

THE TIMBERS ASSOCIATION, INC  
Resolution Relating to Assessment of Charges

WHEREAS, The Articles of Incorporation of The Timbers Association, Inc. (the "Articles") sets forth the purposes and powers of The Timbers Association, Inc. (the "Association"), such as, (i) to provide for the maintenance, preservation and architectural control of the Lots and Common Areas and (ii) to establish rules and regulations for the use of the Association's property.

WHEREAS, The recorded Deed, Deed of Dedication and Declaration of Covenants and Restrictions of The Timbers (the "Declaration") provides that the Properties, including all the Lots and Common Area, are subject to the Declaration; and

WHEREAS, Article IV, Section 1, Article III, Section 1(e), Article XI and Article XIV of the Declaration and Article X and Article VII of the Bylaws of The Timbers Association, Inc. (the "Bylaws") provide that the Association has the power to enforce the Declaration, Bylaws or rules and regulations of the Association; and

WHEREAS, Section 55-513 of the Virginia Property Owners' Association Act (POAA) authorizes the assessment of charges by the Board of Directors of an Association for violation of its Declaration or rules and regulations; and

WHEREAS, The Owner shall be given an opportunity to be heard, present witnesses and to be represented by counsel before the before the Board of Directors prior to the assessment of any charge; and

WHEREAS, Section 55-513(B) of the POAA and Article IX, Section 3 and Article XIV, Section 1 of the Declaration require that notice of such hearing shall, at least fourteen (14) days in advance thereof, be hand-delivered or mailed by registered or certified United States mail, return receipt requested, to the Owner at the address of record with the Association; and

WHEREAS, Section 55-513(B) of the POAA permits assessment of a charge of \$50 for a single violation and \$10 per day for a continuing violation; and

WHEREAS, the Board, of Directors desires to adopt this resolution in order to aid in the Owner's compliance as well as to offset the expense of enforcement of the Declaration, Bylaws, and rules and regulations of the Association; and

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors shall have the authority to assess charges against any Owner for any violation of the Declaration, Bylaws, or rules and regulations for which an Owner or his family members, tenants, guests or other invitees are responsible.
2. Before any charges may be assessed, the Owner shall be given an opportunity to be heard, to present witnesses and to be represented by counsel before the Board of Directors.
3. Notice of the hearing shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association, at least fourteen days prior to the hearing.
4. The Notice of the hearing shall contain (a) a description of the alleged violations and the provisions in the Declaration, the Articles, the Bylaws and the rules or regulations alleged to have been violated and (b) the potential amount of any charges.

5. The amount of the charges so assessed shall not exceed fifty dollars for a single offense or ten dollars per day for an offense of a continuing nature and shall be treated as an assessment against the Owner's Lot for the purposes of § 55-516 of the POAA, however, the total charges for any offense of a continuing nature shall not be assessed for a period exceeding ninety days.

6. After the date a lawsuit is filed challenging any such charges, no additional charges shall accrue. If the court rules in favor of the Association, it shall be entitled to collect such charges from the date the action was filed as well as other charges assessed pursuant to § 55-513 of the POAA against the Owner prior to the action.

7. The Board of Directors' decision shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association within seven (7) days of the hearing.

The effective date of this resolution is April 14, 2003

This resolution was adopted at a regular meeting of the Board of Directors held on April 14, 2003

The Board of Directors directs that this resolution shall be reasonably published or distributed throughout the development pursuant to § 55-513-A of the POAA.

[Board Member signatures on file]