

ASHBROOK HOMOWNERS ASSOCIATION, INC.

**Policy Resolution 07-01
(Policy Governing Architectural Violations)**

WHEREAS, Article VII, Section 1 of the Bylaws empowers the Board of Directors to adopt rules and regulations governing the use of the Common Areas and shall have the authority to exercise all powers vested in the Association that are not reserved for the members of the Association; and

WHEREAS, Section 55-513 of the Virginia Property Owners' Association Act establishes that the Board of Directors has the power to impose charges and suspend certain rights of an Owner found to be in violation of the Association's Declaration, Bylaws and Rules and Regulations, provided the Association provides the Owner with certain due process rights; and,

WHEREAS, Section 9.2.4.a.(i) of the Declaration provides if trash or other refuse from such Lot is disposed of by being collected and carried away on a regular and recurring basis, containers containing the same may be placed in the open on any day on which a collection is to be made (and not prior thereto), at a place on or adjacent to such Lot which affords access thereto to the person making such collection (but further provided, that (i) such containers shall be stored at all other times so that they are not visible from elsewhere within the Property...) and

WHEREAS, the LOT MAINTENANCE STANDARDS of the Ashbrook Homeowners Association Architectural Design and Maintenance Standards provide for the maintenance and care of individual lots indicates Mowing - Turf areas need to be mowed at regular intervals, maintaining a maximum height of four (4) inches, and a minimum height of two (2) inches. Changes to this requirement may be made according to specified plans. Planted beds must be kept in a neat and orderly manner.

WHEREAS, the Board of Directors believes there is an ongoing need to protect the appearance of the Common Areas as well as the individual lots

WHEREAS, the Board of Directors has decided to establish an expedited enforcement process for violations of the Association's rules and regulations relating to the storage and removal of trash on the Lots and Common Areas and maintenance of individual lots.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors adopts the following policies:

Rules Governing Disposal and Storage of Trash:

1. All trash and recycling or debris stored on private property or outdoors for collection must be placed in a reusable, watertight, rodent-proof container made of rigid plastic and with a tight fitting lid. This means that residents may not store any trash outside in plastic bags.
2. No trash, recycling, and/or garbage container shall be permitted to remain in the public view except on the days of trash collection. Containers are not to be set out for

collection prior to 4 p.m. the day before trash or yard waste collection. Containers have to be removed by 9 p.m. on trash pick-up day.

3. Containers are not to be filled above the brim. Lids must be kept tight when containers are set out for pick-up.
4. Containers are to be kept clean, free of odors, flies or other vermin.
5. All containers for collection are to be placed, for pick up, directly in front of each home so they can be conveniently reached by trash haulers at the edge of the street.
6. Residents must use all due care in order to prevent trash from scattering or falling about the community from their containers.
7. Residents requiring special pick-ups (e.g. appliances, mattresses, sofas, tables, large machinery, large boxes or moving debris) must contact the trash company directly to coordinate pick-up of any non-routine trash pick-ups. These items will be picked up by the trash contractor at no charge. Special EPA rules for any appliance containing Freon; before the appliance can be collected, the Freon must be removed by a certified technician who will place a sticker on the appliance stating that it is Freon free. Please contact the trash contractor regarding all trash/recycling removal procedures.

Rules Governing Yard Maintenance

1. The grass on each lot may not exceed four (4) inches or more in height, and should be maintained at a minimum of two (2) inches in height.
2. All mulch beds should be trimmed at each mowing to avoid tall grass around tree mulch beds or other mulch beds.
3. Weeds should not be allowed to grow in your mulch beds. All weeds need to be continually removed on an as needed basis.
4. All trees and shrubs should be maintained and trimmed with all dead plant materials removed

Enforcement of Violations of this Policy:

1. The Board of Directors reserves the power to cite any resident if the resident fails to comply with this policy.
2. In order to properly enforce this policy, the Board reserves the power to retain a monitoring service or designate representatives to perform this service.
3. Owners are responsible for the actions of his/her family members, tenants, guests and other invitees.
4. Initial Citation: Upon detection of a violation of this Policy or after receipt of a written complaint from any owner that a resident is in violation of this Policy, the Association shall issue a citation by first class mail or via hand delivery to the Owner at his or her address listed in the Association's records, and to the address for the Lot itself, if the Owner's address of record differs from the address of the Lot. This initial citation should detail the Owner or resident's violation of the rules set forth in this policy. A sample of this initial citation is attached hereto as Exhibit A.

5. Final Citation: If any Owner has received a written citation from the Association for any violation of this Policy during the prior twenty-four (24) months, the Association shall send the Owner a final citation by certified mail, return-receipt requested or hand-delivery which shall advise the Owner that the Owner has the right to either pre-pay a monetary charge in the amount of \$10.00 per day for each day that the violation exists, or \$50.00 for each cited violation or request a hearing before the Board of Directors to contest the citation. The Board of Directors will deem notification effective if any Owner fails or refuses to sign for any registered or certified mailing from the Association. A sample of this final citation is attached hereto as Exhibit B.
6. All monetary charges assessed in accordance with this policy shall be collected in accordance with the Association's current assessment collection policy.
7. Nothing herein is meant to preclude the Board of Directors from the use of other remedies or sanctions available to the Association in order to obtain compliance with the Association's rules and covenants. The Association reserves the right to exercise all other powers and remedies provided by the Association's Governing Documents or the laws of Virginia, Loudoun County, but not limited, to suspending Association privileges, self-help or obtaining injunctive relief.

I hereby certify that this Policy Resolution 07-1 was duly adopted by the Board of Directors on the 14th day of May, 2007.

ASHBROOK HOMEOWNERS ASSOCIATION

Exhibit A

[DATE]

Homeowner
Name and Address

Re: Notice of Violation
[Address]

Dear _____:

In an effort to keep the Ashbrook Homeowners Association looking its best, the Association has adopted a series of trash rules and regulations.

The purpose of this letter is to inform you that you are in violation of the Association's rules. Specifically, the following conditions were observed on your lot or the Common Areas:

If additional violations occur, the Board of Directors will have no alternative but to consider assessing monetary charges against you for any subsequent violations of the Association's Resolution 07-01 and the rules provided therein.

Your cooperation is greatly appreciated.

Sincerely,

Ashbrook Homeowners Association

By: _____
Julie Thompson, Management Agent
Dominion Management Company

Exhibit B

[DATE]

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
OR HAND-DELIVERY

Homeowner
Name and Address

Re: Notice of Imposition of Monetary Charges
[Address]

Dear _____:

The Association previously notified you that you have failed to comply with the Association's rules governing architectural violations. Yet, despite this prior notice, it has been observed that you have violated the Association's rules and regulations by:

Pursuant to the Association's rules and regulations governing architectural violations, monetary charges in the amount of \$50.00 will be levied against you, effective immediately, unless you request a hearing before the Board of Directors to contest the imposition of this \$50.00 sanction.

If you wish to request a hearing, you must submit your request in writing to my attention at P.O. Box 1424, Leesburg, Virginia 20177-1424 within five (5) days of the date of this letter.

If you submit a written request for a hearing within the time frame set forth above, the Association will provide you with written notice of the date, time and place of the hearing at least fourteen days in advance of the hearing date.

Please be advised that the Board reserves the right to take such further legal action as may be necessary to ensure your compliance with the Association's rules and regulations. In addition, the Board reserves the right to assess its legal costs against your account in the event that further legal action is required.

Sincerely,

Ashbrook Homeowners Association

By: _____
Julie Thompson, Managing Agent
Dominion Management Company