

COUNTRYSIDE PROPRIETARY
RESOLUTION NO. 231

PROCEDURAL GUIDELINES FOR
PROPERTY OWNERS' ASSOCIATION ACT (POA) HEARINGS

WHEREAS, Article III, Section 3 of the Covenants and Restrictions governing the CountrySide Proprietary grants the Board all powers for the conduct of the affairs of the Proprietary in accordance with the governing documents; and

WHEREAS, is it occasionally necessary for the CountrySide Proprietary to seek injunctive relief against a member to redress a violation of the governing documents; and

WHEREAS, Section 55-513(B) of the Virginia Property Owners' Association Act (POAA) states that "Before such injunctive relief is sought, the member shall be given an opportunity to be heard and to be represented by counsel before the board of directors or other tribunal specified in the document"; and

WHEREAS, there is a need to establish procedures for the conduct of such hearings.

NOW, THEREFORE, BE IT RESOLVED THAT Resolution # 138 hereby is rescinded and the following procedures under Resolution # 231 be adopted for the conduct of hearings as required by the POAA Act.

I. Initiation of Violation Proceedings.

1. As contained in Administrative Resolution No. 221 pertaining to enforcement of the architectural guidelines and governing documents, a property owner may be issued a violation for an unapproved alteration or modification to his/her property or for non-compliance of a decision rendered by the Design Review Committee or Board of Directors.
2. For Major Violations, the property owner shall be issued three (3) violation notices, each notice being fifteen (15) days apart, with the third notice being the final notice. If the property owner has not corrected the violation within fifteen (15) days from the date of the final notice, the Proprietary shall take the action specified in paragraph 3 below.
3. The Proprietary shall issue a certified return receipt letter advising the lot owner of his right to attend a hearing before the Board of Directors in accordance with the Virginia Property Owners' Association Act .
4. Should the lot owner be found in violation at the hearing before the Board of Directors, the Proprietary may take such action as is authorized by the Proprietary's rules and regulations and/or the Virginia Property Owners' Association Act. The hearing results shall be delivered by certified mail, return receipt requested to the property owner in question.

II. Establishment of Reviewing Body to Conduct Hearing.

1. In the case of a violation issued for an unapproved alteration, modification, and/or non-compliance of a Design Review Committee or Board of Directors ruling, and all major and minor violations, the hearing mandated by the Virginia POA Act shall be before the Board of Directors at the next regularly-scheduled meeting.
2. All other cases resulting in violation of the governing documents, including, but not limited to, issues relating to a Standing Committee, shall be heard as specified in paragraph 1 above.

III. Hearing Format.

1. All hearings shall follow the format below:

2 minutes -	Background	-	DRC Coordinator
2 minutes -	Opening Remarks	-	Aggrieved Party
2 minutes -	Questions	-	Reviewing Body
2 minutes -	Closing Remarks	-	Aggrieved Party
5 minutes -	Discussion & Vote	-	Reviewing Body

2. The reviewing body shall evaluate the case to determine whether the lot owner is responsible for correcting the violation or whether there are other alternatives to resolving the issue.

3. If the lot owner is found to be in violation, the lot owner shall be allowed fifteen (15) days from the date of the decision of the reviewing body to correct the violation or to take any other alternative action that the reviewing body specifies.

4. Should the lot owner fail to comply with the decision of the reviewing body, the matter will be referred to the Proprietary's counsel and the violation process shall continue through litigation until resolved.

5. In cases where a violation was appealed to the Board of Directors, and the Board of Directors ruled on the merits, the ruling shall stand and the violation process shall continue with no further appeals or applications being heard by the Board of Directors or Design Review Committee concerning the violation.

6. The decision of the reviewing body shall be incorporated into the minutes of the meeting of the reviewing body for that month.

Book of Minutes:

ATTEST:

PRESIDENT: Boyd D. Garrett, Sr.

DATE

SECRETARY: Becky Wellhouse

DATE