

CARTERS MILL EAST PROPERTY OWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2026-01

**ENFORCEMENT OF GOVERNING DOCUMENTS:
NOTICE AND HEARING PROCEDURES**

WHEREAS, Carters Mill East Property Owners Association, Inc. (“Association”) is a property owners’ association organized and operating pursuant to the Virginia Property Owners’ Association Act (“POA Act”); and

WHEREAS, Article VIII, Section 1(b) of the By-laws of Property Owners’ Association of Carter’s Mill East, Inc. (“Bylaws”) grants to the Association’s Board of Directors (“Board”) the power to exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of the Bylaws, the Association’s Articles of Incorporation, or the Declaration of Covenants, Conditions and Restrictions of Property Owners’ Association of Carter’s Mill East, Inc. (“Declaration”);

WHEREAS, Article VII, Section 1 of the Declaration provides that the Board has the right to enforce the provisions of the Association’s governing documents, including through assessment of violation charges; and

WHEREAS, Section 55.1-1819 of the POA Act provides that the Board may establish, adopt and enforce rules and regulations pertaining to areas of Association responsibility;

WHEREAS, Article VII, Sections 1(a) and 1(b) of the Declaration and Section 55.1-1819 of the POA Act requires the Association to first follow certain minimum procedural safeguards before assessing violation charges;

NOW THEREFORE, IT IS RESOLVED THAT the Board of Directors hereby adopts, as part of the Association’s rules and regulations, the following policies and procedures for assessing violation charges in accordance with the POA Act and the Declaration, which hereby replaces and supersedes any resolution previously adopted by the Association regarding this subject matter:

A. **Application of this Policy.** This Policy is applicable to alleged violations of the Declaration and the Association’s Board-adopted rules and regulations (collectively referred to in this Policy as the “Governing Documents”) for which the Board is contemplating imposing, or wishes to preserve the right to impose, violation charges against an Owner or suspending certain rights pursuant to Section 55.1-1819 of the POA Act and the Declaration. However, the notice and hearing procedures in this Policy are not mandatory for taking any other type of enforcement action available to the Association. Owners are responsible for their own violations and for violations by their family members, tenants, guests, agents and invitees, as may be applicable, in which case the responsible Owner is deemed to be non-compliant with the Governing Documents.

B. **Informal Resolution of Complaints/Reminder Letters**

(1) If an Owner or resident has a dispute with another Owner or resident over an alleged violation of the Governing Documents, the Board encourages the parties to try to informally resolve the dispute by speaking directly with each other in a neighborly, non-combative manner, prior to submitting a complaint to the Association. The Board reserves the right to refrain from acting on a complaint if there is no indication that the parties have attempted to informally resolve the dispute in good faith.

(2) Unless otherwise specified by the Board, the Association's officers and directors have the authority to verbally request an Owner, resident, guest or other person within Carters Mill East to cease or correct a violation of the Governing Documents for which that person is directly or indirectly responsible. In addition, the Association's president (or other officer or director authorized by the Board) may send written "friendly reminders" or other written communications to a non-compliant person seeking to resolve the issue on an informal basis. These informal requests may be made before formal action is initiated by the Association.

C. **Formal Action.**

(1) Initiation of Action. Formal enforcement action by the Association may be initiated by the Board or the Association's president (subject to any guidance or instruction from the Board) upon receipt of a written complaint describing a violation of the Governing Documents or after a violation is witnessed by an Association officer or director. If the Association's president is unsure whether the violation (or alleged violation) warrants formal action, the Association's president will seek guidance from the Board.

(2) Notice of Violation. Formal action is initiated by the Association delivering a written "Notice of Violation" (containing the information listed below) to the Owner by hand-delivery to the Owner or by first-class mail at the Owner's address of record with the Association. In addition, a copy of the Notice may also be sent by email if the Owner has provided an email address. If the violation is by a tenant, the Notice of Violation may also be sent to the tenant at the Lot address or by email. Notices sent by mail per this Policy are deemed effective as of the date of mailing (as evidenced by the postmark). *The Notice of Violation must contain the following minimum information:*

(a) The Owner's name;

(b) The alleged violation(s) of the Governing Documents;

(c) A demand that the alleged violation not occur again, or for continuing violations, that it be abated or corrected within 14 days after the date of the Notice or such other time period as may be deemed appropriate under the circumstances, in the discretion of the Board or Association's president;

(d) The proposed sanctions to be imposed;

(d) *For either (i) a violation of a continuing nature (i.e., continues daily without cessation), or (ii) a non-continuing violation if the same type of violation previously occurred and was cited in a prior notice to the same Owner within the past 12 months, a statement to the effect that the Owner is entitled to a hearing, if desired, for purposes of contesting the citation or the imposition of sanctions (e.g., violation charges). The Notice will indicate that if the Owner fails to submit a written hearing request so that it is received by the Association (at its designated address) within 10 days after the date of the Notice, it will be deemed the Owner's waiver of a hearing on the matter, and sanctions or other enforcement action may thereafter be imposed or taken without a hearing.*

(3) Temporary Compliance / Repeated Violation. Notwithstanding anything in this Policy to the contrary, if the same type of violation occurs again at any time within 12 months from the date of the prior violation-related notice to the same Owner, then the reoccurrence of the same type of violation within that 12-month period will be deemed to be a failure to cure the previously cited violation, and that temporary compliance will not be considered sufficient to require or trigger the need for the Association to provide yet another opportunity to cure the same violation before proceeding with other enforcement action.

D. Failure to Request a Hearing.

(1) If an Owner to whom a Notice of Violation was sent (“Respondent”) fails to timely request a hearing in response to the Notice of Violation referenced in Section C above, sanctions may be imposed against that Respondent by Board vote without holding a hearing if the violation has not yet been cured or if it is a repeated violation. However, even if the Respondent fails to timely request a hearing, the Board reserves the right to schedule a hearing on the matter if the Board deems it appropriate under the particular facts and circumstances presented.

(2) If violation charges are imposed without a hearing, as described above, the Association will promptly notify the Respondent in writing of any sanctions imposed (with the notice being sent by certified mail, return-receipt requested and by first-class mail, postage prepaid).

E. Request for a Hearing. If the Respondent desires a hearing in front of the Board, the Respondent must timely request a hearing in writing within the time period stated in the Notice of Violation. The request for a hearing must be sent or delivered to the Association’s designated address so that it is received within the applicable time period.

F. Notice of Hearing.

(1) Delivery of Hearing Notice/Content. After receipt of a timely request for a hearing (or if the Board otherwise decides to hold a hearing), the Association must provide the Respondent with written notice of the hearing’s date, time and place (“Hearing Notice”) either by hand-delivering it to the Respondent or by mailing it by certified mail, return-receipt requested, at the Respondent’s address of record with the Association. In addition, a copy of the Hearing Notice may also be sent by first-class mail, postage prepaid, or by email to the Respondent if the Respondent has provided an email address to the Association. The Hearing Notice must be sent at least 14 days prior to the hearing. The Notice of Hearing must advise the Respondent of the alleged violation, the potential for violation charges (or suspension of rights, as applicable), and that the Respondent may be (but is not required to be) represented by his/her legal counsel at the hearing.

(2) Scheduling/Continuances. The hearing must be scheduled at a reasonable time and place within the discretion of the Board or the Association’s president (after consultation

with the Board). The Association's president or the Board may grant a continuance if a continuance request is received prior to the hearing date. A continuance request must describe the reasons for the request. If a continuance is granted, notice of the new date and time must be either hand-delivered to the Respondent or mailed to the Respondent by certified mail, return-receipt requested, at the Respondent's address of record with the Association. However, it is ultimately the Respondent's responsibility to contact the Association prior to the originally scheduled hearing date to determine whether a continuance request was granted. In addition, the Board reserves the right to postpone and reschedule hearings as may be necessary or prudent.

G. Hearing Procedures.

(1) If a hearing is scheduled as set forth above, a hearing will be conducted by the Board to afford the Respondent a chance to present his or her position regarding the alleged violation(s) of the Governing Documents and whether sanctions should be imposed. However, if the Respondent fails to appear at the hearing at the scheduled time, the Board may deem the allegations to have been admitted. Any defects in the hearing notice are deemed waived by the Respondent if the Respondent appears at the hearing (either in person or by legal counsel) for any reason other than to object to the validity of the notice.

(2) The Board, or the presiding officer at the hearing, may determine the manner in which the hearing will be conducted, such as setting reasonable time limits on presentations, so long as the procedures are otherwise consistent with the POA Act and the provisions of this Policy. Respondents have the right to have their own legal counsel represent them at the hearing, but attorney-representation is not required. Respondent's failure to have an attorney at the scheduled hearing constitutes a waiver of such right for purposes of the hearing.

(3) The hearing is conducted in executive session, and the Board will allow witnesses and/or complaining parties to make presentations to the Board during the hearing subject to reasonable time constraints.

H. Decision and Notice of Hearing Results.

(1) Deliberation and Vote. After all presentations have been made within the allotted time period, the Board will require others who are present to leave the room (except for the Association's legal counsel, if applicable) and, while still in executive session, discuss whether it believes there is satisfactory evidence of the violation and whether sanctions should be imposed. After reconvening into open session, the Board will decide the matter by majority vote; if additional time is needed to reach a decision, the Board may continue the hearing to an announced date and time, with no further written notice required (or if the date and time is not announced at the meeting, then with 14-days' written notice to the Respondent sent by first-class mail).

(2) Notice of Hearing Results. Within seven days after the conclusion of the hearing (including any continuances), the Association must notify the Respondent of the Board's decision in writing by hand-delivery to the Respondent or by certified mail, return receipt requested, to the Respondent's address of record with the Association. In addition, a copy of the hearing results notice may also be sent by first-class mail, postage prepaid, or by email to the

Respondent if the Respondent has provided an email address to the Association

I. **Sanctions.** After complying with the procedures in this Policy, the Board has the authority to impose the following sanctions for one or more violations of the Governing Documents (in addition to, or instead of, other remedies available to the Association):

(1) Violation Charges. The Board may assess monetary charges in accordance with the POA Act for violations of the Governing Documents (including but not limited to violations of the Declaration and rules and regulations. All assessed violation charges are immediately due and payable. Violation charges must be in amounts authorized by the POA Act and are treated as an assessment against the Respondent's Lot for the purposes of collection and filing liens. Such amounts also are the personal obligation of the Respondent. As of the date this Policy was adopted, the POA Act provides that for each single violation, a charge of up to \$50.00 can be assessed; or for a violation of a continuing nature, a charge of up to \$10 per day can be assessed for up to 90 days or until the violation ceases (as confirmed by the Association), whichever occurs first.

(2) Suspension of Voting Rights for Violation of the Governing Documents. Pursuant to Article VII, Section 1(b) of the Association's Declaration, after notice and a hearing, the Board may suspend an Owner's right to vote as a member of the Association for any violation of the Association's Governing Documents.

J. **Other Remedies.** This Policy is not to be interpreted to require the use of the above notice and hearing procedures prior to the Association exercising any other remedies authorized or available under the law or the Governing Documents. The exercise of any one or more remedies does not constitute an election of remedies. Remedies may be cumulative and also include, without limitation, the following:

(1) Legal Action. The Board reserves the right to file a lawsuit for monetary damages and/or injunctive relief;

(2) Resale Disclosure Packet. Violations of the Governing Documents may be disclosed in any resale disclosure packet issued by the Association in conjunction with the sale or other transfer of a Lot; and/or

(3) Reporting to Government Officials. Conditions or issues appearing to violate local, state or federal laws, ordinances or regulations may be reported to the appropriate government official, agency or department.

K. **Records.** The Association will keep copies of all correspondence related to violations in the Owner's file or in a separate file specifically for violations. A record of each hearing may be kept in a form similar to that attached hereto as Exhibit A.

Policy's Effective Date: JANUARY 12, 2026.

CARTERS MILL EAST PROPERTY OWNERS ASSOCIATION, INC.

EXHIBIT A

Policy Resolution (Enforcement of Governing Documents: Notice and Hearing Procedures)

RECORD OF HEARING

Hearing Date and Time: _____ Date Notice Given of Hearing: _____

Owner(s):

Lot Address:

Mailing Address if other than Lot:

Alleged Violation(s):

Provision(s) of Declaration and/or Rules & Regulations Allegedly Violated:

Persons in Attendance:

Decision of Board and Reasoning:

Charges/Sanctions Imposed (date commencing):

Additional Comments:

**CARTERS MILL EAST PROPERTY OWNERS ASSOCIATION, INC.
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2026-01

Pertaining to: Enforcement of Governing Documents: Notice and Hearing Procedures

Duly adopted by the Board of Directors on JANUARY 12, 2026, 2026 by [check applicable]:

- majority vote at a Board meeting, or
- by unanimous written consent through an action without a meeting.

Motion by: Kelli BAKER Seconded by: DREW EDMONDS


DIRECTORS' PRINTED NAMES	VOTE			
	YES	NO	ABSTAIN	ABSENT
<u>Albert J. Arnold</u> Director	✓			
<u>Darrell M. Dyson</u> Director	✓			
<u>Drew Edmonds</u> Director	✓			
<u>Michael Henry</u> Director	✓			
<u>Kelli M. Baker</u> Director	✓			
<u>Lauree Wandel</u> Director	✓			
<u>Alice H. Garnett</u> Director			✓	
<u>RYAN SCHWEITZER</u> Director				✓
<u>N/A</u> Director				

ATTEST: Lauree Wandel Secretary's Signature 1-12-2026 Date

Policy Effective: JANUARY 12, 2026.

Certificate of Mailing

I hereby certify that on January 22, 2026, a copy of the referenced Policy was mailed by first-class, postage prepaid, US Mail to all Owners as reflected in the Association's books and records (or by email to those Owners who have consented to email communications).



Officer/Director