

Assessment of Charges or Fines for Violations of Association Rules and Regulations, Declaration of Covenants, Conditions and Restrictions, or Architectural Guidelines and Protective Covenants

Date: October 9, 1995

WHEREAS, pursuant to the Association's Declaration of Covenants, Conditions and Restrictions ("Declaration"), all lots and common areas in the Kingston Chase subdivision are subject to certain covenants, conditions and restrictions; and

WHEREAS, Article VIII, Section 1, of the Association's Bylaws grants to the Association's Board of Directors the power to (a) adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof; (b) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration; and

WHEREAS, in addition to the Declaration, the Association's Board of Directors has previously adopted certain Architectural Guidelines and Protective Covenants and other rules and regulations; and

WHEREAS, pursuant to Section 55-513 of the Code of Virginia, as amended, the Board of Directors has determined that it would be in the Association's best interest to encourage compliance with the Association's Declaration, the Architectural Guidelines and Protective Covenants, and other rules and regulations by assessing fines or charges for the violations thereof;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Association's Board of Directors may assess charges or fines against any Association member for any violation of the Association's Declaration, the Architectural Guidelines and Protective Covenants, and other rules and regulations for which the member or his or her family members, tenants, guests or other invitees are responsible.
2. The amount of any such charge or fine shall not exceed:
 - a. fifty dollars (\$50) for a single offense; or
 - b. ten dollars (\$10) per day for any offense of a continuing nature.

Any such charge or fine imposed shall be deemed to be an assessment against the member's lot for the purposes of Section 55-516 of the Code of Virginia, as amended, and Article IV of the Declaration.

3. The Board shall give the member written notification of the alleged violation. If the member fails to remedy the violation, before any charge or fine authorized by this Resolution may be assessed, the member shall have the opportunity:
 - a. to be heard at a hearing before the Board of Directors;
 - b. to be represented by counsel at such hearing; and
 - c. to receive fourteen (14) days advance notice of such hearing, such notice to be hand-delivered or mailed by registered or certified mail, return receipt requested, to the member at the address of record with the Association.
4. This Resolution shall be published in the Association's newsletter and shall go into effect thirty (30) days after the date the newsletter is distributed or mailed to the Association. This Resolution shall apply to all violations in existence as of the effective date of this Resolution.

Duly adopted at a meeting of the Board of Directors of the Kingston Chase Home Owners Association, Inc. held on October 9, 1995.