Board of Directors. The Owner may also bring and be represented by an attorney at the hearing, if desired, at the Owner’s sole cost and expense. The Board and managing agent will also have an opportunity to present facts and ask questions of the Owner regarding the violation. The Board of Directors may also bring and be represented by an attorney at the hearing, at its own discretion.
- 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 shall 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 include, but are not limited to, the following:
  - A. Imposition of a violation charge of up to \$50 for a single violation or \$10 per day for any violation of a continuing nature up to 90 days. A charge for an offense of a continuing nature may be assessed daily from the date of the hearing until the violation is cured.
  - B. Waiver of the imposition of a charge if the violation is cured before the date of the hearing.
  - C. Pursuit of enforcement through the judicial process.
  - D. Suspension of membership rights to use the recreational amenities.
- In accordance with the Property Owners’ Association Act, the hearing result must be mailed by certified mail, return receipt requested, to the Owner within seven (7) days of the hearing.

5. Violation Charge Notice. If the Owner does not appropriately respond to the complaint or cure the violation within fifteen (15) days after the Second Notice of Violation, the Board of Directors will review the situation and may authorize the imposition of any violation charges and/or pursue a judicial remedy. The **Violation Charge Notice** will be sent to the violating Owner informing such Owner that the assessment of violation charges was or will be imposed on a specific date. As allowed by the Property Owners’ Association Act, charges shall not exceed \$50 for a single offense or \$10 per day (up to 90 days) for any offense of a continuing nature. Any charge imposed for a violation will be added to such Owner’s assessment account and shall be collectible in the same manner as any other assessment as outlined in the Governing Documents, including placing a lien against such Owner’s property.

\*\*The Board will strive to 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 the same, similar or any sanctions or take other action with respect to a violation will not be deemed acceptance of the same or a similar violation or a waiver of its authority to act on violations of the same or similar nature.