CAMERON STATION COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 2008-10

(Policy Resolution for the Suspension of Privileges for the Non-Payment of Assessments)

WHEREAS, Section 55-513 of the Virginia Property Owners Association Act provides the Board of Directors with the power to adopt rules relating to areas of responsibility delegated to the Association under the Declaration and to suspend an owner’s right to use facilities or services including utility services, for the nonpayment of assessment which are more than 60 days past due, provided that notice and an opportunity to be heard and represented by counsel before the Association is granted;

WHEREAS, Article IV, Section 4.5(iii) and Article VIII, Section 8.2(g) of the Declaration of Covenants, Conditions and Restrictions for Cameron Station Community Association, Inc. (“Declaration”) grants the Board of Directors the power to suspend an Owner’s voting rights and the right of an Owner and residents to use the recreational facilities and nonessential portions of Common Area for an period during which any assessment against such Owner’s Lot is delinquent;

WHEREAS, Article IV, Section 4.5(iv) of the Declaration also grants the Board of Directors with the power to suspend the right of an Owner or resident to use the recreational facilities and nonessential portions of the Common Areas during any period in which such Owner or person is in violation of the Governing Documents, after the last day of the period established for correction has passed.

WHEREAS the Board believes it is necessary and desirable to expand upon the authority granted in Article VIII of the Declaration and establish procedures to assure due process in event an Owner is delinquent in the payment of assessments past 60 days and before suspensions of privileges shall be considered:

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

I. Suspension of Privileges for the Nonpayment of Assessments:

A. In the event an Owner is delinquent in the payment of any assessment due by more than 60 days, the Association may elect to suspend the Owner’s privileges, and that of any residents, tenants, or guests residing on the Lot, after certain due process procedures, as identified herein, are met. For the purposes of this policy, a delinquent assessment is deemed to include any assessment owed by an Owner to the Association, whether such assessment is paid directly to the Association or is paid through a Condominium Sub-Association as an agent for the purpose of collecting assessments from Owners for payment to the Association.

B. If an Owner is delinquent in the payment of assessments to a Condominium Sub-
Association acting as an agent for the purpose of collecting assessments from Owners for payment to the Association, the Association shall not take action under this policy unless the Condominium Sub-Association provides the Association with the following:

1. A current account statement for such Owner’s dwelling unit;
2. The current contact information for the Owner;
3. Copies of all notices sent to the Owner requesting payment of the delinquent assessment;
4. A written request for the Association to suspend privileges for nonpayment of assessments; and
5. The Condominium Sub-Association and the Association enter into an agreement governing relating to the suspension of privileges that requires that Condominium Sub-Association to indemnify and hold harmless the Association from any claims arising out of the suspension of privileges.

C. For the purposes of policy resolution, the term “privileges” shall mean the following:

1. The right to utilize parking areas within the community;
2. The right to utilize recreational facilities, to include the clubhouse, swimming pool, fitness amenities, tot lot, and other common area facilities;
3. The right to vote on actions of the Association, including the election of directors;
4. The right to receive any other services provided directly by the Association.

D. Prior to suspending any privileges, the Association shall provide written notice to the Owner, sent via certified mail, return receipt requested, which shall advise the Owner that the account is delinquent over 60 days and that the Owner’s privileges will be suspended 7 days from the date of such notice, unless the Owner requests a hearing in front of the Board within that 7-day time frame or brings his or her account into balance during the 7-day time frame.

E. If the Owner fails to request a hearing by the end of the 7-day time frame and has not brought his or her account into balance, the Association shall immediately suspend privileges.

F. If the Owner requests a hearing, the Association shall send a notice of hearing to the Owner by certified mail, return receipt requested or by hand-delivery at his or her last known address of record at least fourteen (14) days in advance of the hearing date. In addition to providing a date, time and location of the hearing, the notice shall notify the Owner of the specific privileges that will be suspended and also of his or her right to be represented by counsel at the hearing. If the Owner of record appears at the hearing without receiving notice thereof, he will
be deemed to have waived the requirement for proper notice. The hearing shall be held before the Board of Directors.

G. The hearing shall be held in executive session; however the Board’s final decision on whether to suspend privileges shall be recorded in open session. The Owner has the right to have counsel present (however, the Association reserves the right to reschedule a hearing if the Owner brings counsel in order for the Association to be similarly represented) and may present evidence in his or her defense. After the Owner has presented his or her defense, the Board will convene into executive session to discuss the violation. The Board will return to open session to announce its decision. The Board shall also deliver notice of its decision by Certified Mail, Return Receipt Requested or by hand-delivery, to the parties within seven (7) days of the hearing.

H. Failure by the Owner to attend the hearing shall constitute a waiver of the Owner’s opportunity to be heard, an admission of the charge against the Owner, and the Committee may make a decision to suspend privileges or services in its discretion as if the Owner were present at a hearing.

I. The suspension of privileges shall be for so long as the account remains delinquent.

II. Suspension of Privileges for Violations of the Governing Documents:

The Association’s action to suspend privileges in the event of a violation if the Governing Documents, per Article IV, Section 4.5(iv) of the Declaration, shall be pursued in accordance with Policy Resolution 08-01, Enforcement and Due Process Procedures.

This Resolution was adopted and approved by the Board of Directors of Cameron Station Community Association on this 16 day of December, 2008.

CAMERON STATION COMMUNITY ASSOCIATION, INC.

By: [Signature]

President
POLICY RESOLUTION NO. 2008-10

(Policy Resolution for the Suspension of Privileges for the Non-Payment of Assessments)

Duly adopted at a meeting of the Board of Directors December 16, 2008

Motion by: Michael Kuhl  Seconded by: Derek "Dak" Hardwick

VOTE: YES NO ABSTAIN ABSENT

John J. Sullivan, Jr., President

Brad Holsclaw, Vice President

Manuel Avila, Secretary

Derek Hardwick

Michael Kuhl

Mindy Lyle

Tom McClimon
FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed or hand-delivered to the members of Cameron Station Community Association on this 18th day of December, 2008.

Airielle Hansford, Community Manager