



Shadowwood Condominium Association
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SHADOWWOOD CONDOMINIUM ASSOCIATION

POLICY RESOLUTION 2009-03

RULES AND REGULATIONS

HEARING PROCEDURES AND ASSESSMENT CHARGES FOR VIOLATIONS OF THE GOVERNING DOCUMENTS

WHEREAS, Article IV, Section 2, of the By-Laws provides that the Board of Directors shall have such authority and responsibility as is necessary for the administration of the affairs of the Association; and

WHEREAS, Article IV, Section 3, of the By-Laws specifies other duties of the Board of Directors, including the care, upkeep, and improvement of the General and Limited Common Elements, and the enforcement and interpretation of the terms of the Master Deed and the By-Laws; and

WHEREAS, Article VI, Section 5, of the By-Laws provides that the Board of Directors shall have full authority to make and enforce such Rules and Regulations for the administration of the Property and the affairs of the Association as are consistent with law, the Master Deed, and the Deed of Dedication for Reston;

NOW THEREFORE BE IT RESOLVED that in accordance with applicable provisions of law and the Association's governing documents, the following Rules and Regulations are hereby adopted:

1. The Board of Directors of Association shall have the power to suspend a unit owner's right to use facilities or services offered by the Association for nonpayment of assessments which are more than sixty (60) days past due, including, but not limited to, the power to suspend a unit owner's right to use facilities or services offered by the Association for any period during which any assessment against such unit owner remains unpaid.
2. The Board of Directors of the Association shall also have the power to assess charges against any unit owner for any violation of the Association's governing documents for which the unit owner or his family, tenants, guests or other invitees are responsible.
3. Before suspension of a unit owner's right to use facilities or any service offered by the Association and/or before any charges may be assessed for the violations, as stated in paragraph 2 above, the unit owner shall be given an opportunity to be heard and to be represented by counsel before the Board of Directors or other tribunal constituted by the Board of Directors.
4. Notice of a hearing shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the unit owner, and at the expense of the unit owner, at the address of record with the Association at least fourteen (14) days in advance of the hearing.
5. The amount of any charges assessed shall not exceed fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day for any offense of a continuing nature. However, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding ninety (90) days.

6. The charges assessed hereunder shall be treated as an assessment against the subject unit for the purposes of Article XI of the First Amendment to the By-Laws, and other applicable provisions of the condominium instruments, and for the purposes of Section 55-79.84 of the Virginia Condominium Act.

7. All rights and remedies granted to the Unit Owners' Association by these Rules and Regulations are in addition to those provided in the Master Deed and By-Laws, as amended, and the Board of Directors in its sole discretion, may elect to exercise any right or remedies provided herein or any other remedy set forth in the condominium instruments, rules and regulations or otherwise available in accordance with law, pursuant to Article XI, Section 1(d), of the First Amendment to the By-Laws.

HEARING PROCEDURES

The Site Manager or other representative of the Association, as authorized by the Board of Directors, may send notice of a hearing concerning any violation of any condominium instrument, and/or any governing documents of the Shadowood Condominium Association, and shall conduct a hearing in accordance with the following:

1. Notice of a hearing shall be given as stated in paragraph 4 above, and shall state the date, time and place of the hearing.

2. Notice will state the violation(s) and the particular condominium instrument, rule, regulation or policy resolution alleged to be violated.

3. Notice of the hearing shall state that a charge, assessment or sanction, as may be applicable, may be imposed for any violation for which the hearing is held. Specifically, the notice shall state that the amount of any charges so assessed shall not exceed fifty dollars (\$50.00) for a single offense or ten dollars (\$10.00) per day for any offense of a continuing nature, up to a maximum of nine hundred dollars (\$900.00), and shall be treated as an assessment against such unit owner's condominium unit for the purpose of lien.

4. At the discretion of the Board of Directors, or as may be required by the condominium instruments or the law, notice may be sent to any occupant of the subject unit, in addition to the unit owner of record at the expense of the affected unit owner.

5. A written request by a unit owner for a postponement of a hearing, received in the Site Manager's office at least three (3) business days in advance of the hearing date, may be granted one time only by the Site Manager, with the concurrence of an officer of the Board of Directors, in their sole discretion. In granting such a continuance, the Site Manager may continue the matter to a future date, with the understanding that there will be no further continuances.

6. The Hearing Panel shall be comprised of a minimum of three (3) and a maximum of seven (7) individuals as determined by the Board of Directors. The Board may appoint unit owners, unit occupants and/or management staff to serve on the Hearing Panel. At least one (1) member of the Board of Directors must serve on the Hearing Panel.

7. Failure of a unit owner to appear for a hearing may result in a decision being made by the Hearing Panel in the absence of the unit owner.

8. While any affected unit owners shall have the opportunity to be heard at the hearing, unit occupant(s) or other individual(s) with an interest in the matter may be heard at the hearing in the sole discretion of the Hearing Panel.

9. Written notice of the hearing results shall be hand delivered or mailed by registered or certified mail, return receipt requested owner to the unit owner, and at the expense of the unit owner, of the subject unit within seven (7) days of the hearing at such unit owner's record address.

10. If any charge is assessed against a unit owner as a result of a hearing, the full amount of such charge or assessment shall be due and payable to Shadowood Condominium Association within thirty (30) days and shall be treated as an assessment against such unit owner's condominium unit for the purpose of lien, as provided for in the Virginia Condominium Act.

11. It shall be the sole responsibility of the unit owner against whom an assessment is charged to make payment to the Association timely, regardless of whether the violation was caused by such unit owner or by such unit owner's tenant, occupant, guest, invitee or any person other than the unit owner.

This Policy Resolution 2009-03 supersedes in its entirety Policy Resolution 2005-07 and is effective immediately.

SHADOWOOD CONDOMINIUM UNIT OWNERS' ASSOCIATION

BY: _____

Brian Olivia, President

Board of Directors

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Shadowood Condominium Unit owners' Association this 16th day of July 2009, and is effective immediately on the date attested hereto.

ATTEST: _____

Michael Santos, Secretary

Not For Resale Disclosure Purposes

RESOLUTION ACTION SHEET

Resolution Type: Policy No. 2009-03

Pertaining to: Violation hearings and charges of assessment(s)

Duly adopted at a meeting of the Board of Directors held on July 16, 2009

Motion by: _____

Seconded by: _____

Vote:	YES	NO	ABSTAIN	ABSENT
Brian Olivia, President				
Rodgerick Newhouse, Vice President				
Michael Santos, Director				
Doris Schaefer, Director				
James Purvis, Director				

ATTEST:

Michael Santos, Secretary

File:

Book of Minutes 2009

Book of Resolutions: Book No. Page No.

Policy 1 1

Administrative

Special

General

Resolution effective: July 16th, 2009.