

January 7, 2009

NEWINGTON COMMUNITY ASSOCIATION ASSESSMENT OF CHARGES FOR RULE, COVENANT and ARCHITECTURAL VIOLATIONS

NOTIFICATION: The process involving rule, covenant and architectural violations **may** begin with a complaint, observations of a community member, or normal Architectural walk-through inspection. Initially, a doorhanger and/or a letter **may** be given to a resident or homeowner notifying them of the violation(s). Please note that if any violation is endangering the health or safety of any other member of the Association, the Board will act immediately.

Newington Community Association (NCA) will notify the homeowner (and resident if it is rental property) in writing regarding architectural and covenant violations. The notice will identify the violation(s), cite the rule and authority, explain what must be done, state the charges that may be assessed for failure to comply, and describe the process for contesting the claimed violation(s).

CONTINUING VIOLATION: If an architectural or covenant violation is not corrected by the requested date listed in the written notification, the Board of Directors will discuss the alleged violation, taking into consideration any response or appeal that may have been presented by the owner or resident, and the Board of Directors will determine whether to hold a hearing on the continuing violation.

OPPORTUNITY FOR A HEARING: For all violations, the owner shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors. Notice of a hearing, including the charges or other sanctions that may be imposed, shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the Association at least 14 days prior to the hearing.

BOARD ACTION AND DECISION: After the hearing, the Board of Directors will consider all of the evidence and arguments presented and determine whether any charges shall be assessed and any other action NCA will take in connection with the violation, including filing a law suit seeking injunctive relief. The owner will be informed in writing of the Board of Directors' decision and will be given 10 days to begin efforts to comply. If the homeowner does not correct the violation(s) and/or refuses to pay the charges assessed, the matter will be turned over to the NCA attorney who may take action, including but not limited to, filing a lien against the property for the unpaid violation charges.

AMOUNT OF ASSESSED CHARGES: In accordance with the Commonwealth of Virginia's Property Owners' Association Act, the amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed fifty dollars for a single offense or ten dollars per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot for the purpose of filing a lien for those assessments. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding ninety days. After that date if a lawsuit is filed challenging any such charges, no additional charges shall accrue. If the court rules in favor of the association, it shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed pursuant to this section against the lot owner prior to the action. The authority for assessed charges is authorized in accordance with the Commonwealth of Virginia's Property Owners' Association Act.

ATTORNEYS FEES: In the event the Association is forced to retain legal counsel in order to enforce the governing documents, including the Declaration, Bylaws, and Architectural Guidelines, through legal action, the owner will be responsible for the Association's reasonable attorneys fees.