

**Property Owners' Association of Carter's Mill East
Association Complaint Procedure**

WHEREAS the Property Owners' Association of Carter's Mill East ("Association") is a common interest community subject to regulation by the Virginia Common Interest Community Board ("CICB"); and

WHEREAS common interest communities are required by CICB regulations to establish rules for receiving and considering complaints from members and other citizens concerning the action, inaction or decision of the governing board, managing agent or association inconsistent with applicable laws and regulations; and

WHEREAS the Association desires to implement a Complaint Procedure in accordance with regulations adopted by the CICB;

NOW, THEREFORE, it is hereby resolved by the Association, acting through its Board of Directors ("Board"), that the following Complaint Procedure is adopted.

APPLICABILITY OF COMPLAINT PROCEDURE

The Complaint Procedure described in this Resolution applies when a homeowner, resident or citizen alleges that an action, inaction or decision of the Association, the Board or a managing agent is in conflict with laws or regulations governing common interest communities, such as the Virginia Property Owners' Association Act, or interpretations of such laws or regulations by the CICB. This procedure does not apply to other disputes with the Association, with the Board, or with Carter's Mill East homeowners or residents. For example, it does not apply to disputes regarding property maintenance, architectural guidelines, traffic or parking violations by residents or nonresidents, trash collection, unneighborliness by residents, etc., unless the complaining party alleges that the Association, the Board or a managing agent has violated, or is violating, applicable laws or regulations.

TIMING OF COMPLAINT PROCEDURE

This Complaint Procedure shall not be used until any and all applicable avenues for internal review have been exhausted, including, if applicable, raising the issue for consideration at a regularly scheduled meeting of the Board of Directors. After the conclusion of such procedures, if a member of the Association or other citizen believes that the decision made by the Association is inconsistent with applicable laws or regulations, then such person may register a Complaint with the Association under this Complaint Procedure.

SUBMISSION OF WRITTEN COMPLAINT

The Complaint shall be submitted in writing, using the "Association Complaint Form." A copy of the form is attached hereto as Exhibit A. To the extent that the complainant has knowledge of the law or regulations applicable to the Complaint, he or she shall provide that reference. The Complaint shall also specify the requested action or resolution of the matter.

The completed Association Complaint Form, along with all supporting documents and other materials relating to the Complaint, shall be mailed to Property Owners' Association of Carter's

Mill East c/o Albert Arnold, President, 13018 Carters Hill Ct., Chesterfield, VA, 23838 by registered or certified mail, return receipt requested, within 30 days of the alleged act, or failure to act, which is the subject of the Complaint.

RECEIPT AND ADEQUACY OF THE COMPLAINT

The Association shall provide written acknowledgement of receipt of the Complaint to the complainant within 7 days of receipt. The acknowledgement shall be by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to complainant's address as provided in the Complaint. If acknowledgement is sent by email, the Association shall retain an electronic copy thereof.

If it appears that the Complaint is inadequate in any way, the Association may provide notice of such to the complainant. Such notice shall describe how the Complaint is inadequate and advise the complainant of the need to submit a revised Complaint, or additional information, before it can be considered by the Board, together with a deadline for submitting the additional information. If the complainant does not provide the additional information within the requested time frame, the Board may consider the Complaint as submitted and make a final determination.

BOARD CONSIDERATION OF THE COMPLAINT

The Board shall consider the Complaint within 60 days of receipt of an adequate and completed Complaint, or, under extenuating circumstances, as soon thereafter as may be reasonably possible. Notice of the date, time and location of the Board's consideration of the matter shall be given to the complainant by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to the complainant's address as provided in the Complaint, at least 14 days prior to consideration by the Board.

After the final determination is made, a written notice of final decision shall be sent by hand-delivery, by e-mail, or by registered or certified mail, return receipt requested, to the address provided in the Complaint, within 7 days.

The notice of final determination shall be dated as of the date of issuance and shall, where applicable, include citations to applicable Association governing documents, laws or regulations that led to the final determination, as well as the CICB registration number of the Association.

NOTICE OF FINAL ADVERSE DECISION TO COMMON INTEREST COMMUNITY BOARD

The complainant shall have the right to file a "Notice of Final Adverse Decision" with the CICB.

ASSOCIATION RECORDS

A record of each Complaint shall be maintained by the Association for no less than one year after the Association acts on the Complaint.

This Association Complaint Procedure shall be included as an attachment to the Association disclosure packet for new homeowners and shall be readily available upon request to all members of the Association and citizens.

Exhibit A

**Property Owners' Association of Carter's Mill East
c/o Albert Arnold, President
13018 Carters Hill Court
Chesterfield, VA 23838**

ASSOCIATION COMPLAINT FORM

Pursuant to Chapter 29 of Title 55 of the Code of Virginia and the regulations issued by the Common Interest Community Board thereunder, the Board of Directors ("Board") of the Property Owners' Association of Carter's Mill East ("Association") has established an Association Complaint Procedure for consideration of complaints by persons alleging that action, inaction or a decision by the Board or a managing agent is inconsistent with applicable laws and regulations governing common interest communities, and the Board has established this Complaint Form for use in submitting such Complaints.

Note: The requirements for submitting Complaints, and the procedure for considering Complaints, are set forth in the Property Owners' Association of Carter's Mill East Association Complaint Procedure which is available on cartersmilleast.com.

Instructions

Legibly describe the Complaint in the area provided below, as well as the requested action or resolution of the issues described. Please include references to the specific facts and circumstances at issue and the provisions of Virginia laws and/or regulations that support the Complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint Form. Also, attach any supporting documents and other materials related to the Complaint.

Association Complaint Form, p. 2.

Sign, date and print your name, address(es), telephone number and e-mail address in the spaces below, and submit this completed form to the Association, by registered or certified mail, return receipt requested, at the address listed above.

Printed Name

Signature

Date

Mailing Address

Lot/Unit Address (if different than above)

Phone number

E-mail address

If, after the Board's consideration of the Complaint, the Board issues a final decision adverse to the Complaint, you have the right to file a notice of final adverse decision with the Virginia Common Interest Community Board (CICB) in accordance with the regulations promulgated by the CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents and other materials related to the decision, and shall be accompanied by a \$25 filing fee. The Ombudsman may be contacted at:

Office of the Common Interest Community Ombudsman
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400 Richmond, VA 23233
Phone: 1-804-367-2941
CICOmbudsman@dpor.virginia.gov