

**RESOLUTION OF THE BOARD OF DIRECTORS
OF
KEMPTON PARK OWNERS ASSOCIATION, INC.**

RESOLUTION 2006- 01

**Assessment of Charges for Violations
Suspension for Failure to Pay**

At a regular meeting of the Board of Directors of KEMPTON PARK OWNERS ASSOCIATION, INC. (the "Association") held on March 16, 2006, the Board of Directors agreed to the following Resolution.

R E C I T A L S

WHEREAS, pursuant to Va. Code Section 55-513B, the Association shall have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto, expressly so provide, to suspend an owner's right to use facilities or services and to fine for violations, subject to the limitations and restrictions set forth therein;

WHEREAS, Article X, Section 10.02B of the Declaration of Covenants, Conditions, Restrictions and Easements for Kempton Park Owners Association, Inc., dated October 3, 2001, and recorded in the Clerk's Office of the City of Suffolk as Instrument #010012177 provides the Board of Directors of the Association authority, with respect to any violation of the Declaration, Bylaws and rules and regulations, to impose monetary and non-monetary penalties against the violator in accordance with Va. Code Section 55-513;

WHEREAS, pursuant to Article V, Section 5.11(e) of the Bylaws of Kempton Park Owners Association, Inc., the Board of Directors has the power establish penalties for infractions of the rules and regulations governing the use of Association Property and facilities, and the personal conduct of the Members and other guests in accordance with and as authorized by Va. Code Section 55-513; and

WHEREAS, the Board of Directors deems it in the best interests of the Association to adopt rules and regulations clarifying the process and specifying the fines for violations and suspension for non-payment consistent with Va. Code Section 55-513B.

NOW, THEREFORE, be it **RESOLVED** that the following "DUE PROCESS RULE" be and hereby is adopted:

ASSESSMENT OF FINES FOR VIOLATIONS AND
SUSPENSION FOR FAILURE TO PAY. A. In addition to any
other rights of the Association, the Association shall have the power
to (i) suspend a member's right to use facilities or services, including
utility services, provided directly through the Association for

nonpayment of assessments which are more than sixty (60) days past due (or such shorter time frame as may be provided by Va. Code Section 55-513B), to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any member, tenant or occupant and (ii) to assess charges against any member for any violation of the Declaration, Bylaws or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.

B. Before any such suspension or charges may be imposed, the member shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors or such other tribunal as the documents may specify.

Notice of such hearing, including the fines or other sanctions that may be imposed shall, at least fourteen (14) days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such member at the address of record with the Association.

The amount of charges so assessed shall not exceed \$50 for a single offense, or \$10 per diem for any offense of a continuing nature, as limited by Va. Code Section 55-513B, which charges shall be treated as an assessment against the member's lot for purposes of Va. Code Section 55-516, or such greater amount as may be permitted by Va. Code Section 55-513B, as amended.

The hearing result shall be hand delivered or mailed by registered or certified mail, return receipt requested, to such member at the address of record within seven (7) days of the hearing, or such longer period as may be allowed by Va. Code Section 55-513B.

All references to sections of the Va. Code mean such provisions, as amended or replaced.

FURTHER RESOLVED, that the directors and officers of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution, including publishing this Resolution to all Members.

This Resolution shall be included with the Minutes as part of the official records of the Association.

Date: 16 March, 2006

KEMPTON PARK OWNERS ASSOCIATION,
INC.

By [Signature Copy on File]
Jason L. Menapace, President
Print Name

Attest: R.J Sandquist, Jr., Secretary
Print Name